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Acknowledgements

- Good morning, and thank you for inviting me to join you at the 7th annual CIS Ombudsman Conference.
- I’d like to thank Ombudsman Julie Kirchner for her outstanding leadership, and her continuing commitment to the good governance of our immigration system.
- I would also like to thank our host, the Archivist of the United States, David S. Ferriero (FAIR-eh-oh, rhymes with “stereo”).
- I’d also like to thank USCIS Director Francis Cissna, our interagency partners, and our stakeholders in the private sector for joining us here today.
- And certainly not least, I want to thank the men and women of the CIS Ombudsman Office, who work hard every day, as an office of last resort, to solve the unsolvable.

NARA Naturalization

- It’s fitting that we’re here at the National Archives, because three months ago, I had the chance to speak at a naturalization ceremony here.
- It was my first naturalization ceremony as the Acting Secretary, and it was a remarkable occasion—during Citizenship and Constitution Week, in front of the Charters of Freedom.
- It was a real honor to stand in the Rotunda and reflect on the promise of this great nation.
- For years, before I was the Deputy Secretary of DHS, I taught civics to people preparing for their naturalization test.
• I taught civics to immigrants because I believe in the American dream.

• I believe in our system of government, in our laws, and in our rights and responsibilities and citizens.

• I believe we all have the potential to change our country and our communities for the better—and I believe it is our duty to do so.

• That’s why I returned to public service after retiring and building a career in the private sector. The Department of Homeland Security makes a difference in people’s lives every day.

• We prevent terrorism and enhance security; we manage and secure our borders; we administer the legal immigration system; we safeguard and secure cyberspace; we ensure resilience to disasters; we enforce our nation’s laws; we safeguard the American people. It is a privilege to be part of that.

**Ombudsman’s Office Role**

• The Ombudsman’s Office, in particular, makes a difference. The people who ask for case assistance have a problem.

• They might believe a decision was made in error, or they might be experiencing a lengthy delay.

• Regardless, they hope the Ombudsman’s Office can help.

• I’d like to share a few quotes from people whose lives were changed by the Ombudsman’s Office.

• One person said, “I wanted to thank you and let you...know we truly appreciate all that you’ve done to help us in this unexpected tragic time in our life...Thank you for all that you do, and we are grateful to know that there is an agency out there that understands.”
• Another said, “I do appreciate your response to my request for help. What you do is always give any petitioner like me hope when we need it.”

• These calls for help are becoming more frequent. Between FY 2015 and FY 2016, there was nearly a 25 percent increase in requests for case assistance.

• That’s notable, and part of a larger trend—the Ombudsman’s Office saw a 111 percent increase in case assistance requests between FY 2013 and FY 2016.

DACA

• Part of this increase—in fact, the highest number of requests for case assistance, and a 21 percent increase from FY 2015, was related to applications for DACA.

• It’s no secret that DHS decided to terminate DACA earlier this year, after the Department of Justice determined that it conflicts with our existing immigration laws.

• Given the Supreme Court’s decision on DAPA, we were faced with two options. We could allow the judiciary to potentially shut down the program completely and immediately.

• Or, we could wind down the program in an orderly fashion, protect beneficiaries in the near-term, and work with Congress to pass legislation that offers a permanent solution.

• We chose the least-disruptive option.

• Let me be clear: I am very aware of the consequences of this action, and I sympathize with DACA recipients whose futures may now be less certain.
• But I am also frustrated on their behalf; DACA was never more than deferred action—a temporary delay—that never promised permanent residence or the rights of citizenship in this country.

• DACA did not guarantee its beneficiaries a future.

• As I mentioned, I used to teach civics to people who were going through the naturalization process.

• I taught them the principles of democracy, like the three branches of government, the separation of powers, and how our system of checks and balances works.

• I taught them the Constitution was the supreme law of the land.

• And I taught them about the rule of law: How everyone in our country must follow the law, no matter who they are.

• It is a dangerous precedent to systemically ignore the law, regardless of one’s intent or purpose.

• We can—and we must—find a better way. And we must do so within the Constitution of the United States.

TPS

• We faced a similar situation in deciding to terminate Temporary Protected Status for Nicaragua and Haiti.

• The United States has historically been very generous to visitors from other nations who are unable to return to their home countries due to circumstances beyond their control.

• Inherent in both its name and its intention, TPS is temporary. It does not lead to permanent legal status, or any other immigration status here in the United States.
• It allows beneficiaries to get work permits and travel authorizations, but only until conditions in their home country have been restored to pre-incident levels.

• However, through a bi-partisan series of Presidential administrations, thousands of TPS beneficiaries have been in U.S. for decades.

• On November 6, I decided to terminate the TPS designation for Nicaragua, due to improved conditions in-country.

• On November 20, I decided to terminate the TPS designation for Haiti.

• Both of these designations have a delayed effective date of 18 months. This gives beneficiaries time to make an orderly transition.

• This transition could include applying for an immigration benefit, for which they are qualified. It could also include making arrangements to depart the United States for their home countries.

• Again, benefits like TPS and DACA were never intended to be permanent solutions.

• We cannot sustain practices that lurch from deadline to deadline, leaving beneficiaries in legal limbo for decades.

• As with DACA, I encourage Congress to look for a better legislative answer.

• At DHS, our job is to enforce our immigration laws—but the power to change the laws lies with Congress.

**Legal Immigration Reforms**

• The United States has one of the most generous immigration systems in the world.
• It should continue to be fair, and it should continue to be efficient.

• But our immigration system must ultimately serve “We the People of the United States.”

• And it is time for our immigration system to meet the economic needs of our country.

• Each year, the United States permanently grants green cards to more than one million people. Two-thirds of that total is based on a person having a sponsoring relative in the United States.

• It doesn’t matter what sort of skills or education they have. It doesn’t matter if they can speak English, or successfully assimilate to the American way of life.

• If they have a sponsoring relative, they can apply to come to this country.

• Over the past 35 years, this system of chain-migration has accounted for more than 60 percent of legal immigration into the United States.

• We have seen the consequences of these policies, only one out of every fifteen immigrants to the United States are admitted on the basis of skills.

• More than half of all immigrant households use one or more welfare programs.

• The immigration system that was supposed to lead to a land of opportunity has instead suppressed wages, contributed to income disparities, fueled unemployment, and strained state and federal resources.

• We must end chain-migration. Family-based green cards should be for immediate family—spouses and minor children of U.S. citizens and lawful permanent residents.
• Instead of immigration based solely on extended family connections, Congress should move to make our immigration system based primarily on merit.

• By establishing a points-based system for merit-based immigration—which has seen tremendous success in Australia, Canada, and elsewhere—we can promote financial independence and upward mobility for immigrants.

• By attracting the highest-caliber immigrant workers, we can strengthen our economy and strengthen our country.

**Buy American, Hire American**

• Improving economic conditions in our country is the principle behind the Administration’s “Buy American, Hire American” Executive Order.

• DHS is supporting the “Buy American, Hire American” order in several ways.

• We encourage all U.S. employers to use E-Verify to determine if new employees may legally work in the United States.

• Currently, more than 700,000 employers use the free, web-based system to verify the eligibility of their workforce.

• By preventing employers from hiring illegal labor and displacing U.S. workers, we can improve job opportunities and raise wages.

• We continue to encourage Congress to adopt legislation that would make E-Verify mandatory.

• We are also rigorously enforcing and administrating our immigration laws, and remain committed to detecting and preventing immigration fraud.
- Whenever there is a time of transition, people will exploit ambiguities and changes to defraud the system.

- Through the efforts of our workforce, we can combat the fraud that undermines our legal immigration system.

- Through a combination of rulemaking, policy memoranda, and operational changes, we are supporting the Administration’s Executive Order, and helping to strengthen our nation’s economy.

Conclusion

- Our nation belongs to its citizens—whether by birth or by naturalization.

- Those who have become Americans by choice have demonstrated that they value our country.

- They value the rule of law.

- And they value the time and effort it takes to do things the right way. And they, in turn, deserve a fair and efficient immigration process.

- We owe all of our citizens a strong country, and I again ask for Congress’ help to make it even stronger.

- I appreciate the opportunity to speak with you today, and wish you the best for a very successful conference.

- Since we have time, I’d be happy to take a few questions.
PIVOT POINTS

- In order for our immigration system to be effective, we have to be able to ensure its integrity. There can be no room for fraud or for loopholes.

- This nation is founded on the rule of law, which says the law applies to everyone equally. Encouraging law-breaking behavior, by asking law enforcement to look the other way or making up a category that doesn’t conform to the laws passed by Congress, is a dangerous precedent.

- DHS does not make laws—it enforces them. Congress makes the laws, and we need Congress to act to make our legal immigration system benefit the United States and its people.

- USCIS Director Cissna is next on our agenda, and he may be better suited to answer your question.
OFFICE OF THE CITIZENSHIP AND IMMIGRATION SERVICES
OMBUDSMAN
SEVENTH ANNUAL CONFERENCE

Government and Stakeholders Working Together to Improve Immigration Services

December 7, 2017
National Archives, Washington, D.C.

9:00 – 9:30 a.m.  Registration
Lobby of William McGowan Theater

All morning events will be held in the William McGowan Theater

9:30 – 9:35 a.m.  Master of Ceremonies Stacy Shore
Acting Deputy Director, Office of the CIS Ombudsman

9:35 – 10:00 a.m.  Welcome by Julie Kirchner
CIS Ombudsman

10:00 – 10:30 a.m.  Remarks from Elaine C. Duke
Acting Secretary of Homeland Security

10:35 – 11:05 a.m.  Remarks from L. Francis Cissna
USCIS Director

11:05 – 11:15 a.m.  Break

11:20 – 11:50 a.m.  Remarks from James McHenry
Acting Director of Executive Office for Immigration Review

11:50 – 1:30 p.m.  Lunch (on your own)

1:30 – 3:00 p.m.  Simultaneous Roundtables – Session I

Citizenship and Naturalization Issues
Location: Jefferson Conference Room
Moderator: Margaret (Peggy) Gleason
Speakers: Laura Patching, USCIS Office of Citizenship; Michael Valverde, USCIS Field Operations Directorate; Randolph (Randy) McGrorty, Catholic Legal Services, Archdiocese of Miami; Fatimah Mateen, Office of the CIS Ombudsman

Speakers from USCIS Office of Citizenship, Field Operations Directorate, and practitioners with expertise in citizenship as well as complex naturalization issues will discuss recent changes in USCIS processing.
Employment Immigration – H-1B Non-Immigrant Visa Program
Location: William McGowan Theater
Moderator: Carrie Anderson
Speakers: Kevin Cummings, USCIS Office of Policy and Strategy; Ronil Hira, Howard University; Mark Eckert, Uber Technologies, Inc.

Panelists will focus their analysis on recent and anticipated changes in the H-1B non-immigrant visa program, as well as describe other recent issues in employment-based immigration.

Background Checks and USCIS Processing Issues
Location: Washington Conference Room
Moderator: Elissa McGovern
Speakers: David Eisenreich, FBI National Name Check Program; Lee Bowes, USCIS Immigration Records and Identity Services Directorate (IRIS); Anna Priddy, Office of the CIS Ombudsman

Panelists from the FBI National Name Check Program and USCIS Immigration Records and Identity Services Directorate will discuss USCIS background checks and their impact on processing of petitions and applications.

3:00 – 3:15 p.m. Break

3:15 – 4:30 p.m. Simultaneous Roundtables – Session II

E-Verify
Location: Jefferson Conference Room
Moderator: Carlos Lobo
Speakers: Tammy M. Meckley, USCIS Immigration Records and Identity Services Directorate (IRIS); Elizabeth Milito, National Federation of Independent Business (NFIB) Small Business Legal Center; Julie Myers Wood, Guidepost Solutions; Fred Troncone, Office of the CIS Ombudsman

The Administration’s Fiscal Year 2018 Budget calls for mandating nationwide usage of the E-Verify system to reduce illegal employment. This panel will review the current state of E-Verify, issues arising for employers using the program, and the capacity for E-Verify to expand upon a new statutory or administrative mandate.

Transformation
Location: Washington Conference Room
Moderator: Stephanie Fast
Speakers: David Blair, USCIS Office of Information Technology; Courtney Winship, USCIS Customer Service & Public Engagement Directorate, Innovation & Technology Division; Dan Berger, Curran & Berger

Panelists with expertise in the implementation of electronic processing via ELIS (Electronic Legal Immigration Systems) will describe the current status of the Transformation project.
## Row Labels

- USCIS
- the thanyachareon law firm
- Department of Homeland Security/USCIS – Office of Policy and Strategy (OP&S)
- Marty & Ellis
- Alan Seagrave Law Office
- Stein Legal LLC
- American Immigration Lawyers Association
- Law Office of Edon H. Warslie PC
- Bipartisan Policy Center
- MAXIMUS Federal
- CJ Lake LLC
- Salesforce
- Pricing & LPM Department
- LawLogix by Hyland Software, Inc.
- USCIS SCOPS-HQ
- Bizagi
- Appisof, Inc.
- Black Alliance for Just Immigration
- UCIS Office of Policy and Strategy
- Bloomberg Law
- Vassell & LeeRC, Law Group
- Booz Allen Hamilton
- LR-Associates, LLC
- Capgemini Government Solutions
- Non Profit
- CareGiver to Father
- AAO/USCIS
- Carnegie Mellon University
- University of Maryland, College Park
- Catholic Charities of the Diocese of Arlington, Hogar Immigrant Services
- USCIS, Policy and Strategy
- Catholic Legal Immigration Network, Inc. (CLINIC)
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- CBN News
- Logical Paradigm LLC
- Center for Immigration Studies
- Madison keyser
- CGFNS International, Inc.
- Aricent
- CGI
- NTSB
- CGRC
- Rep. Garamendi
- CIEE
TVAsia
AILA
University of Arkansas at Little Rock
CNN
USCIS Administrative Appeals Office
CSPED
USCIS, Office of Policy and Strategy
CURTIS INSTITUTE OF MUSIC, PHILADELPHIA
USCIS/ OP&S
USCIS
Witty Law Group PLLC
Department of Justice
ANORW POLICE
DHS ICE ERO
Littler Mendelson
DHS, USCIS
Louisiana African Community
DHS/PA&E
Luna Services NYC
DHS/USCIS
Marcia Binder Ibrahim, LLC
DHS/USCIS/Vermont Service Center
Maximus
SABG
Murphy Desmond S.C.
self employed
NPZ law group.
American Federation of Teachers
Pennsylvania State University
Strategic Alliance Business Group LLC
Randstad Technologies
Student Exchange Visitor Program
Acumen Solutions
The Council for Global Immigration
Embassy of India
Southern Illinois Healthcare
Empire-Capitol Strategies
Steptoe & Johnson, LLP
employee at haier pakistan
Stratford University
Folha de Sao Paulo
Sublime Solutions
Fragomen Worldwide
The Institute of World Politics
Friends of Immigration
TITO SAPETIN WI.U INC
Friends of Slovakia
U.S. Citizenship and Immigration Services, Dept. of Homeland Security
George P. Mann and Associates
United Services for Counseling
Gibney, Anthony & Flaherty LLP
University of Maryland
Greenberg Traurig LLP
IPUN
University of Pittsburgh
Greenberg Traurig
USCIS Office of Policy & Strategy
Griselle Garcia Immigration Law
USCIS, Office of Policy & Strategy
Haynes Novick Immigration
USCIS, Office of Policy and Strategy (OP&S)
Immigration and Customs Enforcement
USCIS, Vermont Service Center
immigration Strategies LLC
USCIS/OPS
IRLI
Walolo Communications/Mission of Merciful
Ishida Immigration Law PLLC
Zamboanga del Norte Association in Illinois
Khatri Law Firm, LLC
Khazen CRE Consulting & Management
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**Grand Total**
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Elaine C. Duke, Acting Secretary of Homeland Security

Elaine Duke became the Acting Secretary of the Department of Homeland Security (DHS) on July 31, 2017. She was previously sworn in as the seventh Deputy Secretary of DHS on April 10, 2017.

Prior to her appointment, Acting Secretary Duke was the principal of Elaine Duke & Associates, LLC, where she provided acquisition and business consulting services to large and small businesses.

An accomplished leader and a civil servant for most of her career, Acting Secretary Duke has served in the federal government for nearly three decades, most recently as the Department’s Senate-confirmed Under Secretary for Management, a position she held from 2008-2010.

As Under Secretary, she was responsible for the Department’s management functions and corresponding $47 billion budget. Prior to her appointment, she served both as the Department’s Deputy Under Secretary for Management and Chief Procurement Officer. She also served as Deputy Assistant Administrator for Acquisition at the Transportation Security Administration (TSA), delivering an acquisition program that met the post 9/11 legislative mandate to federalize passenger and baggage screening at U.S. airports. Prior to her service at DHS, Acting Secretary Duke held various positions with the U.S. Department of Defense.

Acting Secretary Duke received her B.S. in Business Management from New Hampshire College, now Southern New Hampshire University, and her M.B.A. from Chaminade University of Honolulu.

Over the course of her federal government service, Acting Secretary Duke has received the Presidential Meritorious Rank Award, the DHS Secretary’s Medal, the TSA Silver Medal for Customer Service, the Department of the Army Commander’s Award for Public Service, and the U.S. Coast Guard’s Distinguished Public Service Medal.

Acting Secretary Duke has served as a member of the Homeland Security Advisory Council and as a strategic advisor to the Government Technology and Services Coalition, assisting small and mid-tier businesses in the federal sector. She has taught acquisition at American University.
L. Francis Cissna was sworn in as Director of USCIS on October 8, 2017.

From 2005 to 2017, Mr. Cissna served in various capacities within the U.S. Department of Homeland Security (DHS). Most recently, he served as the Director, Immigration Policy within the DHS Office of Policy, during which time he was selected for a detail to the U.S. Senate Judiciary Committee, where he worked on immigration-related legislation.

Prior to that, Mr. Cissna served as the Acting Director and Deputy Director, Immigration and Border Security Policy in the DHS Office of Policy. During that time, he led the DHS Comprehensive Immigration Reform “War Room,” which coordinated the efforts of DHS’ various component agencies with the White House and the Congress on a comprehensive immigration reform bill. Before serving at DHS headquarters, he worked in the USCIS Office of the Chief Counsel as an Associate Counsel in the Adjudications Law Division.

Before joining the USCIS Chief Counsel’s Office, Mr. Cissna was a private immigration attorney with the law firm of Kaufman & Canoles in Richmond, Virginia.

Mr. Cissna had also previously worked in government as a Foreign Service Officer with the U.S. Department of State, where he served in the immigrant visa section at the U.S. Consulate in Port-au-Prince, Haiti, and then as chief of the nonimmigrant visa section at the U.S. Embassy in Stockholm, Sweden.

Prior to his government service, Mr. Cissna was an associate attorney at the law firms of Steptoe & Johnson LLP in Washington, D.C., and Kirkpatrick & Lockhart LLP in Harrisburg, Pennsylvania.

Mr. Cissna received his Juris Doctor from the Georgetown University Law Center in Washington, D.C. He received a master’s degree in international affairs from Columbia University and bachelor’s degrees in both physics and political science from the Massachusetts Institute of Technology.
James McHenry, Acting Director, Executive Office for Immigration Review

Acting Director James McHenry has previously served in the Executive Office for Immigration Review (EOIR); he first joined the agency in 2003 through the Attorney General’s Honors Program and returned to the agency in 2016, when he was appointed as an Administrative Law Judge (ALJ) for EOIR’s Office of the Chief Administrative Hearing Officer (OCAHO).

Prior to rejoining EOIR in 2017, Acting Director McHenry served as a Deputy Associate Attorney General working on a variety of immigration-related litigation matters and overseeing multiple components reporting to the Office of the Associate Attorney General. From 2014 to 2016, he served as an ALJ for the Office of Disability Adjudication and Review in the Social Security Administration. Prior to that, he worked for the Office of the Principal Legal Advisor (OPLA), Immigration and Customs Enforcement (ICE), Department of Homeland Security (DHS) as an Assistant Chief Counsel and, later, as a Senior Attorney where he served as a lead attorney for national security, denaturalization, and gang cases, anti-human trafficking operations, and worksite enforcement matters. He also served a detail as a Special Assistant United States Attorney for the Criminal Division, U.S. Attorney’s Office, Northern District of Georgia.

Acting Director McHenry earned a Bachelor of Science from the Georgetown University School of Foreign Service, a Master of Arts in political science from the Vanderbilt University Graduate School, and a Juris Doctor from the Vanderbilt University Law School.
Julie Kirchner serves as the fifth Citizenship and Immigration Services Ombudsman (Ombudsman) at the Department of Homeland Security. In this role, she leads an independent component dedicated to helping individuals and sponsors navigate the legal immigration system and resolve problems that arise while their applications for immigration benefits are processed at U.S. Citizenship and Immigration Services (USCIS).

Every year, the Ombudsman’s office receives thousands of requests for help and assigns each case to a dedicated immigration law analyst who works with USCIS to help the requestors resolve problems with their cases, as appropriate. As the cases are investigated, the Ombudsman’s office also looks for trends and underlying problems in the administration of our immigration laws and offers recommendations and solutions in its annual report to Congress.

Before her appointment as the Ombudsman, Ms. Kirchner spent several months as an adviser at U.S. Customs and Border Protection (CBP). At CBP, she worked on a variety of issues, including the implementation of tactical infrastructure at the southern border, the development of border security metrics, and the coordination of outreach efforts to various stakeholders.

Between 2005 and 2015, Ms. Kirchner worked at the Federation for American Immigration Reform and for eight years served as the organization’s Executive Director. In this role, she guided the nonprofit’s government relations, policy research, media engagement and grassroots activity. She also managed the operation of the organization, including the multi-million dollar budget, financial reporting, board relations, and human resources.

Ms. Kirchner earned her B.A. in political science at Yale University and her law degree, with high distinction, at the University of Iowa College Of Law. As a young lawyer, Ms. Kirchner worked as a private litigator, a criminal prosecutor and as counsel at the Minnesota House of Representatives, where she staffed the Judiciary and Civil Law Committees.
OFFICE OF THE CITIZENSHIP AND IMMIGRATION SERVICES OMBUDSMAN
2017 ANNUAL CONFERENCE

ABOUT THE AFTERNOON SPEAKERS

Dan H. Berger is a partner at the law firm of Curran & Berger in Northampton, MA, and a frequent speaker, editor and writer on immigration law. He won the 1995 American Immigration Lawyers Association (AILA) annual writing competition for an article on INS policies toward international adoptions. Mr. Berger has also been editor for the AILA Immigration & Nationality Law Handbook since 2000, and edited Immigration Options for Academics and Researchers (2005 and 2011 editions), the International Adoption Sourcebook, and the Diplomatic Visa Guide. He has written on a wide variety of topics including on Outstanding Professor/Researcher green cards, temporary visa “d3” waivers, green cards for Iraqi and Afghan translators, use of DNA evidence in immigration cases, and the elements of immigration law for in-house legal counsel. He is a graduate of Harvard College and Cornell Law School. Mr. Berger is a founding member of the American Alliance of International Entrepreneurs, an Honorary Member (and co-Chair of the International Committee) of the American Academy of Adoption Attorneys, and is the Regulatory Practice Coordinator for the National Association of Foreign Student Advisers (NAFSA). He has been quoted in various media including the Atlantic Magazine and the Huffington Post. Mr. Berger developed his interest in immigration in college, where he studied immigration history and taught English to adult refugees.

David A. Blair joined the USCIS Office of Information Technology (OIT) as the Chief of Transformation in January 2017. In this capacity he is responsible for managing the USCIS Transformation Program, which is a digital modernization initiative to streamline and enhance USCIS’s case management and benefits processing operations. Before joining the OIT team, Mr. Blair served as the Chief of the Capability Delivery Division (CDD) within the Office of Transformation Coordination (OTC), and was accountable for delivering digital capabilities and services via a web-based IT solution called the Electronic Immigration System (ELIS). He joined USCIS in 2012. He was a Program Manager at the Space and Naval Warfare Systems Center Pacific (SSC Pacific) in San Diego, CA, managing several defense-related projects that provided critical software and systems engineering support to naval information warfare. Mr. Blair spent over 11 years serving as a U.S. Navy SEAL at SEAL Teams Eight, Five, and Three. Mr. Blair attended San Diego State University where he earned a Bachelor of Arts degree in International Security and Conflict Resolution, and a Master of Science in Homeland Security.

Lee Bowes is the Biometrics Division Chief and Acting Deputy Associate Director of the Immigration Records and Identity Services Directorate of USCIS. In these roles, he supports the policies and operations surrounding the collection and use of biometric data, facilitation of background checks, and the management of immigration records. For the past eight years, Mr. Bowes has been focused on modernizing biometric and background check systems, improving data sharing capabilities and controls, and reducing USCIS reliance on paper processes.

Kevin J. Cummings has served as the Chief of the Business and Foreign Workers Division in the USCIS Office of Policy and Strategy for over eight years. In this position, he is responsible for the management and oversight of all regulatory, program, and policy issues regarding employment-based immigration. Before joining Policy and Strategy, Mr. Cummings was the Chief of Business and Trade Services in the USCIS Office of Service Center Operations (SCOPS). Mr. Cummings has also served as a Deputy Branch Chief with the USCIS Fraud
Detection and National Security Directorate, as a Special Assistant to the Chief of SCOPS, as an Adjudications Officer specializing in both family-based and employment-based issues with the former Office of Program and Regulation Development, and as an Adjudications Officer with the Legacy INS Administrative Appeals Office. Mr. Cummings began his career as a student intern with legacy INS. He holds a BA degree in Political Science from Elon University in North Carolina.

**Mark Eckert** is the Head of Global Mobility at Uber Technologies, Inc.

**David F. Eisenreich** was born and raised in New York City, New York. He earned a Bachelor of Science degree in Business Administration from the City University of New York (CUNY) Zicklin School of Business, and Juris Doctorate in Law from Brooklyn Law School. From 1997 to 2001, Mr. Eisenreich worked as an Assistant District Attorney (ADA) in NYC. He entered on duty with the FBI as a Special Agent in 2001. Following New Agents training, he was assigned to the San Francisco Field Office. Assigned to the San Jose Resident Agency (RA), Mr. Eisenreich worked a broad range of investigative programs, serving on both criminal and national security squads during his tour. He also served as a member of the San Francisco Division Evidence Response Team. In 2008, Mr. Eisenreich was promoted to Supervisory Special Agent (SSA) in the FBI Counterintelligence Division and permanently transferred to FBI HQ JEH. He served in this capacity until November of 2009, when he was selected as SSA Santa Fe RA, Albuquerque Field Office. During this time, Mr. Eisenreich worked all investigative programs and was the Division’s program coordinator (PCOR) for the Counterintelligence program. In 2014, he was promoted to the position of Unit Chief (UC), FBI Counterintelligence Division within the Espionage Section. In August of 2015, Mr. Eisenreich was selected as the National Security/Intel/Cyber Assistant Special Agent in Charge (ASAC) of the Jackson Division. In July 2017, Mr. Eisenreich was selected as the Section Chief to lead the National Name Check Program, within the Records Management Division.

