

The CHRISTIAN SCIENCE MONITOR

For employers and communities, much at stake in decision on 'temporary' immigrants

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December 22, 2017

Stan Marek employs more than 1,000 people in his Houston-based construction company. But as they help rebuild the city after hurricane Harvey, he can't afford to lose a single one.

So when he heard that the Trump administration is considering cancelling the temporary protected status (TPS) of roughly 250,000 immigrants from El Salvador and Honduras early next year, he tried to find out how many of his employees fit that profile. The final answer: 29.

"I can't afford to lose 29 workers right now," he adds. "I'm doing lot of work to help a lot of people, and if I lose them I can't do the work... We had a shortage of skilled labor before Harvey, and now it's critical."

Even more important, Mr. Marek stresses, is that most of those workers have been living in America for over 15 years, buying homes and raising teenage children. Cancelling their TPS "would just be tearing families up," he says. "I think it's ridiculous."

Congress created the TPS program in 1990 to temporarily shield immigrants already in the US from deportation if they can't return home because of natural disasters, health crises, or civil unrest. Recipients have work authorization and pay taxes, but the program doesn't provide a pathway to permanent residency or citizenship.

The "temporary" nature of the designation has become anything but in recent years, however. The Department of Homeland Security (DHS) has repeatedly renewed the status for Central Americans since hurricane Mitch and earthquakes ravaged the region in 1998 and 2001, respectively. Today, over three-quarters of the 325,000 TPS recipients in America are from El Salvador and Honduras, according to the [American Immigration Council](#), with almost two-thirds of those having at least one US-born child, and one-third owning a home.

The Trump administration has been revisiting and terminating TPS designations for various countries this year, saying the conditions that prompted the designations have improved enough that those nationals can return. The DHS cancelled TPS for Haitians and Nicaraguans last month, while extending Hondurans' protection for six months.

Critics counter that conditions in TPS holders' home countries haven't improved, or have worsened. The administration also has a humane and economic interest in not splitting up families and removing workers who are integral to large industries like construction and hospitality, they argue.

A 'long overdue' shift

The arguments illustrate the problem created by the TPS program's inherent subjectivity, said Doris Meissner, a senior fellow at the Migration Policy Institute, in a conference call earlier this month with reporters.

"Prior administrations have established rationales for renewing TPS even for longer periods of time based on findings of inadequate recovery and new crises," she added. "The current administration is more concerned with lax enforcement of immigration laws and sees TPS as one area where 'temporary' has to be reined in."

In its TPS cancellations so far, the DHS has focused on whether conditions have improved in the home countries – an approach consistent with the language of the 1990 law, which says designations are based specifically on "an ongoing armed conflict" or "environmental disaster," or the home country being unable "to handle adequately the return" of its citizens.

For example, the DHS cancelled TPS for Haitians – granted in the wake of the 2010 earthquake – because "those extraordinary but temporary conditions ... no longer exist." The number of displaced people in Haiti had decreased by 97 percent, the agency added, and the country is now able to safely receive its roughly 50,000 citizens in America.

El Salvador and Honduras are the most striking examples of this generosity with TPS, says Andrew Arthur, a fellow at the Center for Immigration Studies, a Washington-based think tank that describes itself as "low-immigration, pro-immigrant."

"It's probably long overdue that an administration take a serious look at whether the program should continue," says Mr. Arthur, who adds that returning citizens could strengthen their home countries' economies and institutions.

"We're talking about countries going on two decades of TPS," he adds. "The original circumstances of their designation have long since passed."

'What will I do with his dream?'

For the TPS holders and their supporters, however, the two decades is a compelling reason for why their status should not be cancelled.

Salvadoran, Honduran, and Haitian TPS recipients are projected to contribute an estimated \$164 billion to America's GDP over the next decade, according to the American Immigration Council. Salvadoran and Honduran TPS holders have also been paying into Social Security for an average of 15.4 years, the Council reports, and 90 percent of them report filing income taxes each of the past three years.

"It's simply not in the national interest of the government, for national security and the economy, to remove people that are an integral part of our economy and our society," says Alex Nowrasteh, an immigration policy analyst at the libertarian Cato Institute.

"Immigrants don't take American jobs, they don't have a real effect on American wages" according to economic research, he adds. "By deporting people from the United States, they take those jobs with them and those jobs disappear, and ... we're also kicking out the consumers of American products."

Possible changes to TPS also throw into uncertainty the futures of an estimated 273,000 US-born children with ties to someone with TPS. Isabel Barrera, a Salvadoran TPS holder who works in

the hotel industry in southern California, is nervous about having to leave her US-citizen son the year before he graduates high school.

“I’m trying to figure out what I’ll do with his dream,” she said on a conference call.

“If they try to deport me, my son would be here by himself,” she added. “Or I would have to take him back to El Salvador, but what type of life would I give him [there]? He was born, raised, and is part of the culture in this country.”

Critics also note that, while El Salvador and Honduras have recovered from the natural disasters that originally prompted their TPS designation, they are still struggling. While there may not be an “ongoing armed conflict,” El Salvador and Honduras have some of the highest peacetime murder rates in the world. TPS recipients who return could be particularly targeted for violence and extortion, experts say. A paper by researchers at American University and the Central American Institute of Fiscal Studies released this week recommended that El Salvador merit a TPS extension, citing ongoing problems with natural disasters, economic development, and public health. Remittances sent from citizens in the US are key parts of both economies, representing 17 percent for El Salvador and 18 percent for Honduras in 2016 – another sign that the countries could have difficulty absorbing returnees.

When, not if

TPS holders have to re-register every six-to-18 months, a process that includes having their fingerprints taken, being screened for criminal convictions, and, for those who work, paying \$500.

“There’s no one more thoroughly screened,” says Royce Murray, the policy director at the American Immigration Council.

“Whether you agree or disagree that TPS should have been extended this many years,” she adds, “we need to recognize that these families are integral to our communities.”

Given the administration’s decision not to extend Haitians’ and Nicaraguans’ status, many experts and advocates are assuming El Salvador and Honduras will lose their TPS designations as well. What becomes important then, they say, is how much time DHS allows before ending the designation.

A 12- to 18-month warning, for example, makes it “much more possible to do the kind of planning and pull together the kind of wherewithal ... to be successful in going back,” says Ms. Meissner, a former commissioner of the US Immigration and Naturalization Service.

Still, some are hoping that Congress will step in. Marek, from the Houston construction company, has been advocating for immigration reform for years now. His company helps with a project called The Rational Middle, which advocates for “sensible policy solutions” to immigration issues, and he sees a legislative fix for keeping his 29 Salvadoran TPS employees, and their fellow TPS holders, as one of those sensible solutions.

“Our immigration system has been broken for a long, long time,” he says, “but I don’t think we ought to take it out on those people.”