



Biden administration punts on granting work papers to migrants

Rafael Bernal

June 14, 2023

The Biden administration brushed aside calls to grant work papers to a large contingent of immigrants, amid labor shortages and concerns over the costs of housing recent arrivals who can't legally work.

On Tuesday, the Department of Homeland Security (DHS) extended Temporary Protected Status (TPS) designations for El Salvador, Honduras, Nicaragua and Nepal, ensuring continued protection and work permits for nearly 350,000 existing beneficiaries of that program.

But many advocates and Democrats were dismayed over the administration's decision to stop at TPS renewals, avoiding the TPS designations that would have allowed hundreds of thousands more immigrants to work legally in the United States.

"I'm disappointed the Biden Administration failed to redesignate Temporary Protected Status for El Salvador, Honduras, Nicaragua, and Nepal. Millions of brave families prayed that TPS redesignations would be granted, but the Administration fell short of delivering the full protection these families deserve," said Rep. Nanette Barragán (D-Calif.), chairwoman of the Congressional Hispanic Caucus (CHC).

The White House directed questions to DHS; representatives for DHS did not reply to requests for comment on the decision.

TPS allows the executive to designate any country as unsafe for the repatriation of its nationals, and DHS can then issue work papers to people from the designated country, regardless of their immigration status.

TPS recipients cannot apply in most cases for legal permanent resident status or U.S. citizenship.

When a country's designation is nearing its end — designations can last up to 18 months — DHS can let it expire; renew the designation, protecting existing beneficiaries; or redesignate the country, allowing more of its nationals in the United States to receive TPS benefits.

The Biden administration's renewals on Tuesday allowed Salvadorans, Hondurans, Nicaraguans and Nepalese currently protected by TPS to continue to benefit from the program.

But that's not a significant concession to immigrant rights advocates; both Republican and Democratic administrations summarily renewed most of those designations, in two cases dating back to 1998.

Only the Trump administration tried to end the designations, more broadly putting TPS on the chopping block, only to be stopped by court action on procedural grounds.

The administration on Tuesday officially withdrew the Trump administration's termination of TPS for the four countries, actions a DHS press release described as "relevant to the litigation challenging the now-rescinded terminations."

"While I appreciate that the Administration rescinded an anti-immigrant policy put in place by the previous President and granted an 18-month TPS extension, it is a band-aid solution," said Barragán.

"This extension will shield these families for the short-term, but it prolongs the suffering caused by instability & uncertainty that TPS holders, and their families, continue to live in. I urge the Biden Administration to reconsider and redesignate TPS for these nations."

Some Democrats are hopeful that the administration's cautious approach was just the first step in a larger TPS strategy.

"I think the opportunity remains and I think that — I hope that this is simply a first step of a larger effort to address the crisis we're in," said Rep. Dan Goldman (D-N.Y.).

"I am very sympathetic to the administration's situation and having to deal with a broken system without any support from Congress. And I hope they will continue to look for ways of using executive power to address the situation that we're in."

Each TPS country's U.S.-based population is differently affected by the limited extensions, but they all share concerns over their right to work legally.

El Salvador, for instance, was designated for TPS in 2001 by the George W. Bush administration, following a series of devastating earthquakes in the country.

Salvadorans represent the largest TPS population in the country, with nearly 250,000 active beneficiaries as of 2021, according to [data compiled by the Cato Institute](#).

But according to the U.S. Census Bureau, about 1.4 million Salvadoran-born people are living in the United States.

While some are naturalized citizens, legal permanent residents, refugees, asylees or visa holders who can legally work, there is a broad swath of Salvadorans, with arrivals dating to 2001, who live in the United States but cannot legally work here.

“Sadly, a lot of these people have lived here for many years,” said Kerri Talbot, deputy director of the Immigration Hub, an immigration advocacy group.

At the other end of the spectrum are Nicaraguans and Venezuelans, many of whom are recent arrivals who entered the country claiming asylum and are not yet allowed to work.

“Nicaragua is in a different situation because so many recent arrivals are Nicaraguan, similar to Venezuela,” said Talbot.

Currently, asylum-seekers in the United States are not allowed to work until they have been in the country for at least 180 days.

That’s created tension between the Biden administration and cities like New York and Chicago, where shelter is growing short for new arrivals who would otherwise have a shot at sustaining themselves.

In a bipartisan letter last week, Goldman and Rep. María Elvira Salazar (R-Fla.) called on the administration to issue TPS designations or redesignations for Venezuela, El Salvador, Guatemala, Honduras and Nicaragua, citing immigration backlogs, labor shortages and “the financial responsibility of local governments who support migrants.”

“It would have a dramatic impact on the recently arrived migrants coming from the countries that we requested in our letter to either be designated or re-designated for TPS,” said Goldman.

“The vast majority of migrants who have come through the city of New York, being sheltered and housed and fed and clothed, come from those countries.”

With the administration’s refusal to designate or redesignate countries with significant newly arrived asylum applicant populations, hundreds of thousands of migrants are left in the lurch, forced to choose between working illegally or subsisting on humanitarian aid.

“Having them work helps stabilize our border and our economy,” said Talbot, adding that remittances — the money sent back to friends and family by foreign nationals working in the United States — are a key factor in sustaining some Latin American economies.

Remittances in 2021 represented more than a quarter of El Salvador’s gross domestic product, according to World Bank figures, indicating that U.S.-based Salvadorans with higher income levels help sustain the country’s economy for those who choose to remain there.

Still, advocates and Democrats are treading carefully on criticism of the administration’s soft touch on TPS, wary that Republicans could exploit a more aggressive stance on the issue.

“I think [Republicans] are misrepresenting the facts on the ground and the efforts that the administration has taken to solve this problem. Things are improving on the border since Title 42 rolled off, and that’s solely because of the administration’s efforts,” said Goldman.

“But what we’re hearing from the Republicans is a lot of misinformation. And so you have to be concerned about the influence of misinformation on the electorate.”