**Ronil Hira** is an associate professor of political science at Howard University. Dr. Hira is also a research associate with the Economic Policy Institute. He has written widely on offshoring, high-skilled immigration, innovation, employment relations, and the decline of the middle class. Dr. Hira is co-author of the book, Outsourcing America, which was a finalist for best business book in the PMA's Benjamin Franklin Awards. The Boston Globe called Outsourcing America an "thorough, disturbing look at outsourcing." The Washington Post described the book as a "thorough and easy to grasp primer on the wrenching outsourcing debate."

**Fatimah Mateen** joined the Office of Citizenship and Immigration Services Ombudsman in October 2015, and currently serves as an Immigration Law Analyst. In this capacity, she reviews various case matters and USCIS’ policies, procedures, and practices related to citizenship and naturalization. She has represented the Ombudsman’s office at various venues on citizenship and naturalization issues. Before joining the Ombudsman’s office, Ms. Mateen worked at the Board of Immigration Appeals, Executive Office for Immigration Review, the Department of State, and in private practice.

**Randolph P. McGrory** serves as the Executive Director of Catholic Legal Services, Archdiocese of Miami (CLS). He has served as the Director since the inception of the agency.
In that capacity, he supervises a staff of 45, including 22 staff attorneys. Over 2,000 individuals seek the services of CLS each month: individuals seeking to reunite with their families; political and religious refugees seeking safety and security, many of whom have experienced persecution and torture; battered spouses and their children; long-term residents of the U.S. with significant family and community ties who face deportation; and qualified individuals ready embrace citizenship. CLS maintains a strong relationship with South Florida’s Haitian Community, a traditionally under-served population. The agency is one of the largest providers of immigration services to the Haitian migrant community in the country. Recently, CLS has spearheaded the effort to ensure legal representation for unaccompanied minors in removal proceedings. Mr. McGrorty received his B.A. from Harvard University, magna cum laude, and his J.D., as well as his M.S.S.W., from the University of Wisconsin. He is a frequent speaker on asylum, Cuban/Haitian Entrant issues, and immigration law. He is the recipient of the Adalsinda Lomangino Award for outstanding contributions to the field of immigration law, the Saint Vincent DePaul Award from the Archdiocese of Miami “in recognition of ... faithful and compassionate service to those who seek sanctuary, shelter and security in a new land” and the Community Advocacy Award presented by Legal Aid of Broward County, Inc. He has received proclamations from both the City of Miami and Miami-Dade County recognizing his work on behalf of the immigrant and refugee communities of South Florida.

**Tammy M. Meckley** has over 15 years of experience with U.S. Federal Government in the Departments of Homeland Security and Justice, as well as service in the private sector, serving in key executive positions. As a senior executive, she is the Associate Director (AD) for USCIS, Immigration Records and Identity Services Directorate (IRIS), formerly known as the Enterprise Services Directorate (ESD). She leads four divisions: Biometrics, Verification, Records, and the National Records Center. Prior to becoming the AD, Ms. Meckley served a four-year term as the Deputy Associate Director for ESD. She served as Assistant Director, Office of Professional Responsibility, Immigration and Customs Enforcement (ICE) from April 2010 to November 2010. From October 2009 to April 2010, she was the Acting Assistant Director, Detention and Removal Operations Mission Support, ICE. From July 2007 to October 2009, Ms. Meckley was Chief of Staff for Management, ICE Headquarters, where she provided daily operational support and strategic guidance to the Deputy Assistant Secretary for Management and ICE senior leadership, focusing on finance, facilities, technology, procurement, policy, training and development, human capital, and diversity.

From September 2006 to July 2007, Ms. Meckley was Assistant Vice President and Assistant Chief Privacy Officer, for ChoicePoint, a publicly traded company that provided data and data solutions to its customers. Prior to her promotion, she was Director, Credentialing, Compliance and Privacy Office Outreach, from May 2005 to September 2006. While at the Transportation Security Administration (TSA) from March 2003 to May 2005, Ms. Meckley held the positions of Deputy Assistant Administration, Transportation Security Policy, Special Assistant to the Deputy Administrator, and Special Assistant to the Chief of Staff. She served in various positions with the U.S. Department of Justice, including the Office of the United States Trustee, the United States Attorney’s Office for the Southern District of Florida, and the Executive Office for United States Attorneys. Ms. Meckley holds a Bachelor of Science in Business Management from George Mason University.
Elizabeth Milito serves as Senior Executive Counsel with the National Federation of Independent Business (NFIB) Small Business Legal Center, a position she has held since 2004. Ms. Milito came to NFIB from the U.S. Department of Veteran’s Affairs where she defended the agency in employment and labor lawsuits and was responsible for training and counseling managers on fair employment and HR practices. Ms. Milito was the editor of notes and comments for the Maryland Law Review at the University of Maryland School of Law where she earned her law degree. Following graduation, she served as a clerk to the Honorable Alan M. Wilner on the Maryland Court of Appeals, the state’s highest court. Ms. Milito is responsible for managing litigation and amicus work for NFIB. She has testified before Congress, Federal agencies, and state legislatures on the small business impact of labor and employment issues. Ms. Milito frequently counsels businesses facing employment discrimination charges, wage and hour claims, wrongful termination lawsuits, and in most other areas of human resources law. She also provides and develops on-line and on-site employment law training and is a frequent media spokesperson on employment and labor matters.

Laura Patching became the Chief of the Office of Citizenship on November 2, 2014. In this capacity, she leads federal initiatives to promote the rights, responsibilities, and importance of U.S. citizenship. She also oversees the development of citizenship education resources, training and outreach initiatives, and agency engagement with governmental, non-governmental, and international institutions on immigrant assimilation. Ms. Patching served as the Acting Chief of the Office of Citizenship from March 2011 to November 2014. She joined the Immigration and Naturalization Service in 2001 and helped manage the transition into USCIS after the passage of the Homeland Security Act of 2002. She has been part of the Office of Citizenship since it was created in 2003. Before joining the Federal government, she served in several positions in the Australian Department of Immigration and Citizenship (now referred to as the Australian Department of Immigration and Border Protection) both in Washington, D.C. and Santiago, Chile. Ms. Patching received her bachelor’s degree from American University in Washington, D.C. and post-graduate diploma from the University of Chile’s Institute for International Studies in Santiago, Chile.

Anna Priddy joined the Office of the Citizenship and Immigration Services Ombudsman in September 2015 and currently serves as an Immigration Law Analyst. In this capacity, she reviews various case matters and USCIS policies, procedures, and practices related to background checks. Before joining the Ombudsman’s office, Ms. Priddy worked at USCIS and practiced immigration law at a nonprofit medical-legal partnership in Washington, D.C.

Frederick Troncone joined the Office of the Citizenship and Immigration Services Ombudsman in March 2008, and currently serves as a Senior Advisor with a focus on employment-based immigration issues. In this capacity, he reviews business immigration-related policy and case matters, and often represents the Ombudsman’s office at various venues. Before joining the Ombudsman’s office, Mr. Troncone practiced immigration and nationality law, as well as employment law, for over 20 years in the private sector in Washington, D.C., and in Hawaii, where he served as the Chair of the Hawaii Chapter of the American Immigration Lawyers Association (AILA). He also served as an Attorney-Advisor to the National Labor Relations Board General Counsel’s Office, Division of Enforcement Litigation, from 1983 to 1988.
language to combat emerging trends relating to trade-based money laundering, check cashing and money remitters, and stored value cards.

Ms. Wood’s previous leadership positions in the federal government include Assistant Secretary for Export Enforcement at the Department of Commerce and Chief of Staff for the Criminal Division at the Department of Justice. She also served as Deputy Assistant Secretary (Money Laundering and Financial Crimes) at the Treasury Department, where she helped draft regulations relating to Title III of the Patriot Act, coordinated the U.S. government’s national report/strategy on money laundering, and oversaw Treasury Enforcement activities. Ms. Wood served as an Assistant U.S. Attorney for the Eastern District of New York, where she prosecuted criminal cases including financial crimes, securities fraud, and other white-collar criminal cases. Ms. Wood is nationally recognized as a speaker for her expertise on security and other law enforcement issues.
This page contains information that is withheld pursuant to exemption (R)(5) of the Freedom of Information and Privacy Act.
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Withheld pursuant to exemption
(R)(5)

of the Freedom of Information and Privacy Act
Withheld pursuant to exemption (R)(5)
of the Freedom of Information and Privacy Act
All – attached please find the final PAG for the Haiti TPS decision. Updated roll out plan is below. State – please begin notifications!

ROLLOUT TIMELINE
November 20, 2017
1730 – DHS notifies the State Department of the decision & shares a draft press release to start translation process

1730 minutes – State Department notifications to Charge D’affaires to Haiti

1730 minutes – U.S. Embassy notification to Haitian government in-country

1730 minutes – DHS notification to Haitian embassy in Washington, DC.

1800 minutes – OPE notifies Florida Governor Scott, Massachusetts Governor Baker (only to be notified once GOH notifications have been completed)

1800 minutes – Hill notifications (only to be notified once GOH notifications have been completed)
  · DHS OLA notifies the Homeland Security, Judiciary, Foreign Affairs/Relations and Appropriations committees
  · DASs contact key leadership staffers for the committees

1800 minutes – State Department notification to Canadian government (only to be notified once GOH notifications have been completed)

1900 hours – Background call with media (Call to be in English and include invites to both domestic and foreign press.)

1930 hours (when call ends) – Send press release (DHS)
DHS posts press release to website.
USCIS publishes alert to relevant pages on USCIS website with link to DHS news release

1945 hours – DHS Stakeholder Outreach

**Upon transmittal of FRN**
USCIS distributes news release with technical information on reregistration process; separate timeline for subsequent process, including website updates and further notifications, will be shared as further details are available.

- 

Lauren

From: Miller, Paul J. EOP/NSC
Sent: Monday, November 20, 2017 4:25 PM
To: Claffey, Lauren

Subject: RE: Haiti TPS Sync - DHS, DOS, WH

Thanks Lauren.

+ Cindy Simms and Tim Pataki from WHOLA.
v/r, Paul

Paul J. Miller
Director for Legislative Affairs
National Security Council

From: Claffey, Lauren

All – notifications cannot begin until we receive the decision memo and send around the final PAG. The tick-tock is below:

ROLLOUT TIMELINE

Decision date
Decision (X) – DHS notifies the State Department of the decision & shares a draft press release to start translation process

X + 30 minutes – State Department notifications to Charge D’affaires to Haiti

X + 60 minutes – U.S. Embassy notification to Haitian government in-country

X + 60 minutes – DHS notification to Haitian embassy in Washington, DC.

X + 90 minutes – OPE notifies Florida Governor Scott and Massachusetts Governor Baker (only to be notified once GOH notifications have been completed)

X + 90 minutes – Hill notifications (only to be notified once GOH notifications have been completed)
  · DHS OLA notifies the Homeland Security, Judiciary, Foreign Affairs/Relations and Appropriations committees
  · DASs contact key leadership staffers for the committees

X + 90 minutes – State Department notification to Canadian government (only to be notified once GOH notifications have been completed)

X + 2 hours – Background call with media (Call to be in English and include invites to both domestic and foreign press.)

X + 2.5 hours (when call ends) – Send press release (DHS)
  DHS posts press release to website.
  USCIS publishes alert to relevant pages on USCIS website with link to DHS news release
X+ 2.75 hours – DHS Stakeholder Outreach

**Upon transmittal of FRN**
USCIS distributes news release with technical information on reregistration process; separate timeline for subsequent process, including website updates and further notifications, will be shared as further details are available.

Lauren

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**From:**
**Sent:** Monday, November 20, 2017 4:20 PM
**To:** Cassidy, Ben

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**Subject:** RE: Haiti TPS Sync - DHS, DOS, WH

Is there an updated tick-tock?

**Official**
**UNCLASSIFIED**

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**From:** Cassidy, Ben
**Sent:** Monday, November 20, 2017 4:17 PM
**To:** Claffey, Lauren
Subject: RE: Haiti TPS Sync - DHS, DOS, WH

So our 5 pm Hill calls need to slip? Thx.

-----------A/S for Legislative Affairs  Department of Homeland Security

From: Claffey, Lauren
Sent: Monday, November 20, 2017 4:04:19 PM
To:

Subject: Haiti TPS Sync - DHS, DOS, WH

All – we are still awaiting a final decision, but are still aiming for an announcement tonight. Will update with more details when I can.

Lauren E. Claffey
Deputy Assistant Secretary
Office of Public Affairs
U.S. Department of Homeland Security
Public Affairs Guidance
Temporary Protected Status: Haiti

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• Press Release (external)
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TOPLINE MESSAGING AND BACKGROUND
TOPLINE MESSAGING:
• After considering information from a wide variety of sources, Acting Secretary Duke has decided to terminate the Temporary Protected Status for Haiti, with a delay of 18 months to allow for an orderly transition before the designation terminates on July 22, 2019.

• DHS is committed to an orderly transition that will allow time for Haiti to prepare for the return and reintegration of its citizens. USCIS will work with the State Department and the government of Haiti to help educate relevant stakeholders in-country and ensure an orderly return and reintegration of its citizens.
• Temporary Protected Status was not intended to provide a long-term solution or permanent legal status for foreign nationals in the United States.

• Only Congress can legislate a permanent solution addressing the lack of lawful immigration status of those currently protected by TPS who have lived and worked in the United States for many years.

BACKGROUND:

**Haiti**

• Acting Secretary of Homeland Security Elaine Duke announced on Monday, November 20th her decision to terminate the Temporary Protected Status (TPS) designation for Haiti with a delayed effective date 18 months from the current January 22, 2018 date of expiration. The TPS designation for Haiti will terminate on July 22, 2019.

• The 18-month delayed effective date will allow for an orderly transition and provide time for TPS beneficiaries to seek an alternative lawful immigration status in the United States, if eligible, or, if necessary, arrange for their departure. It will also provide time for Haiti to prepare for the return and reintegration of its citizens.

• The decision to terminate TPS for Haiti was made after an inter-agency review process that considered country conditions and the ability of the country to receive returning citizens. The Acting Secretary undertook an extensive outreach campaign to U.S. state and federal government officials, Haitian officials, and third party partners who offered their input as to the conditions on the ground in Haiti.

• Based on all available information, the Acting Secretary determined that the extraordinary and temporary conditions that formed the basis of Haiti’s TPS designation as a result of the 2010 earthquake no longer exist, and thus, pursuant to statute, the current TPS designation should not be extended.

• The Department will seek cooperation from Haiti to support the re-integration of their nationals upon termination of their designation, and will encourage TPS beneficiaries to prepare for their return and request appropriate travel documents.

• In 2017 alone, U.S. Citizenship and Immigration Services conducted dozens of outreach meetings in Haitian communities throughout the country. The outreach includes but is not limited to: community forums on TPS, panel discussions with Haitian community organizers, stakeholder teleconferences, regular meetings with TPS beneficiaries, news releases to the Haitian community, luncheons with Haitian government officials, meetings at local churches, and listening sessions.

• Additionally, USCIS took actions to remind Haitian TPS beneficiaries of the need to prepare for their departure in the event Haiti’s designation is terminated. These actions include providing instruction on obtaining nationality/travel documents individually to re-registrants upon their filing; issuing a Web Alert that included this same instruction; disseminating the
same language through USCIS’ stakeholder list; and Including the instruction about getting nationality/travel documents on live Haitian radio shows in certain localities with a large Haitian diaspora.

- DHS regularly and proactively communicated with members of Congress regarding the TPS designation for Haiti. These communications include, but are not limited to, secretary-level meetings with members of Congress, secretary-level correspondence with members of Congress, and regular staff meetings and updates.

- In May 2017, then-Secretary Kelly announced his limited extension of Haiti’s designation for TPS, stating:
  - “Haiti has made progress across several fronts since the devastating earthquake in 2010, and I’m proud of the role the United States has played during this time in helping our Haitian friends. The Haitian economy continues to recover and grow, and 96 percent of people displaced by the earthquake and living in internally displaced person camps have left those camps. Even more encouraging is that over 98 percent of these camps have closed. Also indicative of Haiti’s success in recovering from the earthquake seven years ago is the Haitian government’s stated plans to rebuild the Haitian President’s residence at the National Palace in Port-au-Prince, and the withdrawal of the United Nations Stabilization Mission in Haiti. This six-month extension should allow Haitian TPS recipients living in the United States time to attain travel documents and make other necessary arrangements for their ultimate departure from the United States, and should also provide the Haitian government with the time it needs to prepare for the future repatriation of all current TPS recipients. We plan to continue to work closely with the Haitian government, including assisting the government in proactively providing travel documents for its citizens. I believe there are indications that Haiti — if its recovery from the 2010 earthquake continues at pace - may not warrant further TPS extension past January 2018. TPS as enacted in law is inherently temporary in nature, and beneficiaries should plan accordingly that this status may finally end after the extension announced today.”

- Former Secretary Kelly requested that the government of Haiti take steps to prepare for the eventual end of its TPS designation. Haiti has taken actions including establishing working groups, conducting outreach to diaspora leaders, providing legal assistance to Haitian nationals, acquiring new equipment to produce travel documents, and focusing on development programs.

**Temporary Protected Status (TPS)**

- Under the Immigration and Nationality Act (INA), the Secretary of Homeland Security, after consultation with appropriate U.S. Government agencies, may designate a foreign country (or any part of such foreign country) for TPS if the conditions in the foreign country fall into one, or more, of three statutory categories, generally described as (1) ongoing armed conflict, (2) environmental disasters, or (3) extraordinary and temporary conditions.
Currently, there are 10 countries designated for TPS. The countries are South Sudan, Sudan, Somalia, Honduras, Nicaragua, El Salvador, Syria, Haiti, Nepal and Yemen. TPS for Sudan terminates on November 2, 2018, and TPS for Nicaragua terminates on January 5, 2019.

Haiti was originally designated for TPS on January 21, 2010, due to the devastation caused by a magnitude 7.0 earthquake that struck Haiti on January 10, 2010. Then-Secretary Napolitano extended the existing designation and re-designated Haiti for TPS on May 19, 2011.

Approximately 59,000 persons are beneficiaries under TPS for Haiti.
  o Of those, more than 16,000 have either filed for or been granted lawful permanent resident status since being granted TPS.
  o To allow for an orderly transition, the effective date of Haiti’s TPS termination will be delayed 18 months. This will provide time for individuals with TPS who will not have another lawful immigration status upon termination to seek an alternative status or arrange for their departure

TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status. Persons with TPS may seek an alternative lawful immigration status for which they are independently eligible.

TPS beneficiaries are eligible to work in the United States during the term of their TPS status.

Upon termination, TPS beneficiaries revert back to the immigration status they had prior to receiving TPS, unless that prior immigration status has since expired.

Audiences:
- Congress
- DC/national media
- American public

Key Milestones:

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<th>Country</th>
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SMEs available to brief media interviews:
- Jonathan Hoffman, DHS Assistant Secretary for Public Affairs
- Don Neufeld, Associate Director of Service Center Operations, USCIS
ROLLOUT TIMELINE

November 20, 2017

1730 – DHS notifies the State Department of the decision & shares a draft press release to start translation process

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1930 hours (when call ends) – Send press release (DHS)
  - DHS posts press release to website.
  - USCIS publishes alert to relevant pages on USCIS website with link to DHS news release

1945 hours – DHS Stakeholder Outreach

Upon transmittal of FRN

USCIS distributes news release with technical information on reregistration process; separate timeline for subsequent process, including website updates and further notifications, will be shared as further details are available.
Press Release

ACTING SECRETARY ELAINE DUKE ANNOUNCEMENT ON TEMPORARY PROTECTED STATUS FOR HAITI
Duke met with Haitian Foreign Minister Antonio Rodrigue recently

WASHINGTON—Today, Acting Secretary of Homeland Security Elaine Duke announced her decision to terminate the Temporary Protected Status (TPS) designation for Haiti with a delayed effective date of 18 months to allow for an orderly transition before the designation terminates on July 22, 2019. This decision follows then–Secretary Kelly’s announcement in May 2017 that Haiti had made considerable progress, and that the country’s designation will likely not be extended past six months.

The decision to terminate TPS for Haiti was made after a review of the conditions upon which the country’s original designation were based and whether those extraordinary but temporary conditions prevented Haiti from adequately handling the return of their nationals, as required by statute. Based on all available information, including recommendations received as part of an inter-agency consultation process, Acting Secretary Duke determined that those extraordinary but temporary conditions caused by the 2010 earthquake no longer exist. Thus, under the applicable statute, the current TPS designation must be terminated.

Acting Secretary Duke met with Haitian Foreign Minister Antonio Rodrigue and Haitian Ambassador to the United States Paul Altidor recently in Washington to discuss the issue.

In 2017 alone, U.S. Citizenship and Immigration Services conducted extensive outreach to the Haitian communities throughout the country. These include but are not limited to community forums on TPS, panel discussions with Haitian community organizers, stakeholder teleconferences, regular meetings with TPS beneficiaries, news releases to the Haitian community, meetings with Haitian government officials, meetings at local churches, and listening sessions.

Since the 2010 earthquake, the number of displaced people in Haiti has decreased by 97 percent. Significant steps have been taken to improve the stability and quality of life for Haitian citizens, and Haiti is able to safely receive traditional levels of returned citizens. Haiti has also demonstrated a commitment to adequately prepare for when the country’s TPS designation is terminated.

In May 2017, then–Secretary Kelly announced a limited extension for Haiti’s TPS designation, stating that he believed there were indications that Haiti – if its recovery from the 2010 earthquake continued at pace – may not warrant further TPS extension past January 2018. At the time, then–Secretary Kelly stated that his six-month extension should give Haitian TPS recipients living in the United States time to attain travel documents and make other necessary arrangements for their ultimate departure from the United States, and should also provide the Haitian government with the time it needs to prepare for the future repatriation of all current TPS recipients.
To allow for an orderly transition, the effective date of the termination of TPS for Haiti will be delayed 18 months. This will provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States, if eligible. It will also provide time for Haiti to prepare for the return and reintegration of their citizens. During this timeframe, USCIS will work with the State Department, other DHS components and the Government of Haiti to help educate relevant stakeholders and facilitate an orderly transition.

Haitians with TPS will be required to reapply for Employment Authorization Documents in order to legally work in the United States until the end of the respective termination or extension periods. Further details about this termination for TPS will appear in a Federal Register notice.

###

**Website Copy**

USCIS has a [TPS homepage](#) and country-specific pages. USCIS will update Haiti’s page depending on the decisions.

**FAQs**

USCIS outlines the changes to TPS on the country-specific page. If additional information is necessary we can create a new accordion files as needed. We normally adjust these based on questions we receive from the public. We will not post a list of FAQs to the site. We will use FAQs to create responses to customer calls at our help center and for any planned stakeholder events.

**Responses to Queries (RTQ)**

**Q: Why is TPS for Haiti not being extended?**
A: The decision to terminate TPS for Haiti was made after a review of the conditions upon which the country’s original designation were based and whether those extraordinary but temporary conditions prevented Haiti from adequately handling the return of their nationals, as required by statute. Based on all available information, including recommendations received as part of an inter-agency consultation process, Acting Secretary Duke determined that those extraordinary but temporary conditions caused by the 2010 earthquake no longer exist. Thus, under the applicable statute, the current TPS designation must be terminated.

**Q: How many people will be affected?**
A: There are approximately 59,000 Haitian TPS beneficiaries.

**Q. What is DHS doing to ensure an orderly transition?**
A. USCIS will work with the State Department and the Government of Haiti to help educate relevant stakeholders in-country and ensure an orderly process.
Q: How is this decision being communicated to people who have been approved by the program? What information are they receiving?
A: Detailed information about the Acting Secretary’s decisions will be provided in Federal Register notices that will be published soon. Additional information is available on USCIS’ website at www.uscis.gov/tps. The Department of State has also coordinated informing the government of Haiti. The Acting Secretary has instructed the Director of U.S. Citizenship and Immigration Services, the Acting Assistant Secretary of the Office of Partnership and Engagement, the Ombudsman for Citizenship and Immigration Services and the Officer for Civil Rights and Civil Liberties to ensure that those affected by the cessation of TPS—individuals, families, employers and other stakeholders—clearly understand the timing and effects of the TPS termination on legal status and the ability to work in the United States. In addition to materials posted online, these DHS components will participate in outreach activities such as teleconferences, town halls and roundtables in coming months to ensure that affected populations have a full and accurate understanding of their rights and obligations.

Q: What will happen for the people who have U.S. citizen children and spouses? Do they have other avenues for relief?
A: Upon termination of TPS, individuals will revert to the immigration status they had before being granted TPS, unless that prior status has since expired. Those who have no other status may apply or be petitioned for any other immigration benefits for which they may be independently eligible. USCIS will consider these on a case by case basis.

Q: Will DHS prioritize them for deportation?
A: The Administration’s immigration enforcement priorities have been clearly articulated. DHS will continue to focus on criminal aliens, those with final orders of removal, and those who otherwise pose a threat to public safety and/or national security. However, DHS will not exempt entire categories or classes of people from potential immigration enforcement actions.

Q: Are there any other meaningful routes of relief for these individuals?
A: Those who have no other status may apply for any other immigration classification for which they may be independently eligible.

Q: Are there any ways for TPS holders to adjust status?
A: TPS is a temporary benefit that does not lead to lawful permanent residence or confer any other immigration status. TPS holders may apply for any other immigration benefits for which they may be independently eligible. Congress intended for the program to be temporary and was very clear that any attempt to legalize this population would require a super majority vote in the U.S. Senate.

Q: Can you elaborate on which country conditions have improved since the last time you extended TPS for Haiti?
A: Haiti has made progress across several fronts since the devastating earthquake in 2010. The Haitian economy continues to recover and grow, and 97 percent of people displaced by the earthquake and living in internally displaced person camps have left those camps. Ninety-eight percent of the displacement camps established after the 2010 earthquake have closed. In October,
the United Nations ended their mission in Haiti saying that the mission had achieved its goals and should conclude.

**Q:** When can we expect a decision on TPS for El Salvador? Should this decision be viewed as an indicator of the likely outcome for those countries?

**A:** At least 60 days before the expiration of a TPS designation, the Secretary, after consultations with appropriate agencies of the U.S. government, must review the conditions in a foreign State designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, the length of an extension of the TPS designation. El Salvador’s designation expires March 9, 2018. The Acting Secretary will evaluate each country’s designation independently in making her determination, fully re-evaluating the country conditions in each to determine whether each country’s TPS designation should continue.

**Q:** When was Haiti originally designated for TPS and for what reasons?

**A:** Haiti was originally designated for TPS in 2010 after the earthquake there. Haiti was subsequently redesignated for TPS in 2011, again based on conditions related to and following the 2010 earthquake.

**Q:** How many times have you terminated TPS for other countries?

**A:** The following countries have had TPS designations terminated: Angola, Bosnia & Herzegovina, Burundi, El Salvador (expired in 1992 per statute and newly designated in 2001), Guinea, Guinea-Bissau, Kosovo Province, Kuwait, Lebanon, Liberia, Montserrat, Rwanda, and Sierra Leone. In addition, in September 2017, DHS announced that TPS for Sudan will terminate on November 2, 2018, and in November 2017 announced TPS for Nicaragua will terminate on January 5, 2019. TPS is inherently a temporary program and intended to terminate when conditions warrant it.

**Q:** Was the government of Haiti consulted?

**A:** The decision to terminate TPS for Haiti was made after an inter-agency review process that considered in-country conditions and the ability of the country to receive its returning citizens. This process included multiple meetings with the Haitian government, including between the foreign minister and Vice President Pence and former Secretary Kelly in May and between the foreign minister and Acting Secretary Duke in the past weeks.

**Q:** Were crime and public benefits data used to make the decision?

**A:** The decision was based on whether Haiti met the statutory conditions for TPS.

**Q:** Did the Acting Secretary take into consideration the input from governors, mayors, members of Congress and religious leaders?

**A:** In making this decision, the Acting Secretary took into consideration all the appropriate information provided by U.S. government agencies and other stakeholders which provided insight into the current situation in Haiti. This included conversations with local and state officials, as well as members of Congress. The Acting Secretary based her decision on the statutory requirement to examine the conditions on the ground in Haiti.

**Q:** In recent years, how many nationals has Haiti taken back due to ICE removals?
A. In recent years, Haiti has taken back hundreds of their nationals annually as a result of ICE removals.

**STATE DEPARTMENT RTQs**

**Q. What was the State Department’s recommendation to DHS? Did other U.S. agencies weigh in on the process?**
A. DHS consulted with the Department of State in determining whether the conditions for the TPS designation continue to be met. We do not discuss internal and interagency deliberations.

**Q. Did the White House or any other U.S. agency weigh in on the process?**
A. We do not discuss internal and interagency deliberations.

**Q. How is this decision being communicated to the governments?**
A. The U.S. Government communicated DHS’s decision via diplomatic channels.

**Q. What is the impact of the decision on Canada? Do you expect individuals losing TPS status will head to the northern border to claim asylum? Have you coordinated your decision with the Canadian government?**
A. I won’t speculate on how this decision will or will not affect Canada. The Canadian government was notified via diplomatic channels of our intention to terminate TPS for Haiti. We maintain regular contact with our Canadian counterparts at various levels on these issues.

**Q. Is the State Department prepared for a surge of routine and emergency American Citizen Services cases for those returning to Haiti with minor American citizen children?**
A. Our embassies and consulates overseas stand ready to provide appropriate consular services for U.S. citizens. We encourage parents to apply for a passport for their children born in the United States to document their citizenship and identity. Passports for minors are valid for 5 years, while passports for adults (age 16 and older) are valid for 10 years. For information on applying for a U.S. passport, visit travel.state.gov. U.S. citizen children returning with their parents to Haiti will need to have sufficient documentation to meet local authorities’ requirements for access to education and social services. We will coordinate with the Government of Haiti to better understand what documents might be needed by U.S. citizen children to enroll in local schools, access local health services, or other social services. For more details in the interim, I refer you to the Government of Haiti.

**Q. Does the State Department think Haiti can adequately receive and reintegrate TPS beneficiaries and their families?**
A. As a part of its review, DHS decided on a delayed effective date of 18 months to permit an orderly transition, both for those returning home and for the country receiving them. The phase-out period will provide time for individuals with TPS to arrange for their departure and for the country to prepare for the reception and reintegration of its citizens.

**Q. Did the state of U.S. bilateral relations with Haiti factor into the decision?**
A. The DHS decision was based on a review of statutory requirements for TPS designation and country conditions in Haiti, and should not be construed as a reflection of U.S. relations with these countries.

Q. Although conditions in Haiti have changed since the 2010 earthquake, Hurricane Matthew created a new humanitarian emergency. On what basis did the U.S. government not extend TPS under current conditions?
A. This decision was made after a DHS-led inter-agency TPS review process that assessed in-country conditions. For specific questions on the termination of TPS, we refer you to DHS.

Q. Is Haiti prepared to accept repatriation of 58,000 TPS beneficiaries? What could be the potential negative outcome? How would such an outcome affect U.S. national interests?
A. As a part of its review, DHS decided on a delayed effective date of July 22, 2019 to permit an orderly transition, both for those returning home and for the country receiving them. The phase-out period will provide time for individuals with TPS to arrange for their departure and for the country to prepare for the reception and reintegration of its citizens. The U.S. government, through DHS, continues to work with the Government of Haiti to ensure that repatriations occur in the most humane manner possible.

Q. Will the return of more than 58,000 individuals be counterproductive to our efforts in the country?
A. As a longstanding partner of Haiti, the U.S. Government remains committed to the country’s long-term security, democratic development, and economic growth. Continued U.S. assistance will promote good governance, fight poverty by advancing economic development, and safeguard transparent and accountable government institutions. Following two years of political impasse and stalled elections, Haiti has a democratic government in place with an elected president, a confirmed cabinet, and full parliament. We are encouraged by the progress in Haiti, and believe the post-election stability, combined with the efforts of President Moïse’s government to bolster the private sector, will lead to more effective development.

###
A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti

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Center for Migration Studies

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Center for Migration Studies

Executive Summary

This report presents detailed statistical information on the US Temporary Protected Status (TPS) populations from El Salvador, Honduras, and Haiti. TPS can be granted to noncitizens from designated nations who are unable to return to their countries because of armed conflict, environmental disaster, or other extraordinary and temporary conditions. In January 2017, an estimated 325,000 migrants from 13 TPS-designated countries resided in the United States. This statistical portrait of TPS beneficiaries from El Salvador, Honduras, and Haiti reveals hardworking populations with strong family and other ties to the United States. In addition, high percentages have lived in the United States for 20 years or more, arrived as children, and have US citizen children. The paper finds that:

- The labor force participation rate of the TPS population from the three nations ranges from 81 to 88 percent, which is well above the rate for the total US population (63 percent) and the foreign-born population (66 percent).

- The five leading industries in which TPS beneficiaries from these countries work are: construction (51,700), restaurants and other food services (32,400), landscaping services (15,800), child day care services (10,000), and grocery stores (9,200).

- TPS recipients from these countries live in 206,000 households: 61,000 of these households (about 30 percent) have mortgages.

- About 68,000, or 22 percent, of the TPS population from these nations arrived as children under the age of 16.

1 This paper, originally published in July 2017, was revised in August 2017, to incorporate a change in the number of Temporary Protected Status (TPS) recipients living in households with mortgages.

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TPS beneficiaries from these nations have an estimated 273,000 US citizen children (born in the United States).

Ten percent of El Salvadoran, nine percent of the Haitian, and six percent of the Honduran TPS beneficiaries are married to a legal resident.

More than one-half of El Salvadoran and Honduran, and 16 percent of the Haitian TPS beneficiaries have resided in the United States for 20 years or more.

The six US states with the largest TPS populations from these countries are California (55,000), Texas (45,000), Florida (45,000), New York (26,000), Virginia (24,000), and Maryland (23,000).

Eighty-seven percent of the TPS population from these countries speaks at least some English, and slightly over one-half speak English well, very well, or only English.

About 27,000, or 11 percent, of those in the labor force are self-employed, having created jobs for themselves and likely for others as well.

TPS status should be extended until beneficiaries can safely return home and can successfully reintegrate into their home communities. Most long-term TPS recipients should be afforded a path to lawful permanent resident (LPR) status and ultimately to US citizenship.

Introduction

This article provides social and demographic information on Temporary Protected Status (TPS) beneficiaries from the three countries with the largest numbers of TPS recipients — El Salvador, Honduras, and Haiti.

Under the law, the Secretary of the Department of Homeland Security (DHS) “may designate” a foreign state or part of a foreign state for TPS upon a finding that:

• “there is an ongoing armed conflict within the state and due to such conflict,” the return of its nationals “would pose a serious threat to their personal safety”;

• “there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state,” the state is “unable, temporarily, to handle adequately the return” of its nationals, and the state has “officially” requested TPS; or

• “there exist extraordinary and temporary conditions” in the state that prevent its nationals from safely returning, unless allowing them to stay would be “contrary to the national interest.”

To be eligible for TPS, nationals of designated states must: (1) satisfy continuous presence (from the date of designation or re-designation) and continuous residence requirements;

\[2\] Immigration and Nationality Act (INA) § 244 (b)(1).
(2) register for TPS during a set period; (3) pay a fee; and (4) meet other requirements. At least 60 days before the end of a TPS designation, extension or re-designation period, the DHS Secretary is required to “determine” whether the conditions that gave rise to the designation “continue to be met.” If so, he or she can either extend the designation period, allowing existing TPS beneficiaries to re-register, or can redesignate the nation for TPS, which extends TPS eligibility to members of the designated nation who arrived after the original designation date.

If the DHS Secretary decides that the state “no longer meets the conditions for designation,” he or she is required to terminate the designation through a notice in the Federal Register. The termination is effective no “earlier than 60 days after notice is published or, if later, the expiration of the most recent previous extension.”

Table A in the appendix provides basic information about cutoff dates for continuous residence and estimated numbers of TPS recipients from each of the 13 TPS-designated countries. For El Salvador, Honduras, and Haiti, these dates are respectively February 13, 2001, December 30, 1998, and January 12, 2011.

As the Trump administration considers whether to terminate TPS for El Salvador, Honduras, and Haiti, this paper answers two important questions: (1) from a demographic perspective, who are TPS beneficiaries and how are they faring in the United States; and (2) what would be the major negative consequences, for the United States and for TPS recipients, if the program were discontinued for these three nations? This paper recognizes — although does not describe at length — the inability of TPS recipients from the three nations to reintegrate safely and productively in their home communities, and the way expatriate communities benefit their home states.

The paper focuses on TPS beneficiaries from El Salvador, Honduras, and Haiti because they account for more than 90 percent of all TPS beneficiaries, DHS will decide whether to extend or terminate TPS to each of these nations over the next six months, and TPS populations from these nations are large enough to generate useful estimates (see Table A). Even though TPS recipients have a status similar to nonimmigrants (i.e., noncitizens admitted temporarily for specific reasons), they have usually been included in estimates of the undocumented, along with asylum seekers and certain other legally present noncitizens (Warren 2017, 502, note 11). The Center for Migration Studies (CMS) has continued

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3 INA § 244(c). The Act allows a waiver for many grounds of inadmissibility, except for two or more crimes of “moral turpitude” and most controlled substance and national security offenses. Likewise, TPS is not available to those who have persecuted others, or who have committed a felony or two or more misdemeanors.
4 INA § 244(b)(3)(A).
5 US Citizenship and Immigration Services (USCIS) (2017) stipulates that a nation may be designated for TPS — or TPS may be extended or redesignated — “in certain circumstances, where the country is unable to handle the return of its nationals adequately.”
6 INA § 244(b)(3)(B).
7 The Department of Homeland Security (DHS) must determine whether to extend or terminate TPS for these populations at least 60 days prior to these dates.
8 In a May 16, 2017 letter to DHS Secretary John F. Kelly and Secretary of State Rex Tillerson, Boston Mayor Martin J. Walsh outlines the benefits of this program to sending and receiving communities. He argues that “failure to extend TPS for Haiti would have a negative impact on the US and Haitian economies, endangering lives, further destabilizing Haiti, and potentially separating families” (Walsh 2017). The letter highlights the contributions of Haitian TPS recipients to their US communities, including in “key industries such as health and elder care” (ibid.).
to include them in its annual series of undocumented population estimates to maintain consistency with other national population totals. The fact that they are included in those estimates makes it possible to compile the information shown in this report.

The CMS estimates are based on detailed statistics on the foreign-born population collected in the Census Bureau’s American Community Survey (ACS), as described in detail in Warren (2014). A summary of the procedures used to derive estimates of the TPS population and the undocumented population is presented in the appendix.

Even though the information presented here essentially overlaps with the TPS population, the fit is not exact and CMS’s estimates of El Salvadorans, Hondurans, and Haitians residing in the United States by the TPS designation dates — or, in the case of Haiti, by the redesignation date — are slightly larger than the US Citizenship and Immigration Services (USCIS) and the Congressional Research Service (CRS) estimates of TPS beneficiaries. In addition, data limitations include imperfect matches of the CMS data with TPS residency requirements, as well as sampling and possible non-sampling errors. However, even with these limitations, the CMS estimates provide a well-defined and useful profile of the TPS population. In fact, this is the only detailed information available about this population.

**Estimates of the TPS Population by Country**

Table 1 shows the CMS estimates of the population by period of arrival compared to the estimated number eligible for TPS in January 2017, as compiled by USCIS and reported by the CRS. As would be expected, the CMS totals are higher than the number of TPS beneficiaries shown in Table 1. The CMS estimates include some migrants who did not register for TPS, and the CMS estimate for Haiti probably includes an unknown number who were approved for asylum but have not adjusted to lawful permanent resident (LPR) status. Despite the differences shown in Table 1, the overlap between the CMS estimates and TPS beneficiaries is sufficient to produce a reliable statistical description of the TPS population from these three countries.

The estimates of the TPS population described below were derived by combining the detailed characteristics data from the CMS estimates (top panel, Table 1) with the total estimated TPS beneficiaries (lower panel, Table 1). We can illustrate the estimation of the TPS population using Honduras as an example. The CMS estimates for 2015 show that about 67,000 Hondurans entered the United States before 1999. That figure encompasses the estimated 57,000 TPS recipients from Honduras shown in Table 1. First, we compiled CMS year-of-entry data (at the microdata level) for Honduras that overlaps with the period of eligibility for TPS. Then we controlled the detailed characteristics to the total number of TPS recipients from Honduras. The same procedure was used for each country.

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9 For example, to be eligible for TPS from El Salvador, applicants had to have continuously resided in the United States since before February 13, 2001. The CMS estimates by year of entry for El Salvador are in whole years, so the CMS data shown in this report is for “entered before 2001.” The CMS data for Honduras and Haiti were estimated as closely as possible to the entry dates for eligibility for those countries.

10 This is the appropriate period of entry because Hondurans were eligible to apply for TPS if they entered the United States before December 30, 1998.
Table 1. CMS Estimates of the Population in 2015 Compared to the Estimated Number of TPS Beneficiaries in January 2017

<table>
<thead>
<tr>
<th>Source</th>
<th>El Salvador (1)</th>
<th>Honduras (2)</th>
<th>Haiti (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>242,900</td>
<td>67,000</td>
<td>93,500</td>
</tr>
<tr>
<td>Jan. 2017 (see appendix)</td>
<td>195,000</td>
<td>57,000</td>
<td>50,000</td>
</tr>
</tbody>
</table>

**Characteristics of the TPS Population**

Table 2 on the next page shows demographic characteristics of the TPS population. Caution should be exercised in interpreting the data because the numbers involved are small in some of the cells, and the estimates are subject to sampling and other possible errors. Except as noted otherwise, the estimates described in this section are from Table 2.

**Households**

The population from El Salvador, Honduras, and Haiti shown in Table 2 resided in 205,900 households. Median household income was $50,000 for Salvadorans, $40,000 for Hondurans, and $45,000 for Haitians. In 2015, US median household income was about $56,000 (Posey 2016).

More than three-quarters of the households with TPS recipients had incomes above the poverty level — El Salvador, 83 percent; Honduras, 76 percent; and Haiti, 81 percent.

TPS beneficiaries from these three countries have a total of 273,200 US-born children, including 192,700 from El Salvador, 53,500 from Honduras, and 27,000 from Haiti.

About 61,100 (30 percent) of the 205,900 households with TPS recipients have mortgages, including roughly one-third of the Salvadoran households, and nearly one-quarter of the Honduran and Haitian households.

**Demographics**

As is true with most refugee-like populations, a sizeable proportion of the TPS population was age 15 or under when they arrived: El Salvador, 20 percent; Honduras, 23 percent; and Haiti, 30 percent. More than one-half of those from El Salvador and Honduras have resided in the United States for more than 20 years. About 16 percent of Haitians have lived in the United States 20 years or more.

Nearly all of the TPS population from El Salvador and Honduras are age 25 or older (97 and 98 percent, respectively) compared to 87 percent for the total foreign-born population. About 78 percent of the Haitian TPS population are 25 years old and over. These differences are mostly due to differences in TPS eligibility dates.
Table 2. Characteristics of the TPS Population from El Salvador, Honduras, and Haiti

* The totals for the three countries shown here might not agree with totals shown elsewhere because of rounding.

<table>
<thead>
<tr>
<th>Population characteristics</th>
<th>El Salvador (1)</th>
<th>Honduras (2)</th>
<th>Haiti (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population</td>
<td>195,000</td>
<td>57,000</td>
<td>50,000</td>
</tr>
<tr>
<td><strong>Households</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Number of households</td>
<td>135,400</td>
<td>43,400</td>
<td>27,100</td>
</tr>
<tr>
<td>Median household income</td>
<td>$50,000</td>
<td>$40,000</td>
<td>$45,000</td>
</tr>
<tr>
<td>Percent at or above the poverty level</td>
<td>83%</td>
<td>76%</td>
<td>81%</td>
</tr>
<tr>
<td>Number of US-born children</td>
<td>192,700</td>
<td>53,500</td>
<td>27,000</td>
</tr>
<tr>
<td>Number of households with a mortgage</td>
<td>45,500</td>
<td>9,500</td>
<td>6,200</td>
</tr>
<tr>
<td>Percent of households with a mortgage</td>
<td>34%</td>
<td>22%</td>
<td>23%</td>
</tr>
<tr>
<td><strong>Demographic information</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Age 15 or under at arrival</td>
<td>39,300</td>
<td>13,400</td>
<td>15,100</td>
</tr>
<tr>
<td>Percent age 15 or under at arrival</td>
<td>20%</td>
<td>23%</td>
<td>30%</td>
</tr>
<tr>
<td>Percent in the US 20 years or more</td>
<td>51%</td>
<td>63%</td>
<td>16%</td>
</tr>
<tr>
<td>Percent who are age 25 and over</td>
<td>97%</td>
<td>98%</td>
<td>78%</td>
</tr>
<tr>
<td><strong>Ability to speak English (age 5+)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent who speak at least a little English</td>
<td>85%</td>
<td>85%</td>
<td>96%</td>
</tr>
<tr>
<td>Percent who speak English well, very well, or only English</td>
<td>48%</td>
<td>44%</td>
<td>75%</td>
</tr>
<tr>
<td><strong>Education (age 18+)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent completed high school or more</td>
<td>37%</td>
<td>38%</td>
<td>71%</td>
</tr>
<tr>
<td>Percent with some college or a degree</td>
<td>13%</td>
<td>12%</td>
<td>37%</td>
</tr>
<tr>
<td><strong>Labor force (age 16+)</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent in the labor force</td>
<td>88%</td>
<td>85%</td>
<td>81%</td>
</tr>
<tr>
<td>Percent unemployed</td>
<td>5%</td>
<td>4%</td>
<td>10%</td>
</tr>
<tr>
<td>Percent of labor force self-employed</td>
<td>10%</td>
<td>17%</td>
<td>4%</td>
</tr>
<tr>
<td><strong>Health insurance</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Percent with health insurance</td>
<td>56%</td>
<td>40%</td>
<td>57%</td>
</tr>
</tbody>
</table>

Source: Center for Migration Studies.
English language ability (ages five and over)

A high proportion of the TPS population speak at least a little English: El Salvador, 85 percent; Honduras, 85 percent; and Haiti, 96 percent. About 48 percent of Salvadorans and 44 percent of Hondurans report speaking English well, very well, or only English. Three-quarters of Haitian TPS beneficiaries report speaking English well, very well, or only English.

Educational attainment (ages 18 and over)

Less than 40 percent of the TPS population from El Salvador and Honduras has a high school education, well below the average of 68 percent for the total foreign-born population. About 12 percent from those two countries attended college compared 46 percent of the total foreign-born population. However, the educational attainment of Haitians with TPS is comparable to the total foreign-born population. Seventy-one percent of Haitians with TPS completed high school, and 37 percent attended college.11

Labor force (ages 16 and over)

The TPS population from these three countries has high labor force participation rates, ranging from 88 percent for Salvadorans, to 81 percent for Haitians. By contrast, about 63 percent of the total US population was in the labor force in May 2017 (US Bureau of Labor Statistics 2017).

The unemployment rate for Salvadorans and Hondurans is low — five and four percent, respectively, which is about the same rate as that of the total US population. The rate for Haitians is about 10 percent.

Health insurance

More than one-half of TPS beneficiaries from El Salvador and Haiti have health insurance (56 and 57 percent, respectively). Only 40 percent of Hondurans with TPS have health insurance.

Industry

Table 3 shows the five leading industries for the TPS population from each of the three countries. For El Salvador, the leading industry is construction. More Haitians work in restaurants and other food services than in any other industry. For the three countries taken together, the five leading industries are: construction (51,700), restaurants and other food services (32,400), landscaping services (15,800), child day care services (10,000), and grocery stores (9,200).

11 Because these percentages are so high relative to the figures for Salvadorans and Hondurans shown here, we compiled statistics for all Haitian noncitizens who entered the United States from 1982 to 2010 — without regard to legal status. The results are consistent with, and support, the figures shown here: 69 percent graduated from high school, and 38 percent attended college.
Table 3. Estimated TPS Population in the Labor Force: Top Five Industries for Each of the Three Countries

<table>
<thead>
<tr>
<th>El Salvador</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In the labor force (16+)</td>
<td>171,100</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>36,900</td>
<td></td>
</tr>
<tr>
<td>Restaurants and other food services</td>
<td>22,400</td>
<td></td>
</tr>
<tr>
<td>Landscaping services</td>
<td>11,700</td>
<td></td>
</tr>
<tr>
<td>Traveler accommodations</td>
<td>7,900</td>
<td></td>
</tr>
<tr>
<td>Grocery stores</td>
<td>6,100</td>
<td></td>
</tr>
<tr>
<td>All other industries</td>
<td>86,100</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Honduras</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In the labor force (16+)</td>
<td>48,500</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>13,700</td>
<td></td>
</tr>
<tr>
<td>Child day care services</td>
<td>3,900</td>
<td></td>
</tr>
<tr>
<td>Landscaping services</td>
<td>3,700</td>
<td></td>
</tr>
<tr>
<td>Restaurants and other food services</td>
<td>3,300</td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>800</td>
<td></td>
</tr>
<tr>
<td>All other industries</td>
<td>23,100</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Haiti</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In the labor force (16+)</td>
<td>38,600</td>
<td></td>
</tr>
<tr>
<td>Restaurants and other food services</td>
<td>6,700</td>
<td></td>
</tr>
<tr>
<td>Grocery stores</td>
<td>2,400</td>
<td></td>
</tr>
<tr>
<td>Elementary and secondary schools</td>
<td>1,900</td>
<td></td>
</tr>
<tr>
<td>Construction</td>
<td>1,000</td>
<td></td>
</tr>
<tr>
<td>Hospitals</td>
<td>800</td>
<td></td>
</tr>
<tr>
<td>All other industries</td>
<td>25,800</td>
<td></td>
</tr>
</tbody>
</table>

Source: Center for Migration Studies.

Geographic Distribution

*Estimates by state and country of origin*

Table 4 shows estimates for the US states that have 5,000 or more TPS beneficiaries, by country of origin. For those from El Salvador, the largest numbers are in California (49,100), the areas of Maryland and Virginia around Washington, DC (41,300), Texas (36,300), and New York (16,200). For Honduras, the largest numbers are in Texas (8,500), Florida (7,800), North Carolina (6,200), and California (5,900). Haitians are concentrated in Florida (32,500) and New York (5,200).
Table 4. Estimates of the TPS Population from El Salvador, Honduras, and Haiti, for States That Had 5,000 or More TPS Beneficiaries

<table>
<thead>
<tr>
<th></th>
<th>El Salvador (1)</th>
<th>Honduras (2)</th>
<th>Haiti (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>US total</td>
<td>195,000</td>
<td>57,000</td>
<td>50,000</td>
</tr>
<tr>
<td>California</td>
<td>49,100</td>
<td>5,900</td>
<td>-</td>
</tr>
<tr>
<td>Florida</td>
<td>-</td>
<td>7,800</td>
<td>32,500</td>
</tr>
<tr>
<td>Georgia</td>
<td>5,700</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Maryland</td>
<td>19,800</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Massachusetts</td>
<td>5,000</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Nevada</td>
<td>5,700</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>New Jersey</td>
<td>6,800</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>New York</td>
<td>16,200</td>
<td>-</td>
<td>5,200</td>
</tr>
<tr>
<td>North Carolina</td>
<td>5,900</td>
<td>6,200</td>
<td>-</td>
</tr>
<tr>
<td>Texas</td>
<td>36,300</td>
<td>8,500</td>
<td>-</td>
</tr>
<tr>
<td>Virginia</td>
<td>21,500</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

Source: Center for Migration Studies.

Estimates for cities and PUMAs

The three largest numbers in Table 4 above are for Salvadorans in California (49,100) and Texas (36,300), and Haitians in Florida (32,500). Table 5 below shows estimates and selected characteristics of the population in four cities within those states, that have the largest TPS populations. Haitians in the Miami area have relatively fewer US-born children than those from El Salvador, most likely because the Haitians arrived more recently. Just over half of the TPS recipients in each city are male. Between 80 and 90 percent of the TPS population in these four cities are in the labor force.

12 PUMAs are a specialized geography created by the US Census Bureau in partnership with states, so that microdata samples can be used to create user-defined data sets. PUMAs have 100,000 or more total population.
13 Salvadorans with TPS entered before February 13, 2001, and Haitians with TPS entered before January 12, 2011 (see Table A).
Table 5. Estimated Characteristics of the TPS Population, by Country of Origin and City of Residence

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Haiti/Miami metro area</td>
<td>24,000</td>
<td>10,600</td>
<td>52%</td>
<td>80%</td>
<td>76%</td>
<td>47%</td>
</tr>
<tr>
<td>El Salvador/Los Angeles</td>
<td>29,400</td>
<td>26,500</td>
<td>55%</td>
<td>86%</td>
<td>78%</td>
<td>52%</td>
</tr>
<tr>
<td>El Salvador/Houston</td>
<td>19,000</td>
<td>20,300</td>
<td>51%</td>
<td>84%</td>
<td>74%</td>
<td>47%</td>
</tr>
<tr>
<td>El Salvador/Dallas</td>
<td>9,700</td>
<td>13,200</td>
<td>54%</td>
<td>90%</td>
<td>83%</td>
<td>57%</td>
</tr>
</tbody>
</table>

Source: Center for Migration Studies.

Table 6 shows the estimated TPS population, by PUMA, for Haitians in the Miami area. Estimates are shown for PUMAs that have 1,000 or more estimated TPS population. Honduran TPS beneficiaries cannot be found in large numbers – as many as 1,000\(^{14}\) – in any PUMA. The estimates shown in Tables 6 and 7 (below) should be used with caution because the relatively small numbers are subject to sampling variability and other possible errors.

Table 6. Estimated Haitian TPS Population in Miami Metro Area, for PUMAs with 1,000 or More

<table>
<thead>
<tr>
<th>Area of residence</th>
<th>TPS pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total, Miami metro area</strong></td>
<td><strong>24,000</strong></td>
</tr>
<tr>
<td><strong>Total Miami-Dade</strong></td>
<td></td>
</tr>
<tr>
<td>Miami-Dade County North Miami City (Southwest) &amp; Golden Glades (West)</td>
<td>2,800</td>
</tr>
<tr>
<td>Miami-Dade County (Northeast)—Greater North Miami Beach City (West)</td>
<td>1,400</td>
</tr>
<tr>
<td>Miami-Dade County (North Central)—Miami Gardens City (North &amp; West)</td>
<td>1,100</td>
</tr>
<tr>
<td><strong>Total Broward County/Ft. Lauderdale</strong></td>
<td><strong>9,100</strong></td>
</tr>
<tr>
<td>Broward County (Central)—Lauderhill &amp; Lauderdale Lakes Cities</td>
<td>2,200</td>
</tr>
<tr>
<td>Broward County (Central)—Tamarac, Oakland Park &amp; North Lauderdale Cities</td>
<td>1,900</td>
</tr>
<tr>
<td>Broward County (Central)—Plantation &amp; Sunrise Cities</td>
<td>1,100</td>
</tr>
<tr>
<td>Broward County (East Central)—Fort Lauderdale City (Central)</td>
<td>1,100</td>
</tr>
<tr>
<td><strong>Total Palm Beach</strong></td>
<td><strong>7,000</strong></td>
</tr>
<tr>
<td>Palm Beach County (East Central)—Lake Worth City, Lantana Town &amp; Atlantis City</td>
<td>1,400</td>
</tr>
<tr>
<td>Palm Beach County (East)—West Palm Beach City (Southeast) &amp; Palm Beach Town</td>
<td>1,300</td>
</tr>
<tr>
<td>Palm Beach County (Northeast)—Palm Beach Gardens &amp; Riviera Beach Cities</td>
<td>1,300</td>
</tr>
<tr>
<td>Palm Beach County (East Central)—Greater Boynton Beach City (North)</td>
<td>1,200</td>
</tr>
</tbody>
</table>

Source: Center for Migration Studies.

14 The PUMA with the largest number of TPS beneficiaries from Honduras is Jefferson Parish in New Orleans with 700.
Table 7 shows the estimated TPS population, by PUMA, for Salvadorans in Los Angeles County and Houston. Estimates are shown for PUMAs that have 1,000 or more TPS beneficiaries. These two cities have the largest concentrations of Salvadoran TPS recipients in the country. An interesting feature of Table 7 is that so few PUMAs have 2,000 or more TPS recipients. The two cities shown in Table 7 have almost 50,000 residents with TPS, but there are only three PUMAs that have 2,000 or more with TPS, which indicates that the TPS population is widely dispersed within the two cities.

**Table 7. Estimated Salvadoran TPS Population in Los Angeles and Houston, for PUMAs with 1,000 or More**

<table>
<thead>
<tr>
<th>Area of residence</th>
<th>TPS pop.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Total Los Angeles County</strong></td>
<td><strong>29,400</strong></td>
</tr>
<tr>
<td>Los Angeles County (Central)—LA City (Central/Koreatown)</td>
<td>2,100</td>
</tr>
<tr>
<td>Los Angeles County (North)—LA City (North Central/Mission Hills &amp; Panorama City)</td>
<td>2,100</td>
</tr>
<tr>
<td>Los Angeles County (South Central)—LA City (South Central/Watts)</td>
<td>2,000</td>
</tr>
<tr>
<td>Los Angeles County (Central)—LA City (Southeast/East Vernon)</td>
<td>1,900</td>
</tr>
<tr>
<td>Los Angeles County (Northwest)—LA City (N. Central/Van Nuys &amp; North Sherman Oaks)</td>
<td>1,800</td>
</tr>
<tr>
<td>Los Angeles County—LA City (East Central/Silver Lake, Echo Park &amp; Westlake)</td>
<td>1,800</td>
</tr>
<tr>
<td>Los Angeles County (South Central)—LA City (South Central/Westmont)</td>
<td>1,700</td>
</tr>
<tr>
<td>Los Angeles County (Central)—Huntington Park City, Florence-Graham &amp; Walnut Park</td>
<td>1,300</td>
</tr>
<tr>
<td>Los Angeles County LA (North Central/Arlreta &amp; Pacoima) &amp; San Fernando Cities</td>
<td>1,300</td>
</tr>
<tr>
<td>Los Angeles County (Central)—LA City (East Central/Hollywood)</td>
<td>1,000</td>
</tr>
<tr>
<td><strong>Total Houston</strong></td>
<td><strong>19,000</strong></td>
</tr>
<tr>
<td>Houston City (Southwest)—Between Loop I-610 &amp; Beltway TX-8</td>
<td>1,600</td>
</tr>
<tr>
<td>Houston City (West)—Westpark Tollway, Between Loop I-610 &amp; Beltway TX-8</td>
<td>1,600</td>
</tr>
<tr>
<td>Harris County (East)—Deer Park, La Porte (North) Cities &amp; Channelview</td>
<td>1,400</td>
</tr>
<tr>
<td>Houston (Southwest) &amp; Bellaire (SE) Cities—Between Loop I-610 &amp; Beltway TX-8</td>
<td>1,400</td>
</tr>
<tr>
<td>Houston City (North)—West of Aldine &amp; Inside Beltway TX-8</td>
<td>1,100</td>
</tr>
<tr>
<td>Houston City (Northwest)—Between Loop I-610 &amp; Beltway TX-8</td>
<td>1,100</td>
</tr>
<tr>
<td>Houston City (North)—South of Aldine &amp; Inside Beltway TX-8</td>
<td>1,100</td>
</tr>
<tr>
<td>Harris County (North)—Houston City (North)—I-45, Between Beltway TX-8 &amp; FM-1960</td>
<td>1,000</td>
</tr>
</tbody>
</table>

*Source: Center for Migration Studies.*

**Discussion**

This statistical portrait reveals a hard-working population with strong ties to the United States. In addition, high percentages have lived in the United States for 20 years or more, arrived as children, and have US citizen children. Among other findings:
The labor force participation rate of the TPS population from all three countries (81 to 88 percent) is well above the rate for the total US population (63 percent).

About 273,200 of their children are US citizens (born in the United States), and about 67,800, or 22 percent of the total, arrived as children under age 16.

High percentages — particularly of El Salvadorans and Hondurans — have lived in the United States for 20 years or more.

Eighty-seven percent speak at least some English, and slightly over one-half speak English well, very well, or only English.

About 27,100, or 11 percent, of those in the labor force are self-employed, having created jobs for themselves and likely for others as well.

Of the 205,900 households from these three countries, 61,100 have mortgages.

Two aspects of the population from Haiti are especially noteworthy: (1) nearly all of them speak at least some English, and three-quarters report speaking English well, very well, or only English; and (2) they are relatively well-educated — 71 percent are high school graduates and 37 percent have attended at least some college.

**Recommendations**

For 27 years, the TPS program has successfully protected persons who would have suffered substantial hardship and faced great risk in their home countries, and whose nations could not safely and productively accommodate their return. TPS has been criticized as a program that traps its (often long-term) beneficiaries in a legal limbo, denies them most federal public benefits, and prevents them from adjusting to LPR status (Bergeron 2014, 29-31). In addition, it denies coverage to imperiled persons from designated nations that arrive after the date of designation and those from undesignated states or sub-state groups, does not allow beneficiaries to petition for the admission of close family members, requires re-registration (leading to attrition) following an extension or redesignation, and does not offer durable solutions following termination or withdrawal of TPS status (Kerwin 2014, 50-51).

These issues have all come to a head as the Trump administration weighs whether to terminate designations for several national groups. To assess the consequences of this decision, this paper has focused on two questions. First, from a demographic perspective, who are TPS beneficiaries and how are they faring in the United States? The analysis found that about 30 percent of TPS beneficiaries from the three nations are homeowners and they are the parents of 273,200 US-born children. About 68,000, or almost one-quarter, were childhood arrivals. A very high percentage is in the labor force, and they have low unemployment rates. Relatively few live in poverty. About 27,000 are self-employed job creators. A high percentage speaks English, and 16 percent have attended college. Many have lived in the United States for 20 years or more.

Second, what would be the major negative consequences if the program were discontinued for these three groups? The paper reports that the United States would lose hundreds of
thousands of migrants who have been productive, tax-paying, law-abiding residents for many years. About 61,000 mortgages would suddenly be in jeopardy. Ending the TPS program could also force hundreds of thousands of long-term US residents, including 273,200 US-born children and 67,800 who were brought here as children, to move to a country that cannot safely and successfully reintegrate them.

Commentators have recognized that the “extraordinary” conditions that give rise to a TPS designation often persist well beyond an initial TPS designation period. This analysis illustrates that long-term TPS beneficiaries have settled into productive lives in the United States.

The United States has several options for addressing their situation. Given the extensive ties and contributions of TPS recipients to the United States and the violence and poverty in their home states, the worst solution would be to terminate TPS status, without a plan for current beneficiaries other than stripping them of legal status and exposing them to possible deportation. This option would only add to the large undocumented population, the great majority of whom — as the authors and many others have argued — should be legalized (Warren and Kerwin 2015, 98-99; Kerwin and Warren 2017, 320-23).

Among other, more productive options, the DHS Secretary could extend TPS for as long as adverse conditions persist in these countries. Congress could also pass a law that allowed TPS program beneficiaries to apply for LPR status after one extension of status or after a set term of years (Zavodny and Orrenius 2017, 190; Bergeron 2014, 39). It could also permit TPS recipients, who are eligible for a family-based visa or some other immigration benefit under current law, to adjust to LPR status in the United States (Bergeron 2014, 35-37). Congress could also pass a legalization bill that covers TPS beneficiaries, advances the qualifying date for “registry” (an existing program to legalize long-term residents), or amends the criteria for “cancellation of removal” to allow TPS recipients to apply affirmatively (rather than in removal proceedings) for this status (Kerwin 2014, 65-66). Finally, it could combine these measures, with substantial investments in the development of TPS-designated states so that program beneficiaries could be safely repatriated (Bergeron 2014, 39-40; Kerwin 2014, 63-64).

Each of these responses would recognize the strong ties of TPS beneficiaries to the United States, facilitate their continued contributions to US communities, preserve their US families, and benefit their countries of origin.

Appendix

CMS Estimates of the TPS Population

Overall approach

As noted above, TPS beneficiaries have been included as undocumented residents — even though their status is more comparable to nonimmigrants — in CMS’ annual series of estimates. This is partly to maintain consistency with other national population totals, but also because sufficiently detailed administrative data have not available for the TPS

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15 This would require that a grant of TPS be treated an “admission” to the United States.
population. Because TPS beneficiaries are included in the CMS estimates of undocumented residents, we were able to estimate the TPS population for this report by (1) compiling CMS’s estimates of the undocumented population by country of birth and year of entry, (2) tabulating detailed year-of-entry data that overlaps as closely as possible with the period of eligibility for TPS for each country (see Table A below), and (3) controlling the characteristics from the CMS estimates to the USCIS totals shown in Table 1.

CMS estimates of undocumented residents

CMS used the procedures below (Steps 1 to 5) to derive estimates of the undocumented resident population in 2010. The same steps were followed to derive estimates for 2015. The classification of noncitizens as undocumented residents was done at the microdata level. The CMS estimates shown here were compiled by country of origin and single year of entry from those data sets. Warren (2014) provides a detailed description of the methodology and compares the CMS estimates based on this methodology to estimates derived using the residual method.

Step 1. The first step in the estimation procedure was to compile data from the 2010 ACS for all noncitizens who entered the United States from 1982 to 2010. It was assumed that nearly all undocumented residents are in the category “noncitizens who entered the U.S. after 1981.” Very few who entered before 1982 would still be residing here as undocumented residents in 2010 because: (1) a large percentage of those who entered before 1982 obtained legal status under the Immigration Reform and Control Act of 1986 (IRCA); and (2) those who entered before 1982 and did not apply for legalization have had more than 25 years in which to leave the undocumented resident population — that is, to secure legal status, be removed, leave voluntarily, or die.

Step 2. A series of edits, referred to as “logical edits,” were used to identify and remove as many legal residents as possible based on responses in the survey.

Step 3. Separate population controls were estimated for 145 countries or areas for undocumented residents counted in the 2010 ACS. For each country or area, the ratio of the population control to the logically edited population (from Step 2) was computed.

Step 4. The country-by-country ratios derived in Step 3 were used to make final selections of individual respondents in the ACS to be classified as undocumented residents.

Step 5. The estimates of those counted in the ACS (from Step 4) were adjusted for undercount.

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16 Actually, the country-by-country selection ratios for 2010, computed in Step 3, were used in Step 4 for every year; independent population controls were computed only for 2010.

17 The Immigration Reform and Control Act of 1986 (IRCA) went into effect in 1987. Two main groups were eligible for legalization, each with their own residency requirements: (1) legalization applicants who continuously resided in the United States since before January 1, 1982; and (2) Special Agricultural Workers (SAWs) who had 90 days of seasonal agricultural work experience in qualifying crops from May 1985 to May 1986. About 1.6 million legalization applicants and 1.1 million SAW applicants were approved.

18 The term “logical edit” refers to the process of determining probable legal status by examining survey data. For example, respondents were assigned to the legal category if they worked in occupations that generally require legal status, had the characteristics of legal temporary migrants, were immediate relatives of US citizens, received public benefits restricted to legal residents, were from countries where most arrivals would be refugees, or were age 60 or older at entry.
Current TPS Countries (January 2017)

Table A. Countries Whose Nationals in the United States Currently Benefit from Temporary Protected Status

<table>
<thead>
<tr>
<th>Country</th>
<th>Must have arrived before</th>
<th>Current expiration date</th>
<th>Estimated number</th>
</tr>
</thead>
<tbody>
<tr>
<td>All 13 countries</td>
<td></td>
<td></td>
<td>325,500</td>
</tr>
<tr>
<td>El Salvador</td>
<td>February 13, 2001</td>
<td>March 9, 2018</td>
<td>195,000</td>
</tr>
<tr>
<td>Guinea</td>
<td>November 20, 2014</td>
<td>May 21, 2017</td>
<td>930</td>
</tr>
<tr>
<td>Haiti</td>
<td>January 12, 2011</td>
<td>[January 22, 2018]^{18}</td>
<td>50,000</td>
</tr>
<tr>
<td>Honduras</td>
<td>December 30, 1998</td>
<td>January 5, 2018</td>
<td>57,000</td>
</tr>
<tr>
<td>Nepal</td>
<td>June 24, 2015</td>
<td>June 24, 2018</td>
<td>8,950</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>December 30, 1998</td>
<td>January 5, 2018</td>
<td>2,550</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>November 20, 2014</td>
<td>May 21, 2017</td>
<td>1,180</td>
</tr>
<tr>
<td>Somalia</td>
<td>May 1, 2012</td>
<td>March 17, 2017</td>
<td>270</td>
</tr>
<tr>
<td>South Sudan</td>
<td>January 25, 2016</td>
<td>November 2, 2017</td>
<td>200</td>
</tr>
<tr>
<td>Sudan</td>
<td>January 9, 2013</td>
<td>November 2, 2017</td>
<td>450</td>
</tr>
<tr>
<td>Syria</td>
<td>August 1, 2016</td>
<td>March 31, 2018</td>
<td>5,800</td>
</tr>
<tr>
<td>Yemen</td>
<td>January 4, 2017</td>
<td>September 3, 2018</td>
<td>1,000</td>
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Source: Argueta (2017, Table 1). CRS compilation of USCIS data.

REFERENCES


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<th>Caffey, Lauren</th>
</tr>
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<tr>
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<td></td>
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<tr>
<td>CC:</td>
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</tr>
</tbody>
</table>
All – please forward to the appropriate members on your team I may have left off. We will be holding a DHS sync call for the Haiti TPS upcoming decision announcement.

Agenda:

- Welcome (Jonathan)

- Status of PAG (USCIS)

- Remaining Meetings (PLCY)

- Remaining Outreach (OPE/OLA)
- Decision Documents Needed (OGC)

- Media Inquiries (OPA - Tyler/Joanne)

- Summary of Action Items (Jonathan)

Dial in: 

Access Code: 

Leader Code: Lauren)
<table>
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<th><strong>Sent Date:</strong></th>
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<tbody>
<tr>
<td><strong>Delivered Date:</strong></td>
<td>2017/11/22 09:15:18</td>
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FYI – host government notifications are still in progress. I will advise ASAP when they have been completed.

Allyson Bowers | Office of the Haiti Special Coordinator | U.S. Department of State

Official
UNCLASSIFIED

From: Claffey, Lauren
Sent: Monday, November 20, 2017 5:32 PM
Subject: RE: Haiti TPS Sync - DHS, DOS, WH

(b)(6) updated cal invite coming your way but the pre call will be 15 minutes before the background call: 1900 hours – Background call with media (Call to be in English and include invites to both domestic and foreign press.)

Lauren

From: [b](6)
Sent: Monday, November 20, 2017 5:31 PM

(b)(6)

Subject: RE: Haiti TPS Sync - DHS, DOS, WH

Lauren – Does this mean we are having the DHS pre-call at 5:45?
From: Claffey, Lauren  
Sent: Monday, November 20, 2017 5:30 PM  

Subject: RE: Haiti TPS Sync - DHS, DOS, WH  
Importance: High

All – attached please find the final PAG for the Haiti TPS decision. Updated roll out plan is below. State – please begin notifications!

ROLLOUT TIMELINE

November 20, 2017
1730 – DHS notifies the State Department of the decision & shares a draft press release to start translation process

1730 minutes – State Department notifications to Charge D’affaires to Haiti

1730 minutes – U.S. Embassy notification to Haitian government in-country

1730 minutes – DHS notification to Haitian embassy in Washington, DC.

1800 minutes – OPE notifies Florida Governor Scott, Massachusetts Governor Baker (only to be notified once GOH notifications have been completed)

1800 minutes – Hill notifications (only to be notified once GOH notifications have been completed)
  · DHS OLA notifies the Homeland Security, Judiciary, Foreign Affairs/Relations and Appropriations committees
  · DASs contact key leadership staffers for the committees

1800 minutes – State Department notification to Canadian government (only to be notified once GOH notifications have been completed)

1900 hours – Background call with media (Call to be in English and include invites to both domestic and foreign press.)

1930 hours (when call ends) – Send press release (DHS)
  DHS posts press release to website.
USCIS publishes alert to relevant pages on USCIS website with link to DHS news release

1945 hours – DHS Stakeholder Outreach

Upon transmittal of FRN
USCIS distributes news release with technical information on reregistration process; separate timeline for subsequent process, including website updates and further notifications, will be shared as further details are available.

- Lauren

From: [redacted]
Sent: Monday, November 20, 2017 4:25 PM

Subject: RE: Haiti TPS Sync - DHS, DOS, WH

Thanks Lauren.

+ Cindy Simms and Tim Pataki from WHOLA.
v/r, Paul

Paul J. Miller
Director for Legislative Affairs
National Security Council

From: Claffey, Lauren

All - notifications cannot begin until we receive the decision memo and send around the final PAG. The tick-tock is below:

**ROLLOUT TIMELINE**

*Decision date*

Decision (X) – DHS notifies the State Department of the decision & shares a draft press release to start translation process

X + 30 minutes – State Department notifications to Charge D’affaires to Haiti

X + 60 minutes – U.S. Embassy notification to Haitian government in-country

X + 60 minutes – DHS notification to Haitian embassy in Washington, DC.

X + 90 minutes – OPE notifies Florida Governor Scott and Massachusetts Governor Baker (*only to be notified once GOH notifications have been completed)*

X + 90 minutes – Hill notifications (*only to be notified once GOH notifications have been completed*)

• DHS OLA notifies the Homeland Security, Judiciary, Foreign Affairs/Relations and Appropriations committees

• A/S Cassidy notifies offices of Leader McConnell, Sen. Schumer, Speaker Ryan and Rep. Pelosi

• DASs contact key leadership staffers for the committees

X + 90 minutes – State Department notification to Canadian government (*only to be notified once GOH notifications have been completed*)

X + 2 hours – Background call with media (Call to be in English and include invites to both domestic and foreign press.)

X + 2.5 hours (when call ends) – Send press release (DHS)

• DHS posts press release to website.

• USCIS publishes alert to relevant pages on USCIS website with link to DHS news release

X+ 2.75 hours – DHS Stakeholder Outreach
Upon transmittal of FRN
USCIS distributes news release with technical information on reregistration process; separate timeline for subsequent process, including website updates and further notifications, will be shared as further details are available.

Lauren

From: 
Sent: Monday, November 20, 2017 4:20 PM

Subject: RE: Haiti TPS Sync - DHS, DOS, WH

Is there an updated tick-tock?

Official
UNCLASSIFIED

From: Cassidy, Ben
Sent: Monday, November 20, 2017 4:17 PM

DHS-001-659-000456
Subject: RE: Haiti TPS Sync - DHS, DOS, WH

So our 5 pm Hill calls need to slip? Thx.

------------------ A/S for Legislative Affairs  Department of Homeland Security

From: Claffey, Lauren
Sent: Monday, November 20, 2017 4:04:19 PM

Subject: Haiti TPS Sync - DHS, DOS, WH

All – we are still awaiting a final decision, but are still aiming for an announcement tonight. Will update with more details when I can.

Lauren E. Claffey
Deputy Assistant Secretary
Office of Public Affairs
U.S. Department of Homeland Security

Sender: [b](6)
Recipient: [b](6)
Thank you!

Lauren

From: Nealon, James
Sent: Monday, November 20, 2017 5:54 PM
To: Hoffman, Jonathan; Claffey, Lauren; Petyo, Briana; Wolf, Chad; Neumann, Elizabeth; Nealon, James
Subject: TPS tick tock

1. Notified State Western Hemisphere and PRM, and shared PAG and press release;
2. State is notifying our Embassy in Haiti;
3. I notified NSC at their request;
4. I have called Haiti AMB in DC three times and emailed him – unable to reach him thus far;
5. Our Charge in Haiti will notify Haitian Government officially.
Good afternoon Briana,

IMM PLCY (Johnson) and Americas (Cloe) reviewed and cleared—with a edits/comments from IMM on Attachment A—the attached ESEC-tasked Decision Memo and associated incoming and attachments re TPS recommendations.

PLCY review is due **by 9am 11/7.**
Do you clear for PLCY?

---

J. Hilario Ponce
Office of Strategy, Policy, and Plans | ExecSec

---

**From:** Cloe, David  
**Sent:** Monday, November 6, 2017 1:49 PM  
**To:** Johnson, Eric; Pley Exec Sec  
**Cc:** Americas

**Subject:** RE: Due 8am 11/7 [USCIS Decision Memo] Haiti’s Designation for TPS [WF-1153120]

No – Nothing further from Americas…

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy

---

**From:** Johnson, Eric  
**Sent:** Monday, November 6, 2017 1:29 PM  
**To:** Pley Exec Sec

DHS-001-659-000461
PLCY ES,

IMM has reviewed and clears with minor edits to the attachment. We defer to Americas for any additional edits or comments.

Many thanks,
Eric

Eric B. Johnson
DHS Office of Policy
Desk [b(5)]
Cell: [b(5)]
Email: [b(5)]

From: Ponce, Hilario On Behalf Of Plcy Exec Sec
Sent: Monday, November 6, 2017 9:07 AM
To: Immigration Policy [b(5)]
Cc: Americas [b(5)]; Plcy Exec Sec [b(5)]

Subject: Due 8am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

Good morning IMM PLCY and Americas,

Please review the attached ESEC-tasked Decision Memo and associated incoming and attachments re TPS recommendations and provide comment/clearance by 8am 11/7.

Thank you.

J. Hilario Ponce [b(5)]
Office of Strategy, Policy, and Plans | ExecSec
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DHS-001-659-000477
When: Sunday, November 19, 2017 4:00 PM-4:30 PM (UTC-05:00) Eastern Time (US &Canada)

Where: [redacted]

*~*~*~*~*~*~*~*~*

All – please forward to the appropriate members on your team I may have left off. We will be holding a DHS sync call for the Haiti TPS upcoming decision announcement.

Agenda:
- Welcome (Jonathan)
- Status of PAG (USCIS)
- Remaining Meetings (PLCY)
- Remaining Outreach (OPE/OLA)
- Decision Documents Needed (OGC)
- Media Inquiries (OPA - Tyler/Joanne)
- Summary of Action Items (Jonathan)

Dial in: [redacted]
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Leader Code: [redacted] (Lauren)
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State just confirmed that our Charge in Port au Prince has informed the Prime Minister of the TPS decision.
1. Notified State Western Hemisphere and PRM, and shared PAG and press release;

2. State is notifying our Embassy in Haiti;

3. I notified NSC at their request;

4. I have called Haiti AMB in DC three times and emailed him – unable to reach him thus far;

5. Our Charge in Haiti will notify Haitian Government officially.
Does he really want this next week?!?!? Seems out of order and bad timing w/ JHA bilats and Colombian VP possibly shifting....

From: Hayden, Matt  
Sent: Wednesday, November 8, 2017 4:55 PM  
To: Cuevas, Lequann  
Subject: FW: New Report: TPS for Haiti and request for meeting

From: Jeanne Atkinson  
Sent: Wednesday, November 08, 2017 10:55:21 AM  
To: Hayden, Matt  
Subject: New Report: TPS for Haiti and request for meeting

Mr. Hayden,
I am writing to share with you a recently released report, Protecting Families, stabilizing the region: Why Temporary Protected Status is needed for Haiti, written by staff at the Catholic Legal Immigration Network, Inc., or CLINIC. The attached report details current country conditions in Haiti (based in part on my recent trip to Haiti as part of a Catholic delegation to survey the situation on the ground first hand) and outlines specific recommendations for the administration based on those findings.

CLINIC serves a network of 330 affiliated immigrant legal service providers across the U.S. In turn, CLINIC’s affiliates serve hundreds of thousands of low-income immigrants each year, including individuals applying for Temporary Protected Status. Due to this vested interest, the documented conditions on the ground in Haiti, and CLINIC’s Catholic values to defend the dignity of each life, CLINIC calls on the administration to extend TPS for Haiti in 18 month increments until the country is able to safely reabsorb nationals.

Due to the urgency of this situation and the lives and American families at stake, I request the opportunity to meet with you to discuss this matter and to represent the interests of CLINIC’s affiliate network and the TPS holders we zealously serve. I am available to meet later this week or next week.

Sincerely,

Jeanne M. Atkinson, Esq.
Executive Director
Catholic Legal Immigration Network, Inc. (CLINIC)
Protecting families, stabilizing the region: Why Temporary Protected Status is needed for Haiti

Lisa Parisio, Jill Marie Bussey
ACKNOWLEDGMENTS

Pope Francis reminds us that we are to treat those who are unable to return to their own country with special tenderness. We thank the many members of our network who, in addition to providing high-quality legal and social services to our immigrant brothers and sisters, also advocate for just and fair policies to protect human dignity and lives. We are deeply grateful to our Board of Directors and funders for their wisdom and support. Thanks to the U.S. Conference of Catholic Bishops for inviting CLINIC Executive Director Jeanne Atkinson to travel to Haiti to experience the country’s rich culture and bear witness to country conditions. Finally, we wish to lift up the tireless efforts of TPS Advocacy Working Group member organizations and all advocates past and present who have sought protection for Haitians and all people displaced by disaster and war.

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At the Catholic Legal Immigration Network, we call for the extension of TPS for Haiti from both legal and faith perspectives.

As Catholics, we believe that all human beings have the right to life and the right to care for their families. A human being's worthiness is not enhanced or diminished by the country they were born in.

In many ways, TPS is the embodiment of American principles. It upholds the values of welcoming those in need, of standing up for and protecting the vulnerable. In doing so, our country is greatly enriched. Extending TPS for Haiti is the right thing to do. It is also the smart thing to do. TPS bolsters the American economy and society, and promotes regional security.

TPS simply must be extended.

JEANNE ATKINSON
Executive Director, The Catholic Legal Immigration Network, Inc.
EXECUTIVE SUMMARY

This report documents the critical need for the United States to continue to extend Temporary Protected Status, or TPS, for Haiti until the country sufficiently recovers from a series of deadly natural disasters and is able to safely reabsorb TPS holders. Without TPS, the progress Haiti has made in recovery will be, at the least, seriously compromised.

In addition to explaining why extending TPS for Haiti protects human life and American families and promotes regional security, the report outlines specific recommendations for the administration. These recommendations provide the best path forward for both Haiti and the U.S. They include a call for the administration to honor the Haitian government’s request for an 18-month extension and to consult with key experts in both the U.S. and Haiti to determine the most up-to-date country conditions.

Unequivocally, CLINIC urges the administration to protect the lives of our Haitian brothers and sisters.
Temporary Protected Status, or TPS, allows foreign nationals to remain in the United States if conditions—such as war, famine, natural disaster or epidemic—prevent their safe return. The Catholic Legal Immigration Network, Inc. advocates for the continued use of TPS for Haiti and all countries in need. The administration should:

1. Continue to extend TPS for Haiti in 18-month increments as long as extraordinary and temporary conditions continue to exist that prevent Haitian TPS holders from safely returning to the country.

2. Honor the Haitian government's request to extend the current TPS designation for Haiti for 18 months, consider re-designation and accept the Haitian government's invitation to visit the country and survey conditions prior to making the determination.

3. Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of notices and extending TPS when conditions continue to warrant it.

4. Engage and consult with experts in civil society in the U.S. and in Haiti to better understand the conditions in Haiti, including a review of the consequences of Hurricanes Irma and Maria, which struck in September 2017.

5. Encourage Congress to create a permanent solution for Haitian and other TPS holders who have been in the U.S. for many years because their countries have remained unsafe.
“Let us treat others with the same passion and compassion with which we want to be treated. Let us seek for others the same possibilities which we seek for ourselves. Let us help others to grow, as we would like to be helped ourselves. In a word, if we want security, let us give security; if we want life, let us give life; if we want opportunities, let us provide opportunities. The yardstick we use for others will be the yardstick which time will use for us.”

POPE FRANCIS
INTRODUCTION

Temporary Protected Status, or TPS, is a life-saving humanitarian immigration program grounded in the international concept of nonrefoulement, meaning that a country will not return a person to the hands of their persecutor or to conditions that threaten life or freedom. As a signatory of the United Nations Protocol Relating to the Status of Refugees, the U.S. has committed to honoring this principle and Congress has codified it through the laws regarding TPS, asylum and refugees.¹

More than 50,000 Haitians have been safeguarded in the United States through TPS since 2010, when a 7.0 magnitude earthquake struck Haiti, immediately affecting a third of the country’s entire population. The earthquake and its aftershocks were followed by a cholera epidemic, inadvertently introduced by United Nations peacekeepers, which has killed nearly 10,000 people.

In 2016, Category 4 Hurricane Matthew made landfall, leaving a new path of destruction and catastrophic flooding. In 2017, crops and livestock already gravely affected by the ongoing El Niño drought were further devastated by Hurricanes Irma and Maria.

In May 2017, then-Homeland Security Secretary John Kelly announced that Haitian TPS holders should prepare to go home as early as January 2018, creating a new migration crisis. Following the announcement, 8,000 Haitians fled from the U.S. to Canada to seek asylum.² Many of them expressed fear of being deported to life-threatening conditions and losing the ability to send life-sustaining funds home to family and friends in Haiti.

Today, and for the foreseeable future, the country remains unable to safely reabsorb tens of thousands of TPS holders and their families, many of whom are U.S. citizens.

Although some measurable improvement has been made to recover from the 2010 earthquake, the numerous deadly disasters that have followed have impeded progress and forced the Haitian government to redirect limited resources numerous times. Today, and for the foreseeable future, the country remains unable to safely reabsorb tens of thousands of TPS holders and their families, many of whom are U.S. citizens.

Prematurely terminating TPS before Haiti can achieve stability would ignore the long-standing principles and American values that compelled Congress to ensure the United States remains a safe haven for all who cannot safely return home to their countries. It also contradicts faith teachings and U.S. moral values. CLINIC’s mission, which embraces the Gospel value of welcoming the stranger in order to protect the rights of immigrants, compels us to advocate for an 18-month TPS extension for Haiti. This will avoid dire consequences for Haitian and U.S. citizens, including needlessly tearing apart families and undermining security of the region and at the U.S. border.

Catholic social teaching on migration instructs us that people have a right to cross borders to save their lives and the lives of their families. As U.S. government leaders consider TPS for Haiti, we pray that they will remember that all human life has value and all people deserve the chance to live, regardless of the country or circumstances into which they were born.

Our recommendations for the administration on Temporary Protected Status for Haiti include:

1. Continue to extend TPS for Haiti in 18-month increments as long as extraordinary and temporary conditions continue to exist that prevent Haitian TPS holders from safely returning to the country.

2. Honor the Haitian government’s request to extend the current TPS designation for Haiti for 18 months, consider re-designation and accept the Haitian government’s invitation to visit the country and survey conditions prior to making the determination.

3. Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of notices and extending TPS when conditions continue to warrant it.

4. Engage and consult with experts in civil society in the U.S. and in Haiti to better understand the conditions in Haiti, including a review of the consequences of Hurricanes Irma and Maria, which struck in September 2017.

5. Encourage Congress to create a permanent solution for Haitian and other TPS holders who have been in the U.S. for many years because their countries have remained unsafe.

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TPS: AN OVERVIEW OF THE LAW

Congress established TPS through the Immigration Act of 1990 to protect foreign nationals in the U.S. from being returned to their home country if it became unsafe during the time they were in the United States. Under the law, the secretary of the Department of Homeland Security, or DHS, may designate a country for TPS in three scenarios:

A. Ongoing armed conflict (such as a civil war) that would pose serious threat to the personal safety of nationals;

B. An environmental disaster (such as earthquake or hurricane), or an epidemic that renders the foreign state temporarily unable to adequately handle the return of nationals and the foreign government has requested TPS for its nationals; or

C. Other extraordinary and temporary conditions that prevent people from the country from safely returning home, as long as it is not against the national interest of the United States to allow them to remain.

---

5 INA §244
6 INA §244 (b)
7 INA §244 (b)(1)(A)
8 INA §244 (b)(1)(B)
9 INA §244 (b)(1)(C)
TPS may be designated or extended in six, 12 or 18-month increments.\(^\text{10}\) At least 60 days before the end of a designation period, the secretary of Homeland Security must review country conditions in consultation with appropriate agencies of the government, for example the State Department, and determine whether conditions warrant extension.\(^\text{11}\) The decision must be published on a timely basis in the Federal Register.\(^\text{12}\) Under the law, TPS may be extended as many times as necessary, so long as the dangerous country conditions exist.\(^\text{13}\) TPS can also be re-designated for a country if necessary.\(^\text{14}\)

Nationals of a TPS-designated country and people without nationality who last resided in a TPS-designated country and who were physically present in the United States when the designation was made and meet certain requirements may be eligible for TPS.\(^\text{15}\) If granted, applicants are temporarily protected from deportation and receive work authorization to support themselves while they remain in the U.S.\(^\text{16}\) In certain, limited circumstances, TPS holders may apply for authorization to travel abroad.\(^\text{17}\) TPS does not provide a path to lawful permanent resident status or citizenship.\(^\text{18}\)

\(^\text{10}\) INA §244 (b)(6)(B)
\(^\text{11}\) INA §244 (b)(3)(A)
\(^\text{12}\) Id.
\(^\text{13}\) See generally INA §244
\(^\text{14}\) Id.
\(^\text{15}\) INA §244 (a)(1)
\(^\text{16}\) INA §244 (a)(1); INA §244 (a)(B)
\(^\text{17}\) INA §244 (c)(4)(B)
\(^\text{18}\) See generally INA §244
TPS FOR HAITI: BACKGROUND AND CONTEXT

Haiti's TPS designation is under the section of the Immigration and Nationality Act that permits designation due to extraordinary and temporary conditions within the country that prevent nationals from returning to the country in safety, unless the secretary finds that permitting the aliens to remain temporarily in the U.S. is contrary to the national interest.21 The secretary is to use this standard when considering whether to extend TPS for Haiti.22 The secretary should also review conditions in Haiti to determine whether re-designation is warranted.

Haiti was first designated for TPS in 2010 following a devastating 7.0 magnitude earthquake.23 The earthquake's epicenter was a mere 10.5 miles from the country's capital city, Port-au-Prince, where three million people—one third of Haiti's entire population—lived.24 It was the most violent earthquake to strike the country in 200 years.25 Hundreds of thousands of people were killed; the Haitian government reported the death toll ranging from 230,000 to 316,000.26 In addition to the staggering loss of life, 1.5 million people were left homeless.27 With such widespread destruction, people were forced into huge tent cities.28

By designating TPS for Haiti in 2010, DHS helped to preserve the lives of Haitians who were in the United States at the time of the earthquake.29 The following year, DHS re-designated and extended TPS, allowing Haitians who arrived in the U.S. in the year following the earthquake to apply for TPS and avail themselves of work authorization and temporary protection from deportation.30

The 2010 earthquake was first in a series of catastrophic events that have crippled Haiti over the past decade. In 2010, United Nations peacekeepers inadvertently introduced cholera, which quickly became an epidemic as result of the lack of access to clean water, health care and sanitation, greatly exacerbated by the earthquake.31 At least 800,000 people have been sickened by water-borne cholera, and approximately 10,000 people have died.32

An El Niño drought began to plague Haiti in the early 2010s, resulting in the widespread loss of crops
and livestock and a massive food emergency across the country. The drought reached a new level of crisis in 2015 and 2016, when 70 percent of Haiti’s crops were lost.\(^\text{32}\)

In October 2016, Haiti received a direct hit from Category 4 Hurricane Matthew. It was the strongest hurricane to hit Haiti in more than half a century, bringing 145 mph winds.\(^\text{34}\) According to the Haitian government, the hurricane killed 546 people and left 175,000 homeless.\(^\text{35}\) The hurricane resulted in an estimated $2.7 billion worth of damage to Haiti, 32 percent of the country’s gross domestic product.\(^\text{36}\) In addition to the loss of life and destruction of infrastructure in Haiti, the hurricane destroyed huge swaths of crops and livestock and spread cholera, impacting the entire country. \(^\text{37}\)

These compounding disasters have left the U.S.’ neighbor in an unprecedented and on-going state of humanitarian crisis, a crisis that can be addressed over time through comprehensive foreign and domestic policy. Such policy includes using TPS, a tool that has been established by Congress under U.S. law to protect people from harm and prevent countries and regions from further destabilization following catastrophe.

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The TPS extension determination for Haiti in May 2017 marked a sharp turn from the longstanding American values embodied in the law and procedure that requires DHS to extend TPS based upon facts and country conditions—not politics and prejudice.

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The TPS extension determination for Haiti in May 2017 marked a sharp turn from the longstanding American values embodied in the law and procedure that requires DHS to extend TPS based upon facts and country conditions—not politics and prejudice. In December 2016 the U.S. Citizenship and Immigration Services, or USCIS, and then-Secretary of State John Kerry recommended an extension of TPS for Haiti based on country conditions that prevent Haitian TPS holders’ safe return home.\(^\text{38}\) Just a few months later and in a strange turn of events, it was reported that USCIS was taking an opposite position on country conditions without receiving updated recommendations from the State Department.\(^\text{39}\)

\(^{31}\) El Niño drought blamed as severe food insecurity doubles in Haiti in 6 months, WORLD FOOD PROGRAMME NEWS (Feb. 9, 2016), www.wfp.org/news/news-release/el-nino-drought-blamed-severe-food-insecurity-doubles-6-months-haiti


\(^{33}\) 82 Fed. Reg. 23830 (May 24, 2017)

\(^{34}\) Jeff Masters, Matthew Hits Haiti, Their Strongest Hurricane in 52 Years, WEATHER UNDERGROUND (Oct. 4, 2016), www.wunderground.com/blog/JeffMasters/mattew-hits-haiti-their-strongest-hurricane-in-52-years.html

\(^{35}\) Id.

\(^{36}\) UN calls for support to recovery plan as Haiti loses $2.7 billion in Hurricane Matthew, UN NEWS CENTRE (March 6, 2017), www.un.org/apps/news/story.asp?NewsID=56204#.WdUucOlMrJQ


\(^{38}\) Alan Gomez, Trump immigration agency wants to kick 50,000 Haitians out of the USA, USA TODAY (April 22, 2017), www.usatoday.com/story/news/world/2017/04/20/trump-agency-temporary-protection-haitians-united-states/10079428/

\(^{39}\) Id.
Additionally, reports released in May 2017 showed that there were attempts by officials at DHS and USCIS to malign Haitian TPS holders by ordering investigations of supposed criminal acts and public benefits fraud.40 Such incidents failed to materialize.41

Ultimately, DHS issued a six-month extension of TPS for Haiti in May 2017, with stern warnings that further extensions may not be granted, and advising Haitian TPS holders to prepare to return to Haiti. This, combined with inadequate public education and outreach by USCIS, caused tremendous anxiety and fear in the Haitian community setting in motion a migration crisis at the U.S.-Canada border. The next decision on the status of TPS for Haiti is expected on Nov. 23, 2017. At the time of this writing, it is unclear whether the administration will continue on the course set by then-Secretary Kelly or will return to following the procedure set forth in the law. What is clear is that TPS has protected human life and prevented Haiti’s weakened economy and infrastructure from having to support an additional 50,000 people, who in turn have been able to send life-saving money, or remittances, home to family and friends in Haiti. It is our hope that the administration will consider these facts when making this next determination.

40 Alicia A. Caldwell, AP Exclusive: US digs for evidence of Haiti immigrant crimes, Associated Press (May 9, 2017), apnews.com/740ed5b40ce84bb398c82c48884be616
41 Id.
“...despite best efforts and tangible progress, unforeseen natural disasters, including Hurricanes Irma and Maria, have significantly delayed the Government's ability to adequately maintain the pace of recovery from the 2010 earthquake.”

PAUL G. ALTIDOR
Ambassador Extraordinary and Plenipotentiary of Haiti to the United States
HAITI IN 2017: CONDITIONS CONTINUE TO WARRANT AN 18-MONTH TPS EXTENSION

The Haitian government is working to rebuild from the earthquake. In many respects has made considerable progress. Nevertheless, extraordinary and temporary conditions continue, preventing the safe return of Haitian TPS holders from the United States in the near future. The administration should acknowledge that Haiti’s progress in recovering from the earthquake has been impeded by subsequent natural disasters and it should continue to extend TPS for Haiti in 18-month increments until the country is stable and safe.

FOOD CRISIS

According to the Food Security Information Network’s March 2017 report, there are at least 1.5 million food insecure people in Haiti. There are 866,600 people in need of urgent assistance. Food security has steadily worsened since 2013 because of the El Niño–triggered drought, flooding, landslides and Hurricane Matthew in 2016. In addition to these emergency situations, the World Food Programme reports that 50 percent of Haitians are undernourished. In the areas where Hurricane Matthew hit hardest, crops and livestock were almost completely wiped out, diminishing the food supply for two million people. The U.S. Agency for International Development predicts that Haiti will be unable to achieve national stability until the food crisis is properly addressed.

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43 Id.
44 Id.
45 Haiti, World Food Programme, www.wfp.org/countries/haiti
47 Haiti, World Food Programme, www.wfp.org/countries/haiti
CHOLERA EPIDEMIC AND LACK OF ACCESS TO CLEAN WATER

In 2010, U.N. workers in Haiti inadvertently introduced a devastating cholera epidemic.\textsuperscript{49} Cholera had not been documented in Haiti for 100 years.\textsuperscript{50} The disease is capable of killing in a matter of hours, causing severe dehydration, blood sugar shock and organ failure.\textsuperscript{51} Since the outbreak began, more than 800,000 people have been sickened and nearly 10,000 killed.\textsuperscript{52} Some estimates show the totals may be much higher.\textsuperscript{53}

Although significant progress has been made in ridding the country of cholera, the threat still remains, with over 10,500 new cases documented in 2017 as of September 23.\textsuperscript{54} Factors preventing further progress include loss of infrastructure due to natural disasters, resulting in lack of access to clean water and lack of access to health care.\textsuperscript{55} The southern areas of Haiti, which were most heavily affected by Hurricane Matthew, have seen 50 percent increases in cholera rates since October 2016.\textsuperscript{56} Additionally, the response remains underfunded, with only $4.8 million of the $34.7 million in funds requested from the United Nations provided by June 2017.\textsuperscript{57}

An August 2017 report from the World Bank on access to water and health care said access to clean water in Haiti continues to decline.\textsuperscript{58} Only 7 percent of households have on-premises access to improved water, which are sources that are protected from outside contamination.\textsuperscript{59}

LOSS OF HOUSING AND INFRASTRUCTURE

The 2010 earthquake resulted in $7.8 billion in damage to Haiti.\textsuperscript{60} More than 1.5 million people were

\textsuperscript{49} UN admits involvement in bringing cholera epidemic to Haiti; NEWSWEEK (March 19, 2017), www.newsweek.com/un-admits-bringing-cholera-haiti-epidemic-earthquake-legal-challenge-497756
\textsuperscript{51} Cholera symptoms and causes; MAYO CLINIC, www.mayoclinic.org/diseases-conditions/cholera/symptoms-causes/dxc-20311185
\textsuperscript{52} Haiti cholera figures (as of June 2017); UNITED NATIONS OFFICE OF COORDINATION OF HUMANITARIAN AFFAIRS (June 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_cholera_figures_june_2017_en.pdf
\textsuperscript{53} Rick Gladstone, Cholera Deaths in Haiti Could Far Exceed Official Count; THE NEW YORK TIMES (March 18, 2016), www.nytimes.com/2016/03/19/world/americas/cholera-deaths-in-haiti-could-far-exceed-official-count.html?r=0
\textsuperscript{55} Id.
\textsuperscript{56} Haiti Hurricane Matthew 2016; WORLD HEALTH ORGANIZATION, www.who.int/emergencies/haiti/en/
\textsuperscript{57} Haiti cholera figures (as of June 2017); UNITED NATIONS OFFICE OF COORDINATION OF HUMANITARIAN AFFAIRS (June 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_cholera_figures_june_2017_en.pdf
\textsuperscript{59} Id.
\textsuperscript{60} Haiti Earthquake 2010: Economic Impact of the Earthquake; UNIVERSITY OF NORTH CAROLINA AND CHAPEL HILL, haitechearthquake.webunc.edu/economic-impact-of-the-earthquake/
instantly left homeless.\textsuperscript{61} Nine hundred and sixty-four schools were greatly damaged.\textsuperscript{62} Twenty-eight of 29 government ministry buildings were destroyed, as were the headquarters of the Haitian national police, courts, and correctional facilities.\textsuperscript{63} Nearly 38,000 people are still displaced and living in 27 camps—seven years after the earthquake.\textsuperscript{64} The camps are notorious for lack of access to safe drinking water and sanitation, although these problems exist beyond the camps as well.\textsuperscript{65}

Although the number of people living in camps has decreased since the earthquake, the data can be deceiving and do not accurately reflect conditions in Haiti. For example, the Haitian government has at times declared that a camp is a settlement or town, which, on paper, effectively “closes a camp.”\textsuperscript{66} Many Haitians who were living in camps on private land have been evicted. Many on public lands were given small subsidies to abandon their tents.\textsuperscript{67} There is no conclusive information as to whether declaring camps to be “towns” or evicting people from camps has, in fact, led to more stability and less homelessness.\textsuperscript{68}

\footnotesize
\textsuperscript{61} 82 Fed. Reg. 23830 (May 24, 2017)
\textsuperscript{62} Id.
\textsuperscript{63} Id.
\textsuperscript{64} Haiti: Humanitarian Snapshot, RELIEFWEB (Aug. 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_humanitarian_snapshot_august2017-en_o.pdf
\textsuperscript{65} Id.
\textsuperscript{66} Marc Cohen, Five places Secretary Kelly should have seen on his trip to Haiti, Oxfam: The Politics of Poverty (June 1, 2017), politicoofpoverty.oxfamamerica.org/2017/06/five-places-secretary-kelly-should-have-seen-on-his-trip-to-haiti/
\textsuperscript{67} Id.
\textsuperscript{68} Id.
HURRICANES IRMA AND MARIA

Category 5 Hurricane Irma struck Haiti on Sept. 7, 2017. The storm severely damaged 2,646 houses, destroyed 466 more and flooded 4,903 residences.69 Just two weeks later, Hurricane Maria hit Haiti as a Category 3 hurricane, adding more flooding and destruction. In total, thousands were displaced with 7,000 houses flooded or destroyed, 5 people were killed, and nearly 20 injured.70 There was also extensive damage to already stressed livestock and crops.71 The long-term effects of these hurricanes will worsen the already severe food crisis.72

69 Haiti Hurricane Irma Humanitarian Snapshot, RELIEFWEB (Sept. 11, 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_irma_snapshot_20170911_en.pdf
71 After the Hurricane – an overview of the damage Irma and Maria left behind, RELIEFWEB (Sept. 22, 2017), reliefweb.int/report/antigua-and-barbuda/after-hurricane-overview-damage-irma-and-maria-left-behind
72 Haiti Hurricane Irma Humanitarian Snapshot, RELIEFWEB (Sept. 11, 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_irma_snapshot_20170911_en.pdf
“The loss of TPS for Haiti would be simply devastating in Boston. Greater Boston is home to over 4,735 TPS holders. These Haitian brothers and sisters are among the estimated 2,300 who care for our elderly and disabled as home health aides, doing work that many Americans find undesirable. They are students, graduating with honors from local high schools and going on to college. They are parents to an estimated 3,882 U.S. citizen children.”

MARJEAN PERHOT
Director of Catholic Charities Refugee and Immigration Services, Catholic Charities, Archdiocese of Boston
IT IS IN THE U.S. NATIONAL INTEREST TO EXTEND TPS FOR HAITI UNTIL IT IS SAFE TO RETURN

The law allowing a TPS designation for temporary and extraordinary circumstances—as Haiti is designated—permits the TPS designation so long as allowing nationals to remain is “not contrary” to the U.S. national interest. The presence of 50,000 Haitian TPS holders in the U.S. is not contrary to the national interest. TPS holders make significant contributions to the U.S. economy, culture and society. Terminating TPS prematurely would needlessly remove essential workers and rip apart families.

ECONOMIC CONTRIBUTIONS TO THE U.S.

Eighty-one percent of Haitian TPS holders are in the U.S. labor force, contributing more than $279 million to the United States GDP on an annual basis. They make annual Social Security contributions of more than $34 million and Medicare contributions of more than $8 million.

Estimates show that terminating TPS for Haiti would cost U.S. employers nearly $60 million in turnover costs to hire and train new employees.

Haitian TPS holders make the greatest contributions in the services and education sectors, in particular as workers in restaurants, grocery stores and elementary and secondary schools. Haitian TPS holders are

73 INA § 244 (b)(C)
most heavily concentrated in Florida (32,500) and New York (5,200). Estimates show that terminating TPS for Haiti would cost U.S. employers nearly $60 million in turnover costs to hire and train new employees.\textsuperscript{77}

**FAMILY AND COMMUNITY TIES**

Over the seven years TPS has been available to them, Haitians have put down roots in the United States. Haitian TPS holders are parents to 27,000 U.S. citizen children.\textsuperscript{78} Approximately 4,200 Haitian TPS holders are married to lawful permanent residents.\textsuperscript{79} Nearly half of Haitian TPS holders have mortgages.\textsuperscript{80}

Haitian TPS holders are deeply embedded into American communities. Ninety-six percent of Haitians speak some English and 75 percent speak English well, very well or only speak English.\textsuperscript{81} Seventy-one percent of Haitian TPS holders have completed high school or more, and 37 percent have completed some college or have a college degree.\textsuperscript{82}

**REGIONAL SECURITY**

Haiti relies on its diaspora for survival. Remittances, or money sent home from abroad, are essential to the country’s stability. Haiti received $2.358 billion in remittances in 2016.\textsuperscript{83} Data from 2015 shows that over half of the remittances sent back to Haiti come from the more than 675,000 Haitian immigrants who live in the U.S., including TPS holders.\textsuperscript{84} The loss of remittances from tens of thousands of people if TPS for Haiti ends would be compounded by other lost income the country is currently experiencing as a result of Hurricanes Irma and Maria. At least 27,000 Haitians live and work across the Caribbean in countries that have been affected (and some devastated) by the hurricanes, including Turks and Caicos, Martinique, Guadeloupe, U.S. and Dutch Virgin Islands and Dominica.\textsuperscript{85}


\textsuperscript{78} Id.

\textsuperscript{79} Id.


\textsuperscript{81} Id.

\textsuperscript{82} Id.


Haiti and the region are also at risk of further destabilization due to deportations of Haitians from other countries. Since 2013, the Dominican Republic, Haiti’s neighbor on the island of Hispaniola, has taken away the citizenship of more than 200,000 Dominicans of Haitian descent, forcing many to return to Haiti.₈₆ Many others have been deported.₈₇ These refugees often live in border camps in horrible conditions, many suffering from hunger and malnutrition.₈₈

Haitians have been leaving or fleeing other countries where large parts of the diaspora resided over the past few years, which also affects remittances. The Brazilian economic crisis has resulted in upwards of 40,000 Haitians leaving Brazil since 2014, many going to Chile in hopes of getting work.₈₉ Others have come to the U.S. border seeking safety.₉₀ Many Haitians have drowned trying to leave Brazil by water.₉¹

As exemplified by the Brazilian economic downturn and loss of remittances, terminating TPS for the U.S. will lead to an increased strain on the humanitarian crisis in Haiti, including even less food security, and more Haitians seeking asylum at the U.S. border.

Termination of TPS for Haiti has implications beyond the region as well. Threats of ending TPS in the spring of 2017 led to thousands of Haitian TPS holders pouring across the border into Canada, seeking asylum.₉₂ Due to the conditions in Haiti, it is likely that ending TPS for Haiti would result in more people seeking safety in Canada, contributing to the worldwide migration and refugee crisis, including increased risk of human trafficking.

₈₈ Id.
SAMUEL'S QUESTION: WHAT WILL I TELL MY SON?

“It’s very hard to sleep,” says Samuel, sitting with his wife, Judeline, a Temporary Protected Status holder from Haiti. “Everyone is scared.”

Samuel and Judeline live in the vibrant Haitian community in Boston, with their 11-year-old son, James. Samuel, now retired, worked as a social worker for the state. Judeline works two jobs as a caregiver for the elderly.

Samuel explains that money can be tight for the family. In addition to their own expenses, they must send money home to support relatives in Haiti. “In Haiti, there is no place to live. I have to give the little money I have to my sister [who is still in Haiti],” Samuel explains. Water and food is very scarce.

“I don’t know what I would do,” says Samuel, thinking about what would happen if Acting Secretary Elaine Duke doesn’t extend TPS and Judeline is forced to return to Haiti. “It would destroy our family.”

Recently, Samuel and Judeline’s young son, James, came home from school with questions about his parents’ immigration status. “He asked us, ‘You are fine, right?’ But we can’t tell him,” says Samuel. Judeline sadly agrees.

When asked what she would say to Secretary Duke if given the opportunity, Judeline says, “We just want a better life. We are good people... There is no country [in Haiti]. All we ask is to just give us a chance, to survive, to help other people back home. It is not fair to destroy families.”

Samuel adds, “What will I tell my son? He is a U.S. citizen. How will my child feel to know his country treated his mother this way?”
“Haitians are a resilient people, full of life, love and hope. We have a responsibility to assist Haiti along its path to self-sufficiency and prosperity...Our government must continue to support Haiti’s long-term recovery and reconstruction.”

ARCHBISHOP THOMAS WENSKI
Archdiocese of Miami
CONCLUSION

Extending TPS for Haiti is in line with U.S. economic, societal and regional security interests, Catholic social teaching and American values. Terminating TPS before the country is sufficiently safe will result in needless human suffering in both Haiti and the U.S., deepening a life-threatening humanitarian crisis and ripping apart families. Without TPS, the progress the Haitian government has made to rebuild Haiti will be seriously compromised or altogether lost, inevitably leading to a new surge in Haitian asylum seekers at the U.S. and/or Canadian borders. To safeguard American interests and uphold our values, the U.S. administration must extend TPS for Haiti and continue to engage with the country while encouraging Congress to create long-term solutions for people who have lived in and contributed to the U.S. for many years.
“

In many ways, TPS is the embodiment of American principles. It upholds the values of welcoming those in need, of standing up for and protecting the vulnerable.

In doing so, our country is greatly enriched. Extending TPS for Haiti is the right thing to do. It is also the smart thing to do. TPS bolsters the American economy and society, and promotes regional security.

”

JEANNE ATKINSON
Executive Director, The Catholic Legal Immigration Network, Inc.

ABOUT THE CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

CLINIC provides vital legal resources, guidance, and support to a network of more than 330 legal, community-based and Catholic immigration programs across the country. CLINIC affiliates are in 47 states, with 1,200 attorneys and accredited representatives, who in turn assist hundreds of thousands of vulnerable and low-income immigrants each year. In addition to legal and program capacity building assistance, CLINIC conducts national-level administrative advocacy and provides state and local support to affiliates on the ground combating anti-immigrant legislation.
November 8, 2017

The Honorable Elaine C. Duke
Acting Secretary of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20016

RE: TEMPORARY PROTECTED STATUS FOR HAITI

Dear Acting Secretary Duke,

I am writing to share with you a recently released report, Protecting Families, stabilizing the region: Why Temporary Protected Status is needed for Haiti, written by staff at the Catholic Legal Immigration Network, Inc., or CLINIC. The attached report details current country conditions in Haiti (based in part on my recent trip to Haiti as part of a Catholic delegation to survey the situation on the ground first hand) and outlines specific recommendations for the administration based on those findings.

CLINIC serves a network of 330 affiliated immigrant legal service providers across the U.S. In turn, CLINIC’s affiliates serve hundreds of thousands of low-income immigrants each year, including individuals applying for Temporary Protected Status. Due to this vested interest, the documented conditions on the ground in Haiti, and CLINIC’s Catholic values to defend the dignity of each life, CLINIC calls on the administration to extend TPS for Haiti in 18 month increments until the country is able to safely reabsorb nationals.

Due to the urgency of this situation and the lives and American families at stake, I request the opportunity to meet with you to discuss this matter and to represent the interests of CLINIC’s affiliate network and the TPS holders we zealously serve. I am available to meet later this week or next week.

Sincerely,

Jeanne M. Atkinson
Executive Director
FYSA...

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy

From: St. John, Jillian  
Sent: Tuesday, November 7, 2017 6:14 PM

Subject: [PLCY-led] AS1BB - 11.13.17- TPS Strategy Meeting --- DUE 11/8 at 1:30 pm

Exec Secs –

Please review the attached S1 briefing memo on Haiti TPS and provide clearance or input no later than 1:30 p.m. tomorrow, November 8.

Many thanks,

Jillian St. John | Deputy Director for the Caribbean and Southern Cone | Office of Latin American and Caribbean Affairs | Department of Homeland Security  
Tel: 202-447-3675 | Email: 

From: Plcy Exec Sec  
Sent: Tuesday, November 7, 2017 3:20 PM  
To: Immigration Policy
Good afternoon BIT/IMM,

Please provide the requested briefing memo (template attached) to PLCY Exec Sec by 2 p.m. tomorrow (11/8).

Required Coordinators:
- I&A -
- ICE -
- MGM -
- OGC -
- OLA -
- OPA -
- USCIS -

Best regards,

Social Science Analyst
Office of Strategy, Policy, and Plans | Executive Secretariat
U.S. Department of Homeland Security
Desk:
Mobil:
UNCLASS:
HSDN:
JWICS:

From
Sent: Tuesday, November 7, 2017 3:15 PM
To: Petyo, Briana
Plcy Exec Sec
Subject: AS1BB - 11.13.17- TPS Strategy Meeting - (Due: 11.08.17, 1700)
Importance: High

All materials must be formatted to comply with the attached templates

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<th>Event Date</th>
<th>Monday, 11.13.17 (1430-1515)</th>
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<tr>
<td>Event Name</td>
<td>TPS Strategy Meeting</td>
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<td>Required Coordination</td>
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<td>Product</td>
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Attendees:
- Acting Secretary
- Chad Wolf
- Elizabeth Neumann
- Jonathan Hoffman, OPA
- Ben Cassidy, OLA
- AMB Nealon, PLCY +1
- Francis Cisna, USCIS +1
- Joe Maher, OGC
- Dimple Shah, OGC
- Tom Homan (or surrogate), ICE +1

Location: NAC, 5107 Conference Room

Meeting Classification: Please include bullet in background section of briefing memorandum if the meeting or any of the briefing materials are classified. (i.e., “This meeting [or any of the briefing materials] are classified”).

Please note that all materials being shown to the Secretary must be passed through Exec Sec first. Please do not bring anything to the meeting ES has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)

Due | Wednesday, 11.08.17 (1700)
DHS Briefing Book and Interagency Coordination Standards and Procedures (including links to templates) are located on the DHS intranet at:
http://dhsconnect.dhs.gov/ORG/COMP/ESEC/Pages/default.aspx

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Exhibit 1-1: Compliance Plan

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Any updates on this?

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Cloe, David
Sent: Tuesday, October 31, 2017 3:56 PM
To: Petyo, Briana
Cc: St. John, Jillian
Subject: RE: Letter from Haitian Ambassador regarding TPS

Just ask about including language in the response suggesting a meeting (no specific date) here instead of a trip to Haiti, with the Haitians coming back to us with tentative dates, working through our staff, etc. We don’t need specifics at this point.

And please keep Nealon up-to-date. I gather the Ambassador may be reaching out.

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Petyo, Briana
Sent: Tuesday, October 31, 2017 3:53 PM
To: Cloe, David
Cc: St. John, Jillian
Subject: RE: Letter from Haitian Ambassador regarding TPS

She definitely is not going to Haiti. We can ask about a meeting here.
From: Cloe, David  
Sent: Tuesday, October 31, 2017 3:51:33 PM  
To: Pcly Exec Sec  
Cc: Petyo, Briana; St. John, Jillian  
Subject: RE: Letter from Haitian Ambassador regarding TPS

Thanks Grant. Couple of things...

Thanks - David

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy  

From: Pcly Exec Sec  
Sent: Tuesday, October 31, 2017 3:23 PM  
To: Cloe, David <David.Cloe@HQ.DHS.GOV>  
Cc: Petyo, Briana  

Subject: RE: Letter from Haitian Ambassador regarding TPS

Good afternoon David,

USCIS drafted a response, and Counselors have approved it for Dir. Cissna’s signature. It is currently with USCIS for signature and transmittal.

It is attached, for your reference.

Best regards,

Social Science Analyst  
Office of Strategy, Policy, and Plans | Executive Secretariat  
U.S. Department of Homeland Security
From: Cloe, David  
Sent: Tuesday, October 31, 2017 2:57 PM  
To: Pcly Exec Sec  
Cc: Petyo, Briana  
Subject: RE: Letter from Haitian Ambassador regarding TPS

Any update on this? Haitian Ambassador is looking to speak to A/S Nealon on the matter...

Thanks - David

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy

From: Pcly Exec Sec  
Sent: Thursday, October 5, 2017 2:48 PM  
To: Cloe, David  
Cc: Pcly Exec Sec  
Subject: RE: Letter from Haitian Ambassador regarding TPS

Thank you, David. It is now with ESEC for tasking.

Social Science Analyst  
Office of Policy, Executive Secretariat  
U.S. Department of Homeland Security

From: Cloe, David  
Sent: Thursday, October 5, 2017 2:41 PM  
To: Pcly Exec Sec  

Thanks – Just sent it to you via separate correspondence...

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Plcy Exec Sec
Sent: Thursday, October 5, 2017 2:36 PM
To: Cloe, David
Cc: St. John, Jillian

Subject: RE: Letter from Haitian Ambassador regarding TPS

Good afternoon David,

Please provide the incoming correspondence and I will send to ESEC with the request that they task for USCIS response.

Best regards,

Social Science Analyst
Office of Policy, Executive Secretariat
U.S. Department of Homeland Security
Desk
Mobl
UNCL
HSDN
JWIC

From: Petyo, Briana
Sent: Thursday, October 5, 2017 2:31 PM
To: Cloe, David
Cc: St. John, Jillian

Subject: RE: Letter from Haitian Ambassador regarding TPS

Agreed.
Grant - can you take the two and put them in a WF to move to ESEC for CIS response?

From: Cloe, David  
Sent: Thursday, October 05, 2017 2:22 PM  
To: Nealon, James; Petyo, Briana  
Cc: St. John, Jillian; Cuevas, Lequann; Immigration Policy  
Subject: FW: Letter from Haitian Ambassador regarding TPS

Sir – Forwarding you a letter (first attachment) from Haitian Ambassador Paul Altitdor to Acting Secretary Duke regarding TPS. The second attachment (TPS DHS Update...) is a letter from USCIS Acting Director McCament to Amb Altidor dated Sept 8th, 2017, in response to an earlier letter from Altidor (dated May 4th, 2017) requesting a TPS extension. Altidor (in the letter above) references the letter from McCament, so I wanted to send them as a package.

Trying to keep this straight then, Altidor sent a letter to Kelly on May 4th concerning TPS, which the Department asked USCIS to respond to; their response went to Altidor on September 8th. Altidor is now sending another letter, dated October 4th, asking DHS to extend or redesignate Haiti for TPS. Altidor also asks AS1 Duke to visit Haiti in the coming weeks (before she makes a decision on TPS for Haiti) to review conditions on the ground.

I would advise we send this forward to the front office with a recommendation that USCIS again respond for the Department because of the TPS focus. PLCY can add a sentence or two regarding the invitation to travel.

Thanks - David

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy

Mr. Cloe:

Hope this message finds you well. Attached is a formal letter from the Haitian government addressed to the Honorable Elaine Duke, Acting Secretary at DHS. I am reaching out to seek your support to ensure that the Acting Secretary receives this letter.

Please do not hesitate to contact me should you have any question.

Can you please acknowledge reception of this message?
I thank you for following up.

Regards,

Ambassador Altidor

--

Paul G Altidor  
Ambassador of Haiti to the US  
Washington, DC  

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They told us that we wouldn’t get us a package to Friday after promising Chad one today. I flagged for FO.

From: Nealon, James
Sent: Wednesday, October 25, 2017 3:30:27 PM
To: Petyo, Briana
Subject: RE: TPS call read out

Have we received State input? Is there timeline for decisions?
From: Petyo, Briana

Sent: Wednesday, October 25, 2017 3:27:16 PM

To: Nealon, James

Subject: TPS call read out

Timeline of transmission-

-package by Friday

-WHA made point that we need to give countries advanced notice but we pushed that we can't do that until we get country conditions for us to make a decision

Press guidance-

-DHS OPA will take lead with State. Spoke to Claffey about us needing to be coordinated with as well as CIS

-State gave some high level nonsense about trying to get info to us sooner but for this go round there is nothing they can do.

Notice-

-who is the POC to give WHA the green light to tell Host countries

-OPA says they will build it into a firm roll out time line to include host country notices

Federal Register Notice-

-State didn't like how uninvolved they were in FRNs and to include foreign policy language in it
-Dimple was pretty hard on them that this was their fault they aren't getting info to us soon enough. Fair. It also we do owe them the FRNs sooner which given where we are in this timeline, I don't see that happening.

State asked if we were planning trips like Haiti. I said no but that we would be doing Ambo and Foreign Minister engagement at your level and S1.
Briana,
I know there was additional chatter on this topic, so this reminder may be moot. However, per your direction, I am reminding you of this tasking and the request for PLCY’s review.
As mentioned below: IMM PLCY (Johnson) and Americas (Cloe) reviewed and cleared—with a edits/comments from IMM on Attachment A.

Note: ESEC did provide us an extension to COB today, 11/8.

Thank you.

J. Hilario Ponce | Office of Strategy, Policy, and Plans | ExecSec

---

**From:** Petyo, Briana  
**Sent:** Monday, November 6, 2017 3:04 PM  
**To:** Pley Exec Sec  
**Subject:** RE: Due 9am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

No ask for an extension. Especially now we got guidance from AS1 she isn’t making this decision at this time.

---

**From:** Ponce, Hilario on behalf of Plcy Exec Sec  
**Sent:** Monday, November 06, 2017 3:03:26 PM  
**To:** Petyo, Briana  
**Subject:** RE: Due 9am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

Do you mean Tuesday afternoon?  
ESEC’s due date for us is tomorrow at 9am.  
Just want to clarify/confirm.
From: Petyo, Briana
Sent: Monday, November 6, 2017 3:00 PM
To: Plcy Exec Sec
Subject: RE: Due 9am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

Can you remind me about this one on Wed afternoon? I need to talk to Ambo Nealon about it when he is back. But based on guidance we got from ASI today, we don’t need to push this up until much closer to the deadline.

From: Ponce, Hilario on behalf of Plcy Exec Sec
Sent: Monday, November 06, 2017 2:54:32 PM
To: Petyo, Briana
Cc: Plcy Exec Sec
Subject: Due 9am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

Good afternoon Briana,

IMM PLCY (Johnson) and Americas (Cloe) reviewed and cleared—with edits/comments from IMM on Attachment A—the attached ESEC-tasked Decision Memo and associated incoming and attachments re TPS recommendations.

PLCY review is due **by 9am 11/7**.
Do you clear for PLCY?

From: Cloe, David
Sent: Monday, November 6, 2017 1:49 PM
To: Johnson, Eric Plcy Exec Sec
Subject: RE: Due 8am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

No – Nothing further from Americas…

David L. Cloe
From: Johnson, Eric  
Sent: Monday, November 6, 2017 1:29 PM  
To: Pley Exec Sec; Immigration Policy  
Cc: Americas

Subject: RE: Due 8am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

PLCY ES,

IMM has reviewed and clears with minor edits to the attachment. We defer to Americas for any additional edits or comments.

Many thanks,
Eric

Eric B. Johnson  
DHS Office of Policy  

From: Ponce, Hilario On Behalf Of Pley Exec Sec  
Sent: Monday, November 6, 2017 9:07 AM  
To: Immigration Policy  
Cc: Americas; Pley Exec Sec

Subject: Due 8am 11/7 [USCIS Decision Memo] Haiti's Designation for TPS [WF-1153120]

Good morning IMM PLCY and Americas,

Please review the attached ESEC-tasked Decision Memo and associated incoming and attachments re TPS recommendations and provide comment/clearance **by 8am 11/7.**

Thank you.
J. Hilario Ponce
Office of Strategy, Policy, and Plans | ExecSec

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From: Nuebel Kovarik, Kathy

Sent: Tuesday, October 24, 2017 11:52:11 AM

To: Nealon, James; Dougherty, Michael; Culver, Jared

Cc: Hamilton, Gene

Subject: TPS interagency consultations

Ambassador Nealon – given the interest by the Secretary to gather input from all federal partners before she makes her decision on TPS for the Central American countries (and Haiti), we think it’s most helpful to have DHS POLICY set up a call sometime this week or early next to hear other department’s equities. We considered going through OMB or doing a PCC, but ultimately, we think pinging the departments for input or doing a call is best. Then DHS POLICY can gather that input and provide to the Secretary. I anticipate that our Director will send up a memo with recommendations by week’s end.
Those we should hear from include:

State
DoD
Justice
DPC
NSC

Would you be able to arrange this?

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies.
Border security strategy would be new. Here is TOC

**From:** Blackwell, Juliana  
**Sent:** Thursday, October 19, 2017 11:13 AM  
**To:** Petyo, Briana  
**Subject:** FW: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

I don’t see TCOs or Border Security Strategy?

**From:** Neumann, Elizabeth  
**Sent:** Thursday, October 19, 2017 8:34 AM  
**To:** Blackwell, Juliana  
**Cc:** Petyo, Briana  
**Subject:** FW: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

JJ - per our conversation. Here are the electrons for the topics that need to be updated.

Briana - if any of these got tasked yesterday - please give guidance on which might be already covered.

**From:** Corbin, Susan  
**Sent:** Tuesday, October 17, 2017 8:17:31 PM  
**To:** Neumann, Elizabeth  
**Cc:** Wonnenberg, David; Corbin, Susan; Cassidy, Ben  
**Subject:** IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

DCOS, as requested – attached are the IPs used for the AS1 Threats hearing, which you plan to have ESEC retask for updates.

**From:** Corbin, Susan  
**Sent:** Saturday, October 14, 2017 4:45 PM  
**To:** Neumann, Elizabeth  
**Cc:** Cassidy, Ben; Wonnenberg, David; Corbin, Susan  
**Subject:** IPs and TOPICS for IPs needed for S1 Nominee
DCOS:
Attached is the latest tranche of Issue Papers done for the AS1 Threats Hearing. This is the general format that we use to prep the principals for NOMS.

Below is an initial DRAFT list of topics we came up with for S1 Noms Issue Papers needed for HSGAC hearing for yours and Counselor consideration:
This is based on the Senator’s preferred topics to raise in the hearings. It is not exhaustive.
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<th>&quot;Blackwell, Juliana &lt;br&gt;0X6</th>
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Thank you

From: Shah, Dimple
Sent: Thursday, October 19, 2017 1:12:06 PM
To: Temp, ChadW; Petyo, Briana; Ries, Lora L
Subject: TPS

Hi Chad,
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Sir -

Tomorrow morning we will submit a draft S1 memo on Haiti TPS for your review. However, we are reaching out to get a steer on whether you think the attached memo from the Haitian Ambassador would be beneficial to include as an attachment on the AS1 memo.

Many thanks,
Jill

Jillian St. John | Deputy Director for the Caribbean and Southern Cone | Office of Latin American and Caribbean Affairs | Department of Homeland Security
Tel: (b)(6) Email: (b)(6)
From: Naomie Pierre-Louis [mailto:]
Sent: Wednesday, November 8, 2017 2:26 PM
To: Cloe, David <David>; Paul Altidor <Paul Altidor>
Subject: Office of Ambassador Paul Altidor | TPS Memorandum | 11/8/17

Dear Mr. Cloe:

As per your conversations with Ambassador Paul Altidor, please see attached for the brief TPS Memorandum from the Government of Haiti, summarizing the reasons for the request extension by the Haitian government.

Sincerely,
Naomie P.L.

--

NAOMIE PIERRE-LOUIS, M.A.
Special Assistant to the Ambassador
Embassy of the Republic of Haiti

Sender: St. John, Jillian <b>
Recipient: *Nealon, James <b>
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<td>Macey, David</td>
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**Sent Date:** 2017/11/08 16:46:27  
**Delivered Date:** 2017/11/08 16:46:28
October 4, 2017

The Honorable Elaine C. Duke
Acting Secretary of the Department of Homeland Security
Washington, D.C. 20528

Dear Secretary Duke,

Please accept this correspondence in response to the letter from your Department dated September 8, 2017. I want to thank you for your Department’s continued collaboration with the Haitian Government in addressing Haiti’s Temporary Protected Status (TPS) designation. The Haitian Government is committed to working with the United States to reach a mutually beneficial resolution on this very important issue. Towards that end, the Haitian Government is of the sincere opinion that an extension for an additional eighteen (18) months or a TPS re-designation will serve the shared national interests of both Haiti and the United States.

As the two oldest republics in the Western Hemisphere, we have a long history of collaborating to further our shared values and national interests. Our request for an extension of the TPS designation for an additional eighteen (18) months is meant to ensure that Haiti is able to adequately move forward with its recovery and redevelopment plan and will not have to rely, over the long term, on the United States for temporary residence for its citizens.

We believe that the best way for us to convey our reasoning behind our request for an additional eighteen (18) months extension of the TPS designation is to show you the facts on the ground. Therefore, my Government is extending an invitation to host you in Haiti so that you can personally see the efforts underway to address the issues that warranted TPS designation for Haiti in the first place. Moreover, a visit to Haiti would offer you insight on the challenges that we continue to face. We sincerely believe that once you see the conditions on the ground, it will become clear that an additional eighteen (18) months extension or re-designation is in the shared national interests of both Haiti and the United States. We respectfully suggest that the visit occur no later than the first week of November so that you have sufficient time to assess the situation on the ground before making a decision on TPS for Haitians.

Haiti has undergone a catastrophic and unprecedented series of natural disasters during the last seven years. As you know, the TPS designation for Haiti originated in the aftermath of the January 2010 earthquake that devastated the country, leaving at least 300,000 people dead and more than one million of our citizens internally-displaced. Subsequently, United Nations soldiers introduced a cholera epidemic that killed thousands of people, sickened over 800,000
and that continues to pose a healthcare risk to our citizenry. Valuable resources initially earmarked for addressing critical earthquake recovery issues had to be re-appropriated to eradicate this epidemic, with limited support from the United Nations, the entity that brought the disease to Haiti in the first place. To add to the devastation, on October 4, 2016, Hurricane Matthew, a Category 4 with 145 mph winds and the worst to strike our nation in 52 years, raged through Haiti, destroying over 200,000 homes, wiping out towns, entire villages, and destroying valuable crops. This caused a severe food crisis of unparalleled magnitude in Haiti’s history. The economic loss from Hurricane Matthew alone was estimated at 2.8 billion dollars. As a result of these three extraordinary recent catastrophes, in May 2017, we requested an extension of the TPS designation for an additional eighteen (18) months to allow the Haitian Government more time to implement its ongoing recovery and redevelopment plan.

When former Secretary John Kelly announced a six-month extension of Haiti’s TPS designation through January 22, 2018, he stated that, “if Haiti is able to continue its pace of recovery from the 2010 earthquake, then a TPS extension past January 2018 may not be warranted.” However, despite best efforts and tangible progress, unforeseen natural disasters, including Hurricanes Irma and Maria, have significantly delayed the Government’s ability to adequately maintain the pace of recovery from the 2010 earthquake. Therefore, the Haitian Government contends an 18-month extension or a TPS re-designation is necessary for Haiti to continue on the path of progress.

Since our last request, our ongoing efforts to continue to recover from the earthquake and from the ravages of the cholera epidemic and Hurricane Matthew have been hampered by significant setbacks, as Haiti continued to face unforeseeable and daunting challenges. In the past month, both Hurricanes Irma and Maria have caused serious damage in Haiti. A substantial amount of agricultural crops have been destroyed and communities have been flooded, which has resulted in the further displacement of local communities. Additionally, the impact of the most recent hurricanes on neighboring island countries, such as Turks and Caicos, has caused significant harm to the Haitian economy. As you may know, Haiti’s economy relies heavily on the contribution of its Diaspora. A substantial proportion of the labor force in many neighboring islands that were affected by Hurricanes Irma and Maria is of Haitian descent. As many of these countries struggle to rebound from these hurricanes, Haitians expatriates working there have found themselves unable to support their families back home, further complicating Haiti’s recovery process and delaying the ability of the country to place itself back in the position that it was in prior to the 2010 earthquake.

As noted in your Department’s letter, a statutory basis required to designate a country for TPS is that “there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation.” Unfortunately, Haiti has had three such major blows since 2010. The detrimental impacts of the recent hurricanes have complicated our ability to recover from the 2010 earthquake, cholera, and Hurricane Matthew within the projected timeline and have exacerbated the situation on the ground, resulting in major disruptions of living conditions in the short-term. Given the current circumstances on the ground and based on the statutory
guidelines, an extension or re-designation of TPS for Haitians is fully warranted and would serve the mutual national interests of both countries.

Back in May, your Department’s TPS determination stated that “permitting Haitian nationals to continue residing temporarily in the U.S. is not contrary to the national interest of the United States”. Since then, we have not received any subsequent communication from the USG that these conditions changed. Our research, as well as our conversations with U.S. law enforcement and elected officials representing districts and states where Haitian TPS recipients reside, has shown that our nationals have been exemplary law-abiding residents and pose no threat to the security of the United States or its people. Moreover, Haitian TPS recipients have not constituted a financial burden on U.S. taxpayers. Rather, Haitian TPS recipients have made significant economic contributions to their communities here in the United States as acknowledged publicly by Congressional Leaders, from the Democratic and Republican side, as well as Mayors, Governors and business leaders.

At this precarious juncture, an 18-month extension or a TPS re-designation beyond January 2018 is a necessity. Not extending TPS beyond January 2018 would force the Government of Haiti not only to halt its ongoing, short-term redevelopment efforts, but also to focus its limited resources on receiving an influx of citizens. Under these circumstances, we fear that a non-renewal may cause TPS beneficiaries to find alternative, and ill-advised, ways to remain in the United States, and would also embolden trans-national human traffickers and cartels to prey upon this group of vulnerable individuals; such an outcome would not be in the best interests of either of our governments.

In the interim, the Haitian Government is diligently working to put the country back on a trajectory towards a swift recovery. The current leadership in Haiti is in the process of implementing a robust and expansive recovery and redevelopment plan. The plan includes enhancing our infrastructure, increasing private investment and incentivizing economic growth. The redevelopment plan is meant not only to significantly improve the lives of Haitians at home, but also to encourage the return of those living overseas to contribute in the long-term sustainability and economic prosperity of our country.

In the spirit of the long shared-history of our two nations, I thank your Department for the continued dialogue with the Government of Haiti on this important matter. I look forward to hearing back from you regarding a suitable date to host you in Haiti.

Sincerely,

[Signature]

Paul G. Altidor
Ambassador
Of course

From: Nealon, James
Sent: Monday, October 23, 2017 5:18:03 PM
To: Petyo, Briana
Subject: FW: DHS TPS Coordination Call

Briana, I will be on the plane to Canberra when this call happens. Can you be on it? 8 pm your time I think.
Official

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May 17, 2017

*Sent via Email, facsimile and U.S. Certified Mail/Return Receipt*

Karen Neuman, Chief FOIA Officer  
U.S. Department of Homeland Security  
The Privacy Office  
245 Murray Lane SW, Stop 0655  
Washington, D.C. 20528-0655  
foia@hq.dhs.gov

Catrina Pavlik-Keenan  
U.S. Immigration and Customs Enforcement  
Freedom of Information Act Office  
500 12th Street SW, Stop 5009  
Washington, D.C. 20536-5009  
ice-foia@dhs.gov

U.S. Citizenship and Immigration Services  
National Records Center, FOIA/PA Office  
P.O. Box 648010  
Lee’s Summit, MO 64064-8010  
uscis.foia@uscis.dhs.gov

Eric F. Stein, Acting Co-Director  
Office of Information Programs and Services  
Building SA-2  
U.S. Department of State  
515 22nd Street, NW  
Washington, D.C. 20522-8100  
Fax: (202) 261-8579

**Re: Expedited Request for Information under Freedom of Information Act (FOIA)**

Dear FOIA Officer:

The UndocuBlack Network ("UndocuBlack") and the National Immigration Law Center ("NILC") together make this request for information under the Freedom of Information Act ("FOIA"), 5 U.S.C. § 552 et seq, for records related to the extension or termination of Temporary Protected Status ("TPS") for nationals of Haiti.

**BACKGROUND**

TPS for Haitian nationals is expected to expire on July 22, 2017, and the question of whether the Department of Homeland Security ("DHS") will extend or renew TPS is one of significant public concern. According to media reports, 58,000 Haitians stand to lose TPS and would be forced to return to their ravaged homeland if the designation is withdrawn.¹ A TPS designation provides

temporary protection from deportation, authorization to work, and the ability to travel with advance permission to individuals present in the United States at times of great natural disaster or civil strife in their home country. Twenty-three countries, including Haiti, are currently designated for TPS, and TPS was granted to seven other countries whose designation has since expired.

UndocuBlack and NILC jointly make this request to better understand the DHS Secretary’s decision to extend or withdraw the designation of TPS for nationals of Haiti. If Secretary John F. Kelly terminates this protection, tens of thousands of Haitians who have lived, worked, and gone to school in the United States for many years may be deported from the country they now call home and would be forced to relocate to a country that is still devastated by the 7.0 earthquake that struck Port-Au-Prince in 2010, which affected more than 3 million residents and resulted in an estimated 160,000 to 300,000 deaths, and more recently by Hurricane Matthew in 2016, which killed more than 1,000 Haitians and caused almost $2 billion in damages.

Recent media reports indicate that, in advance of the deadline to provide notice of the extension or withdrawal of TPS for Haitian nationals, officials at DHS and United States Citizenship and Immigration Services (“USCIS”) have sought information about criminal data and data on the use

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2 Temporary Protected Status, United States Citizenship and Immigration Services (last viewed on May 16, 2017), available at https://www.uscis.gov/humanitarian/temporary-protected-status

3 Id.


7 Hurricane Matthew Death Toll Tops 1,000 in Haiti, available at http://www.huffingtonpost.com/entry/hurricane-matthew-haiti_us_57b6f06e4b06a43033bf0a.


9 Honduras and Nicaragua have been designated TPS since 1998, and that status has been renewed several times. El Salvador has been designated TPS since 2001 after a series of earthquakes devastated the country. See Congressional Research Service, Temporary Protected Status: Current Immigration Policy and Issues, at 3, available at https://fas.org/sgp/crs/homesec/RS20844.pdf.
of public benefits\(^\text{10}\) by Haitians with TPS.\(^\text{11}\) These requests for criminal or public benefits information about an entire ethnic community are highly unorthodox, and it is unclear why such information would be relevant to the determination of whether to extend or withdraw the designation of TPS to nationals of Haiti. Normally, the decision to extend or withdraw TPS is based on whether conditions in the country have improved.\(^\text{12}\)

**RECORDS REQUESTED**

NILC and UndocuBlack seek through this FOIA request the following records:\(^\text{13}\)

1. All records regarding or relating to and including an April 10, 2017 memorandum from USCIS Acting Director James McCament recommending the expiration, termination, withdrawal, or any other form of cessation of TPS for nationals of Haiti.

2. All records regarding or relating to any recommendation made by any employee of the Department of Homeland Security ("DHS"), United States Citizenship and Immigration Services ("USCIS"), Immigration and Customs Enforcement ("ICE"), or the Department of State ("DOS") for the extension or renewal of TPS for nationals of Haiti in advance of its scheduled expiration on July 22, 2017.

3. All records regarding or relating to any recommendation made by any employee of USCIS, DHS, ICE, or DOS for the expiration, termination, withdrawal, or any other form of cessation of TPS for nationals of Haiti in advance of its scheduled expiration on July 22, 2017.


\(^\text{12}\) Id.

\(^\text{13}\) The term “records” as used herein includes but is not limited to all records or communications preserved in electronic or written form, including but not limited to correspondence, including but not limited to intra-governmental correspondence, documents, data, videotapes, audio tapes, faxes, files, forms, e-mails, guidance, guidelines, evaluations, legal opinions, instructions, analyses, directives, memoranda, agreements, notes, orders, policies, procedures, protocols, reports, rules, technical manuals, technical specifications, training manuals, questionnaires, studies, including records kept in written form, or electronic format on computers and/or other electronic storage devices, electronic communications and/or video tapes, or any other sub- regulatory guidance.
4. All records from January 1, 2017, to present regarding or relating to any inquiry, request, or demand for information made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning the criminal history of nationals of Haiti with TPS, including but not limited to how often Haitians with TPS have been charged or convicted of crimes of any kind.

5. All records regarding or relating to any inquiry, request, or demand for information made by or to any employee of USCIS, DHS, ICE, or DOS concerning the criminal history of nationals of Haiti with TPS, including but not limited to how often Haitians with TPS have been charged or convicted of crimes of any kind.

6. All records regarding or relating to any effort made by any employee of USCIS, DHS, ICE, or DOS to respond to the inquiry or inquiries referenced in Requests #4 and 5, including but not limited to any data or information responsive to the inquiry and any policy, guidance, directives, training, and/or memoranda pertaining to the collection of such data or information.

7. All records regarding or relating to any inquiry, request, or demand for information made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.

8. All records regarding or relating to any inquiry, request, or demand for information made by or to any employee of USCIS, DHS, ICE, or DOS concerning whether, when, and how nationals of Haiti with TPS have used any type of public benefit.

9. All records regarding or relating to any effort made by any employee of USCIS, DHS, ICE, or DOS to respond to the inquiry or inquiries referenced in Requests #7 and 8, including but not limited to any data or information responsive to the inquiry and any policy, guidance, directives, training, and/or memoranda pertaining to the collection of such data or information.

10. All records regarding or relating to any inquiry, request, or demand made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning any remittances or any other money or resources sent back to Haiti by nationals of Haiti with TPS.

11. All records regarding or relating to any inquiry, request, or demand for information made by or to any employee of USCIS, DHS, ICE, or DOS concerning any remittances or any other money or resources sent back to Haiti by nationals of Haiti with TPS.

12. All records regarding or relating to any effort made by any employee of USCIS, DHS, ICE, or DOS to respond to the inquiry or inquiries referenced in Requests #10 and 11, including but not limited to any data or information responsive to the inquiry and any policy,
guidance, directives, training, and/or memoranda pertaining to the collection of such data or information.

13. All records regarding or relating to any inquiry, request, or demand made by Kathy Nuebel Kovarik, Chief of USCIS Office of Policy and Strategy, concerning any travel to or from Haiti by nationals of Haiti with TPS, including any grants of Advance Parole to Haitian nationals and any subsequent travel.

14. All records regarding or relating to any inquiry, request, or demand for information made by or to any employee of USCIS, DHS, ICE, or DOS concerning any travel to or from Haiti by nationals of Haiti with TPS, including any grants of Advance Parole to Haitian nationals and any subsequent travel.

15. All records regarding or relating to any effort made by any employee of USCIS, DHS, ICE, or DOS to respond to the inquiry or inquiries referenced in Requests # 13 and 14, including but not limited to any data or information responsive to the inquiry and any policy, guidance, directives, training, and/or memoranda pertaining to the collection of such data or information.

16. All records sent by or to Lee Francis Cissna, Director of Immigration Policy in the Office of Policy of the Department of Homeland Security, regarding or relating to TPS for nationals of Haiti, including but not limited to the extension, renewal, expiration, termination, withdrawal, or any other form of cessation of TPS for Haitian nationals.

17. All records sent by or to Lee Francis Cissna, Director of Immigration Policy in the Office of Policy of the Department of Homeland Security, regarding or relating to nationals of Haiti with TPS.

18. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the designation of TPS for the nationals of any country.

19. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the extension or renewal of eligibility for TPS for the nationals of any country.

20. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the criteria or process for determining an individual’s eligibility for TPS.

21. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the consideration of an individual’s criminal history in determining that individual’s eligibility for TPS.
22. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the consideration of an individual’s use of any public benefits in determining that individual’s eligibility for TPS.

23. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2010 pertaining to the country conditions in Haiti and the use of this information in the determination of granting, extending, or withdrawing TPS for the nationals of Haiti.

24. All FOIA Search Staffing Sheets related to this FOIA request.

**FEE WAIVER**

UndocuBlack and NILC request a waiver of all costs pursuant to the public interest/benefit fee waiver established by 5 U.S.C. § 552(a)(4)(A)(iii) (“Documents shall be furnished without any charge … if disclosure of the information is in the public interest because it is likely to contribute significantly to public understanding of the operations or activities of the government and is not primarily in the commercial interest of the Requester.”). The public interest/benefit fee waiver provisions of the FOIA re to be “liberally construed” and are “consistently associated with requests from journalists, scholars, and non-profit interest groups who it was intended to benefit.” See *Judicial Watch, Inc. v. Rosotti*, 326 F.3d 1309, 1312 (D.C. Cir. 2003) (“Congress amended FOIA to ensure that it be ‘liberally construed in favor of fee waivers for noncommercial requesters.’”) (citation omitted).

NILC is a nonprofit national legal advocacy organization that engages in policy analysis, advocacy, education, and litigation to promote and advance the rights of low-income immigrants and their families. NILC serves as an important resource to a broad range of immigrant advocacy groups, community organizations, legal service organizations, and the public. As a part of its work, NILC disseminates information to the public through electronic newsletters, news alerts, issue briefs, trainings, and other educational and informational materials. In addition, NILC disseminates information to individuals, tax-exempt organizations, not-for-profit groups, and members through its website (http://www.nilc.org). NILC’s website receives approximately 4,100 visits per day, and many visitors actively download NILC’s reports, brochures and fact sheets. NILC’s email listserv has about 70,000 subscribers. NILC’s Twitter account has over 51,000 followers.

The UndocuBlack Network is a multigenerational network of currently and formerly undocumented Black people that fosters kinships, facilitates access to resources, and contributes to transforming the realities of our people, so we are thriving and living our fullest lives. The Network believes that directly impacted people should be at the center of decisions impacting their lives. To that end, UndocuBlack focuses on building local infrastructure for organizing, creating and disseminating tools and resources for our communities, and fighting for full racial and migrant
justice in this country. UndocuBlack has current chapters in Los Angeles, New York, and the DC/MD/VA area, and multiple new chapters are in formation. For more information, please visit www.undocublack.org.

In short, NILC and UndocuBlack are exactly the type of organizations contemplated by Congress when it established the public interest/benefit fee waiver provisions of the FOIA. Moreover, the National Immigration Law Center is routinely granted fee waivers by government agencies. Some of the fee waivers granted by DHS include FOIA Requests CBP-2017-038274, 2016-HQFO-00400, 2013-HQFO-00730, 2013-HQFO-00907.

The records requested are not sought for commercial use, and NILC and UndocuBlack plan to disseminate the disclosed information to the public at no cost. See 6 C.F.R. § 5.11(k). Disclosure of the requested records is likely to contribute significantly to public understanding of the operations and activities of the government regarding its determinations on granting, extending, or withdrawing TPS for the nationals of certain countries. The requested information is of great interest to the public at large, and is not available in the public domain.

If the fee waiver request is denied, while reserving our right to appeal the denial, NILC and UndocuBlack will pay fees up to $50. If fees are estimated to exceed this limit, please inform us.

**EXPEDITED PROCESSING**

Expeditied processing is warranted because there is “an urgency to inform the public about an actual or alleged federal government activity” by organizations “primarily engaged in disseminating information.” 5 U.S.C. § 552(a)(6)(E)(v)(II). Should you determine that expedited processing is not warranted, while reserving our right to appeal that decision, NILC and UndocuBlack expect a response within the twenty-day time limit set forth under 5 U.S.C. § 552(a)(6)(A)(ii). Disclosure of information regarding the extension or termination of TPS for Haitian nationals is particularly urgent because TPS will expire on July 22, 2017, unless it is extended by DHS, and thousands of Haitian nationals could be forced to return to a devastated Haiti, where there is an imminent threat to their lives and physical safety. Dissemination of the requested information will benefit public discourse on an issue of significant national interest.

If this Request is denied in whole or in part, please provide a written explanation for that denial, including reference to the specific supporting statutory provisions. To the extent that any requested records are redacted, please redact only the necessary portions and immediately provide us with the remaining portions. If any records, or portions thereof are withheld, please state the exemption claimed and provide a list of the records being withheld.

Finally, without waiving any other appeal rights, NILC and UndocuBlack reserve the right to appeal a constructive denial of this Request as well as decisions to deny expedited processing, to withhold any information, to deny a waiver of fees, or to deny a limitation of processing fees.
NILC and UndocuBlack also reserve the right to challenge the adequacy of the search for responsive documents, the withholding of any documents, as well as any redactions in the materials produced in response to this Request.

I certify that the information contained in this request is true and correct to the best of my knowledge. See 6 C.F.R. § 5.5(d)(3).

If you have any questions, please contact me directly at (213) 674-2829 or via email huerta@nilc.org. Thank you in advance for your prompt response to this request.

Sincerely,

s/Alvaro M. Huerta
Alvaro M. Huerta
Staff Attorney
NATIONAL IMMIGRATION LAW CENTER
3435 Wilshire Boulevard, Suite 1600
Los Angeles, CA 90010
huerta@nilc.org

cc: U.S. Department of Homeland Security
    U.S. Citizenship and Immigration Services
    U.S. Immigration and Customs Enforcement
    U.S. Department of State
Request for Documents for Request #’2017-HQFO-00783’. Your response due date is: 6/6/2017 12:00:00 AM Message from SENDER:

(b)(5)

RE: FOIA Request #2017-HQFO-00783, (Alvaro Huerta)

Good day,

17. All records sent by or to Lee Francis Cissna, Director of Immigration Policy in the Office of Policy of the Department of Homeland Security, regarding or relating to nationals of Haiti with TPS.

18. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the designation of TPS for the nationals of any country.

19. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the extension or renewal of eligibility for TPS for the nationals of any country.

20. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the criteria or process for determining an individual’s eligibility for TPS.

21. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the consideration of an individual’s criminal history in determining that individual’s eligibility for TPS.
22. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the consideration of an individual’s use of any public benefits in determining that individual’s eligibility for TPS.

23. All records regarding any policy, guidance, directives, training, and/or memoranda issued since 2015 pertaining to the country conditions in Haiti and the use of this information in the determination of granting, extending, or withdrawing TPS for the nationals of Haiti.

Please conduct a search for responsive records

- Use the following search terms in addition to any other search terms that would likely produce records, e.g., 
- Complete the information below detailing the search;
- Email your response to me by COB June 06, 2017.

If you have any questions, or if the file is too large to email, please contact me. I may be reached at

Thank you for your help with this FOIA case.

Sincerely,

[Redacted]

Privacy Office FOIA, Mailstop 0655
U.S. Department of Homeland Security
Main FOIA Number 202-343-1743

Search Information Form (Please complete the following search form.)

Name(s) of Searcher(s):
Is Searcher (Check One): Clerical _____ Professional _____ Managerial _____

Program Office(s):
Date(s) of Search:
Total Time Searching:
Total Time Reviewing Records:
Were Any Records Found?:
If No Records Were Found, Why? (i.e. no records exist; records were destroyed in accordance with records schedule, etc.):

Withholding Recommendations:
* Total Release?
* Recommend withholding the bracketed information? (If yes, provide
an explanation):

*Recommend withholding in full? (If yes, provide an explanation):

If you are requesting information be withheld, provide a point of contact in case we need to discuss the sensitivity of the records:

*Name: *Phone Number:

Where Searched/Search Terms (including those listed above):

1. List databases searched (Paper files, Electronic files, Email, Other records such as video or audio):
   a. Search terms used:
2. List types of computer searches (desktop, hard drive, shared drive, etc.):
   b. Search terms used:
3. List paper files searched (office’s central file system, personal files, etc.):
   c. Search terms used:
4. List searches in Outlook (incoming, outgoing, archived folders, etc.):
   d. Search terms used:
5. List any other searches you conducted that are not included above (where, how, etc.):
   e. Search terms used:

<table>
<thead>
<tr>
<th>Sender</th>
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<th>b(x6)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Recipient</td>
<td>b(x6)</td>
<td>b(x6)</td>
</tr>
</tbody>
</table>

*Petty, Briana*

Sent Date: 2017/05/30 06:45:21
Delivered Date: 2017/05/30 06:45:20
SCHEDULING PROPOSAL FORM

TODAY’S DATE: November 9, 2017

TO: Office of Scheduling & Advance
    Acting Secretary Elaine Duke
    E-mail: [REDACTED]

FROM: James Nealon, Assistant Secretary for International Affairs

REQUEST: Meeting with Haitian Foreign Minister Antonio Rodrigue

PURPOSE: The Government of Haiti requested a meeting between Foreign Minister Rodrigue and Acting Secretary Duke to discuss the situation on the ground in Haiti prior to her decision on whether to extend Haiti’s Temporary Protected Status (TPS). Previously, Acting Secretary Duke declined the Government of Haiti’s invitation to visit Haiti.

PREVIOUS PARTICIPATION: This will be your first interaction with Foreign Minister Antonio Rodrigue

DATE AND TIME: Prior to November 23, 2017, when statute requires a decision be announced regarding Haiti’s TPS

DURATION: 1 hour

BRIEFING TIME: 10 minutes

LOCATION: Acting Secretary Duke’s office

PARTICIPANTS: Acting Secretary Duke
                Others TBD

OUTLINE OF EVENTS: Business Attire

REMARKS REQUIRED: None

MEDIA COVERAGE: Closed to the Press.
Can we push to early next week?

From: Cuevas, Lequann
Sent: Wednesday, November 08, 2017 4:58 PM
To: Petyo, Briana
Subject: FW: New Report: TPS for Haiti and request for meeting

Does he really want this next week?!?!? Seems out of order and bad timing w/ JHA bilats and Colombian VP possibly shifting....

From: Hayden, Matt
Sent: Wednesday, November 8, 2017 4:55 PM
To: Cuevas, Lequann
Subject: FW: New Report: TPS for Haiti and request for meeting

From: Jeanne Atkinson
Sent: Wednesday, November 08, 2017 10:55:21 AM
To: Hayden, Matt
Subject: New Report: TPS for Haiti and request for meeting

Mr. Hayden,

I am writing to share with you a recently released report, Protecting Families, stabilizing the region: Why Temporary Protected Status is needed for Haiti, written by staff at the Catholic Legal Immigration Network, Inc., or CLINIC. The attached report details current country conditions in Haiti (based in part on my recent trip to Haiti as part of a Catholic delegation to survey the situation on the ground first hand) and outlines specific recommendations for the administration based on those findings.

CLINIC serves a network of 330 affiliated immigrant legal service providers across the U.S. In turn, CLINIC’s affiliates serve hundreds of thousands of low-income immigrants each year, including individuals applying for Temporary Protected Status. Due to this vested interest, the documented conditions on the ground in Haiti, and CLINIC’s Catholic values to defend the
dignity of each life, CLINIC calls on the administration to extend TPS for Haiti in 18 month increments until the country is able to safely reabsorb nationals.

Due to the urgency of this situation and the lives and American families at stake, I request the opportunity to meet with you to discuss this matter and to represent the interests of CLINIC’s affiliate network and the TPS holders we zealously serve. I am available to meet later this week or next week.

Sincerely,

Jeanne M. Atkinson, Esq.
Executive Director
Catholic Legal Immigration Network, Inc. (CLINIC)

www.cliniclegal.org
Got it! Thanks.

From: St. John, Jillian
Sent: Thursday, November 09, 2017 12:55:23 PM
To: Cloe, David; Cuevas, Lequann; Petyo, Briana
Subject: RE: call with Haitian AMB

Quann - See below contact information for Ambassador Altidor's assistant. Let me know if you'd like us to reach out to get the ball rolling.
NAOMIE PIERRE-LOUIS, M.A.
Special Assistant to the Ambassador
Embassy of the Republic of Haiti
2311 Massachusetts Ave, NW
Washington DC 20008
Main Line: (b)(6)
Desk Line: (b)(6)
Fax: (b)(6)
Cell: (b)(6)
Web: www.haiti.org

From: Cloe, David
Sent: Thursday, November 09, 2017 7:22:37 AM
To: Nealon, James; Cuevas, Lequann; Petyo, Briana; King, Matthew; Batla, Traci
Cc: St. John, Jillian
Subject: RE: call with Haitian AMB

Quann - Jill can link you with he Ambassador’s staff...
From: Nealon, James

Sent: Thursday, November 09, 2017 7:06:21 AM

To: Cuevas, Lequann; Petyo, Briana; King, Matthew; Cloe, David; Batla, Traci

Subject: call with Haitian AMB

Quann, I’d like to talk to the Haitian Ambassador today or early Monday, before the meeting with AS1 on TPS. Can you see if he’s available? Thanks.
Great thanks!

From: Petyo, Briana
Sent: Wednesday, November 8, 2017 2:26 PM
To: Petyo, Briana
Cc: Claffey, Lauren
Subject: RE: Haiti TPS memo

Here is what we have from State.

From: [Redacted]
Sent: Wednesday, November 08, 2017 12:06 PM
To: Petyo, Briana
Cc: Claffey, Lauren
Subject: Haiti TPS memo

Hey! I am starting the PAG for the Haiti TPS rollout. Are you able to share any background on the conditions on the ground or a decision memo? Thanks!

Office of Public Affairs
U.S. Department of Homeland Security

Sent Date: 2017/11/08 14:28:07
Delivered Date: 2017/11/08 14:28:08
Page 2 of 2

Withheld pursuant to exemption

(R)(5)

of the Freedom of Information and Privacy Act
Individuals Currently Designated for TPS

The following table reflects the number of TPS beneficiaries under each designated foreign state at the close of FY 2017.

<table>
<thead>
<tr>
<th>Country</th>
<th>Total</th>
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</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>263,282</td>
</tr>
<tr>
<td>Haiti</td>
<td>58,706</td>
</tr>
<tr>
<td>Honduras</td>
<td>86,163</td>
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<tr>
<td>Nepal</td>
<td>12,967</td>
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<td>Nicaragua</td>
<td>5,349</td>
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<tr>
<td>Somalia</td>
<td>497</td>
</tr>
<tr>
<td>South Sudan</td>
<td>49</td>
</tr>
<tr>
<td>Sudan*</td>
<td>1,039</td>
</tr>
<tr>
<td>Syria</td>
<td>6,177</td>
</tr>
<tr>
<td>Yemen</td>
<td>819</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>435,048</strong></td>
</tr>
</tbody>
</table>

*TPS designation terminates on November 2, 2018.
## Countries Currently Designated for TPS

Sourced from USCIS website on 9/30/17.

<table>
<thead>
<tr>
<th>Designated Country</th>
<th>Most Recent Designation Date</th>
<th>Current Expiration Date</th>
<th>Current Re-Registration Period</th>
<th>Current Initial Registration Period</th>
<th>Employment Authorization Document (EAD) Automatically Extended Through</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>March 9, 2001</td>
<td>Mar. 9, 2018</td>
<td>July 8, 2016 - Sept. 6, 2016</td>
<td>N/A</td>
<td>Sept. 9, 2017</td>
</tr>
<tr>
<td>Sudan*</td>
<td>May 3, 2013</td>
<td>Nov. 2, 2018</td>
<td>N/A</td>
<td>N/A</td>
<td>Nov. 2, 2016</td>
</tr>
<tr>
<td>Designated Country</td>
<td>Most Recent Designation Date</td>
<td>Current Expiration Date</td>
<td>Current Regularization Period</td>
<td>Current Initial Registration Period</td>
<td>Employment Authorization Document (EAD) Automatically Extended Through</td>
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<td>------------------------------</td>
<td>-------------------------</td>
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<td>-----------------------------------</td>
<td>---------------------------------------------------------------------</td>
</tr>
<tr>
<td>South Sudan</td>
<td>May 3, 2016</td>
<td>May 2, 2019</td>
<td>Sep. 21, 2017 - Nov. 20, 2017</td>
<td>Jan. 25, 2016 - July 25, 2016</td>
<td>May 1, 2018</td>
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</table>

*TPS designation terminates on November 2, 2018.*
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<thead>
<tr>
<th>From:</th>
<th>Petyo, Briana</th>
<th>*(b)(6)</th>
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</thead>
<tbody>
<tr>
<td>To:</td>
<td>&quot;Blackwell, Juliana&quot;</td>
<td>*(b)(6)</td>
</tr>
<tr>
<td></td>
<td>&quot;Neumann, Elizabeth&quot;</td>
<td>*(b)(6)</td>
</tr>
<tr>
<td>Subject:</td>
<td>RE: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please</td>
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<tr>
<td>Date:</td>
<td>2017/10/19 13:31:04</td>
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<td>Priority:</td>
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<tr>
<td>Type:</td>
<td>Note</td>
<td></td>
</tr>
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</table>

Sorry one more thing- CBP needs to include some key high level overstay stats.

From: Blackwell, Juliana
Sent: Thursday, October 19, 2017 1:21:43 PM
To: Petyo, Briana; Neumann, Elizabeth
Subject: RE: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

Yes

Juliana Blackwell
Office of the Executive Secretary

From: Petyo, Briana
Sent: Thursday, October 19, 2017 1:13:45 PM
To: Neumann, Elizabeth; Blackwell, Juliana
Subject: RE: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

JJ,

Can we task a visa overstay enforcement IP to ICE?

Thanks,
Briana
From: Petyo, Briana  
Sent: Thursday, October 19, 2017 8:37:05 AM  
To: Neumann, Elizabeth; Blackwell, Juliana  
Subject: RE: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

These don't all need to be updated. These are the electrons for what is the sum total of the threat binder.

JJ the list I sent you last night of updates are the only ones that need to be updated. Anything that was still in the book was okay, I believe I pulled out all the topics that would need an update so there is a hole where they would go.

From: Neumann, Elizabeth  
Sent: Thursday, October 19, 2017 8:33:48 AM  
To: Blackwell, Juliana  
Cc: Petyo, Briana  
Subject: FW: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

JJ - per our conversation. Here are the electrons for the topics that need to be updated.

Briana - if any of these got tasked yesterday - please give guidance on which might be already covered.

From: Corbin, Susan  
Sent: Tuesday, October 17, 2017 8:17:31 PM  
To: Neumann, Elizabeth  
Cc: Wonenberg, David; Corbin, Susan; Cassidy, Ben  
Subject: IPs From Threats Hearing for Revisions: Need Tasking by ESEC please

DCOS, as requested – attached are the IPs used for the AS1 Threats hearing, which you plan to have ESEC retask for updates.

From: Corbin, Susan  
Sent: Saturday, October 14, 2017 4:45 PM  
To: Neumann, Elizabeth; Cassidy, Ben; Wonenberg, David; Corbin, Susan  
Cc:  
Subject: IPs and TOPICS for IPs needed for S1 Nominee

DCOS:
Attached is the latest tranche of Issue Papers done for the AS1 Threats Hearing. This is the general format that we use to prep the principals for NOMS.

Below is an initial DRAFT list of topics we came up with for S1 Noms Issue Papers needed for HSGAC hearing for yours and Counselor consideration:
This is based on the Senator’s preferred topics to raise in the hearings. It is not exhaustive.
<table>
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<tr>
<th>Recipient</th>
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<tbody>
<tr>
<td>&quot;Blackwell, Juliana&quot;</td>
</tr>
<tr>
<td>&quot;Neumann, Elizabeth&quot;</td>
</tr>
</tbody>
</table>

**Sent Date:** 2017/10/19 13:31:04
Jill,

Ambassador Nealon and I talked and since these are from the Haitians, believe we should send these and any previous letters up with the package as a "this is what we have been given by them" type of thing.

Thanks
Briana

---

From: St. John, Jillian  
Sent: Wednesday, November 08, 2017 4:46 PM  
To: Nealon, James  
Cc: Petyo, Briana; Cloe, David  
Subject: Request for Guidance on AS1 Memo Attachment from the Government of Haiti

Sir -

Tomorrow morning we will submit a draft S1 memo on Haiti TPS for your review. However, we are reaching out to get a steer on whether you think the attached memo from the Haitian Ambassador would be beneficial to include as an attachment on the AS1 memo.
We want to provide all information that may be helpful to the Secretary, but wanted to get your thoughts on this case.

Please let us know how you would like us to handle.

Many thanks,
Jill

Jillian St. John | Deputy Director for the Caribbean and Southern Cone | Office of Latin American and Caribbean Affairs | Department of Homeland Security
Tel: [redacted] Email: [redacted]

From: Naomie Pierre-Louis [mailto:]
Sent: Wednesday, November 8, 2017 2:26 PM
To: Cloé, David [redacted] Paul Altidor [redacted]
Subject: Office of Ambassador Paul Altidor | TPS Memorandum | 11/8/17

Dear Mr. Cloé:

As per your conversations with Ambassador Paul Altidor, please see attached for the brief TPS Memorandum from the Government of Haiti, summarizing the reasons for the request extension by the Haitian government.

Sincerely,
Naomie P.L.

--

NAOMIE PIERRE-LOUIS, M.A.
Special Assistant to the Ambassador

Embassy of the Republic of Haiti
2311 Massachusetts Ave, NW
Washington, DC 20008

Main Line: [redacted]
Desk Line: [redacted]
Fax: [redacted]
Cell: [redacted]
Web: [redacted]
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<tr>
<td></td>
<td>*Clue, David         &lt;b&gt;(6)</td>
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<td></td>
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<tr>
<td>Sent Date</td>
<td>2017/11/08 17:04:58</td>
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10-4, thanks!

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Page 2 of 3

Withheld pursuant to exemption

(R)(5)

of the Freedom of Information and Privacy Act
Page 3 of 3

Withheld pursuant to exemption

(R)/5

of the Freedom of Information and Privacy Act
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<th>Nealon, James</th>
<th>Dougherty, Michael</th>
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<td>*(b)(6)</td>
<td>*(b)(6)</td>
</tr>
<tr>
<td>To</td>
<td></td>
<td>Petyo, Briana</td>
<td>Temp, James</td>
</tr>
<tr>
<td></td>
<td>*(b)(6)</td>
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<td>*(b)(6)</td>
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</tr>
<tr>
<td>CC</td>
<td>Huston, Michael</td>
<td>Cloe, David</td>
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<td>*(b)(6)</td>
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Subject: TPS numbers  
Date: 2017/10/17 17:50:35  
Priority: Normal  
Type: Note

Amb. Nealon, and all-

(b)(5)
Happy to discuss if helpful.

Thanks,

Marc

Marc R. Rosenblum
Deputy Assistant Secretary
Office of Immigration Statistics
U.S. Department of Homeland Security

Sender:
Rosenblum, Marc

Recipient:
*Neal, James <(b)(6)
*b(Y)(6)
*Dougherty, Michael <(b)(6)
*b(Y)(6)
*Petyo, Brian <(b)(6)
*b(Y)(6)
*Temp, James <(b)(6)
*b(Y)(6)
*Huston, Michael <(b)(6)
*b(Y)(6)
*Clo, David <(b)(6)
*b(Y)(6)

Sent Date: 2017/10/17 17:50:34
Delivered Date: 2017/10/17 17:50:35
Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security  
(b)(6)

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<th>Country</th>
<th>Date</th>
<th>Engagement</th>
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<tr>
<td>Haiti</td>
<td>May 15, 2017</td>
<td>S1 (PLCY represented by A/S Michael Dougherty) meeting with Haitian Foreign Minister Antonio Rodrigue</td>
</tr>
<tr>
<td></td>
<td>July 26, 2017</td>
<td>A/S James Nealon call with Haitian Ambassador Paul Altidor</td>
</tr>
<tr>
<td></td>
<td>August 25, 2017</td>
<td>A/S James Nealon call with Haitian Ambassador Paul Altidor</td>
</tr>
<tr>
<td>El Salvador</td>
<td>February 9, 2017</td>
<td><em>TPS not primary topic</em> Acting A/S Dimple Shah meeting with Salvadoran Foreign Minister Hugo Martinez and Ambassador Claudia Canjura</td>
</tr>
<tr>
<td></td>
<td>April 3, 2017</td>
<td><em>TPS not primary topic</em> S1 meeting (PLCY represented by Acting A/S Dimple Shah) with Salvadoran Foreign Minister Hugo Martinez</td>
</tr>
<tr>
<td></td>
<td>July 21, 2017</td>
<td>S2 meeting (PLCY represented by A/S James Nealon) with Salvadoran Foreign Minister Hugo Martinez</td>
</tr>
<tr>
<td></td>
<td>August 24, 2017</td>
<td>A/S James Nealon meeting with Salvadoran Foreign Minister Hugo Martinez</td>
</tr>
<tr>
<td></td>
<td>September 15, 2017</td>
<td>A/S James Nealon meeting with Salvadoran Foreign Minister Hugo Martinez</td>
</tr>
<tr>
<td><strong>UPCOMING</strong></td>
<td>November 2, 2017</td>
<td>AS1 meeting (PLCY will be represented by A/S James Nealon) with Salvadoran Foreign Minister Hugo Martinez</td>
</tr>
<tr>
<td>--------------</td>
<td>-----------------</td>
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<tr>
<td><strong>Honduras</strong></td>
<td>March 22, 2017</td>
<td><em>TPS not primary topic</em>&lt;br&gt;S1 (PLCY represented by Acting A/S Dimple Shah) meeting with President Juan Orlando Hernandez</td>
</tr>
<tr>
<td></td>
<td>July 21, 2017</td>
<td><em>TPS not primary topic</em>&lt;br&gt;A/S James Nealon meeting with Honduran Ambassador Marlon Tabora</td>
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<tr>
<td>Additional A/S James Nealon engagements</td>
<td>1 meeting and 1 call with Honduran President Juan Orlando Hernandez</td>
<td>Approximately 4 additional meetings and a couple of calls with Honduran Ambassador Marlon Tabora</td>
</tr>
<tr>
<td><strong>UPCOMING</strong></td>
<td>October 30, 2017</td>
<td>A/S James Nealon meeting with Honduran Foreign Minister Maria Aguero and Ambassador Marlon Tabora</td>
</tr>
<tr>
<td><strong>Nicaragua</strong></td>
<td>None.</td>
<td>None.</td>
</tr>
<tr>
<td><strong>U.S. Diplomatic Representatives</strong></td>
<td>Numerous A/S James Nealon calls with U.S. Ambassadors to El Salvador, Honduras, and Nicaragua.</td>
<td></td>
</tr>
</tbody>
</table>
Many thanks Marc.

Duplicate
Great thanks.

From: Batla, Traci  
Sent: Wednesday, October 25, 2017 3:33:55 PM  
To: Nealon, James; Cloe, David; Petyo, Briana; Dougherty, Michael  
Cc: St. John, Jillian; Giska, Sara  
Subject: RE: On TPS...  

Updated chart to include A/S Nealon's input.
From: Nealon, James  
Sent: Wednesday, October 25, 2017 3:29 PM  
To: Cloe, David <b>]; Batla, Traci <b>; Petyo, Briana <b>; Dougherty, Michael <b> 
Cc: St. John, Jillian <b>; Giska, Sara <b> 
Subject: RE: On TPS...

Ok good but add a part on other engagements- see my email for meetings and phone calls with president Hernandez for example.

From: Cloe, David  
Sent: Wednesday, October 25, 2017 3:26:05 PM  
To: Batla, Traci; Petyo, Briana; Nealon, James; Dougherty, Michael
Cc: St. John, Jillian; Giska, Sara
Subject: RE: On TPS...

+ Mike Dougherty...

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Batla, Traci
Sent: Wednesday, October 25, 2017 3:20 PM
To: Petyo, Briana; Nealon, James; Cloe, David; St. John, Jillian; Giska, Sara
Cc: Cloe, David; St. John, Jillian; Giska, Sara
Subject: RE: On TPS...

Here you go. A couple of disclaimers:

1. We kept this at the A/S-level and above, but Dave, Jill, and I have had working-level discussions with our Haitian and Central American counterparts as part of our regular engagement.
2. This list includes S1 meetings in which PLCY participated. Since the purpose is to capture PLCY engagements, we did not include S1 engagements (for example, GEN Kelly’s trip to Haiti or VPOTUS meetings in which GEN Kelly participated) where PLCY was not present.
From: Petyo, Briana
Sent: Wednesday, October 25, 2017 2:35 PM
To: Batla, Traci <Traci(bx6)>
Cc: Nealon, James(bx6)
Subject: FW: On TPS...

Can you guys put together any engagements in a list?

From: Dougherty, Michael
Sent: Wednesday, October 25, 2017 2:32:08 PM
To: Temp, James; Petyo, Briana
Cc: Cuevas, Lequann
Subject: On TPS...

Per Chad, with whom has PLCY met in last 6 months from Honduras, El Salvador, Nicaragua and Haiti to discuss TPS?
I'll send this up through the process to FO. Thanks for the quick work!

---

**From:** Cloe, David  
**Sent:** Wednesday, October 25, 2017 3:26:05 PM  
**To:** Batla, Traci; Petyo, Briana; Nealon, James; Dougherty, Michael  
**Cc:** St. John, Jillian; Giska, Sara  
**Subject:** RE: On TPS...
Traci David anything to add?

From: Nealon, James
Sent: Wednesday, October 25, 2017 7:41:51 PM
To: Batla, Traci; Cloe, David; Dougherty, Michael; Petyo, Briana
Subject: FW: On TPS...

Looping in David and Traci.
From: Temp, James

Sent: Wednesday, October 25, 2017 2:40:14 PM

To: Dougherty, Michael; Petyo, Briana

Cc: Cuevas, Lequann; Nealon, James; Temp, James

Subject: RE: On TPS...

My meetings:

Honduras: President Hernandez once in person, once on phone; with Ambassador Tabora, approx five meetings and a couple phone calls. I'm meeting with Foreign Minister and Ambassador on Monday or Tuesday. Have also spoken to our Charge d'affaires at our embassy a couple times.

Salvador: I've met with Foreign Minister and Ambassador three times, and will meet them again next week. I've also spoken numerous times with our Ambassador.

Nicaragua: No contact - they have requested none. I have spoken to our Ambassador.

Haiti: I've had two phone conversations with their Ambassador.
To: Temp, James; Petyo, Briana
Cc: Cuevas, Lequann
Subject: On TPS...

Per Chad, with whom has PLCY met in last 6 months from Honduras, El Salvador, Nicaragua and Haiti to discuss TPS?
September 12, 2017

The Honorable Elaine C. Duke
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Duke,

Enclosed please find a resolution to in support of extending Temporary Protected Status for all affected groups. It was adopted by the San Francisco Labor Council on September 11, 2017.

Please feel free to contact with any questions about this resolution.

Thank you.

Sincerely,

Tim Paulson
Executive Director

CC: Senator Dianne Feinstein
Senator Kamala Harris
Resolution in Support of Extending Temporary Protected Status for All Affected Groups

WHEREAS, San Francisco is home to a large immigrant population that makes our community and our economy strong and vibrant; and

WHEREAS, San Francisco’s immigrant residents include thousands of individuals from El Salvador, Nicaragua, Honduras, Haiti, Syria and other countries around the world who have been granted Temporary Protected Status (TPS) by the federal government;

WHEREAS, nationwide, there are an estimated 340,000 TPS holders, including 212,000 individuals from El Salvador, the largest concentration of which resides in California;

WHEREAS, TPS provides protection from deportation and employment authorization to individuals from countries that have experienced armed conflict, environmental disaster, or other life-threatening conditions;

WHEREAS, TPS protections must be regularly renewed to remain in effect;

WHEREAS, TPS protections for nationals of El Salvador, Nicaragua, Honduras, Sudan, and Somalia have been in place for approximately 20 years and TPS protections have recently been extended to residents of Haiti and Syria following devastating natural and man-made disasters in those countries;

WHEREAS, the Trump Administration has indicated that it is strongly considering declining to renew TPS, thereby placing hundreds of thousands of individuals at risk of imminent deportation and depriving them of the means to make a living and support their families;

WHEREAS, TPS holders have developed deep ties to the San Francisco Bay Area, raising families, starting businesses, buying homes, and making other valuable contributions to our city;

WHEREAS, conditions in TPS designated countries remain dangerous and unsafe such that deportation to those countries would place individuals and their families at grave risk;

WHEREAS, an end to TPS would harm the San Francisco Bay Area by throwing the lives of long-term city residents into chaos, separating parents from their children, and damaging the local economy;

THEREFORE, BE IT RESOLVED, the San Francisco Labor Council hereby commits to sending a letter to President Trump and Department of Homeland Security Secretary Elaine Duke calling on them to renew TPS protections for all eligible individuals.
AND FURTHER BE IT RESOLVED, the San Francisco Labor Council will send copies of the letter to Senators Dianne Feinstein and Kamala Harris.

AND FURTHER BE IT RESOLVED, the San Francisco Labor Council will send a letter calling on the San Francisco Board of Supervisors to pass a similar resolution.

Submitted by Allan Fisher, AFT 2121; Ana Fisher, AFT Local 2121; and Rodger Scott, AFT 2121, and adopted unanimously by the San Francisco Labor Council on September 11, 2017.

Respectfully,

Tim Paulson
Executive Director

OPEIU 29 AFL-CIO 11
July 11, 2017

His Eminence Joseph William Cardinal Tobin
Archbishop of Newark, New Jersey
171 Clifton Avenue
Newark, New Jersey 07104

Your Eminence:

Thank you for your April 21, 2017 letter.

I appreciate your interest in Haiti’s Temporary Protected Status (TPS) designation. Under federal law, in order for me to designate a country for TPS, I must find that one or more of the following three statutory bases are met: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country’s nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and I do not find that permitting the country’s nationals to remain temporarily in the United States would be contrary to the national interest of the United States. As long as the statutory conditions for designation continue to be met, the designation must be extended. Conversely, when the conditions are no longer met, I am required to terminate the designation. See Immigration and Nationality Act (INA) § 244(b)(1) and (3); 8 U.S.C. § 1254a(b)(1) and (3).

TPS, as enacted in law, is inherently temporary in nature. It is not intended to be a vehicle to provide long-term immigration benefits to foreign nationals. I have no authority to make the designation permanent. Only the U.S. Congress can deal with this issue by changing the law.

Initial designation periods are limited to 6-18 months, with required periodic reviews before the end of an initial period of designation and any extended period of designation. Additionally, the period of extension of a designation is limited to 6, 12, or 18 months at a time. See INA § 244(b)(2) and (3), 8 U.S.C. § 1254a(b)(2) and (3).

Haiti was initially designated for TPS on January 21, 2010, with almost 60,000 Haitians in the United States currently receiving protection under Haiti’s designation. On May 22, 2017, I announced a limited 6-month extension of Haiti’s TPS designation through January 22, 2018. I determined that, although Haiti has made significant progress in recovering from the
His Eminence Joseph William Cardinal Tobin
Page 2

January 2010 earthquake that prompted its designation, conditions in Haiti supporting its designation continue to be met at this time. I also noted, however, my belief that “Haiti – if its recovery from the 2010 earthquake continues at pace – may not warrant further TPS extension past January 2018...and beneficiaries should plan accordingly that this status may finally end after the extension announced today.”

I elaborated on Haiti’s progress, noting: “The Haitian economy continues to recover and grow, and 96 percent of people displaced by the earthquake and living in internally displaced person camps have left those camps. Even more encouraging is that over 98 percent of these camps have closed. Also indicative of Haiti’s success in recovering from the earthquake 7 years ago is the Haitian government’s stated plans to rebuild the Haitian President’s residence at the National Palace in Port-au-Prince, and the withdrawal of the United Nations Stabilization Mission in Haiti,” all indicators of sufficient recovery.

I visited Haiti on May 31, 2017, and on numerous occasions in my former capacity as Commander of U.S. Southern Command and as both an officer and an enlisted Marine. Often accompanied by the former President and U.S. Ambassadors, I have visited locations across the country and know the conditions on the ground—from the northern coast’s industrial centers and burgeoning textile industry, to small towns throughout the country, to now-abandoned temporary residential camps, to the capital in Port-au-Prince. My personal knowledge of the current conditions and the history of Haiti further enhance my understanding of the situation as it relates to Haiti’s TPS designation.

At least 60 days before January 22, 2018, I will re-evaluate the designation for Haiti and will determine whether another extension, a redesignation, or a termination is warranted, in full compliance with the INA. I will fully re-evaluate the country conditions and any other factors necessary to determine whether Haiti’s TPS designation should continue. Once a decision is made, it will be announced by U.S. Citizenship and Immigration Services, and a notice will be published in the Federal Register.

Thank you again for your letter and interest in this important issue. Please share this information with the cosigners of your letter. Should you wish to discuss this further, please do not hesitate to contact me.

Sincerely,

John F. Kelly
Dear Friends,

I am pleased to transmit the following report by Migration and Refugee Services entitled “Temporary Protected Status: A Vital Piece of the Central American Protection and Prosperity Puzzle.”

Temporary Protected Status (TPS) allows individuals to remain and work lawfully in the U.S. during a period in which it is deemed unsafe for these individuals to return to their home country due to natural disaster, armed conflict, or other extraordinary conditions. Currently, there are an estimated 320,000 individuals living in the U.S. with TPS and many have children who are U.S. citizens and some have been here for over twenty years.

Starting this fall, the Administration will make decisions whether to extend TPS for a number of countries, including Honduras, Haiti, and El Salvador. As this report indicates, there is ample evidence to suggest that current TPS recipients from Honduras and El Salvador cannot return safely to their home country at this time. While improvements in the existing protection systems have been made by both Honduras and El Salvador, great concern remains about the ability to ensure protection and safety to those who would be forced to return, as well as to existing vulnerable people currently living in El Salvador and Honduras.

We believe our nation has a moral responsibility to provide continued temporary protection until TPS holders’ return and reintegration can be safely accomplished. TPS recipients are an integral part of the fabric of our community. They worship in our churches, they own homes and businesses and make important contributions to our economy. Extending TPS serves an important humanitarian role by providing for the safety, well-being and stability of recipients.

TPS is a vital family issue for the Catholic Church and if not extended approximately 270,000 U.S. citizen children face being separated from their families. We want to ensure that families can stay together and that they have a chance to succeed. Separating families and sending people to exploitative situations in the countries where they have never been to or where they have not lived for nearly 20 years is against basic principles of human dignity and mercy.
As Catholics, we uphold justice, the common good and the human dignity of every person. We are also responding to the call of Pope Francis who exhorts all Catholics to act in solidarity with refugees, migrants and all those who seek shelter and safety from the ravages of violence, environmental disasters, hunger and despair.

As you read this report, I urge you to keep the people of El Salvador and Honduras, including TPS recipients, in your thoughts and prayers. I encourage you to engage the Administration in requesting a TPS extension for El Salvador and Honduras so as to ensure continued protection for vulnerable people living in the U.S. I also encourage you to reach out to your elected Congressional leaders to request they support a legislative solution for TPS recipients who have been in the United States for many years. Lastly, I urge you to continue to welcome and accompany TPS recipients and all immigrants and refugees into your communities, places of worship, and homes.

Sincerely yours,

[Signature]

Most Rev. Joe S. Vasquez
Chairman, USCCB Committee on Migration
Ridiculous

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From: Nealon, James  
Sent: Tuesday, October 24, 2017 11:50:47 PM  
To: Nuebel Kovarik, Kathy; Hamilton, Gene; Dougherty, Michael  
Cc: Petyo, Briana  
Subject: RE: TPS interagency consultations  

Kathy when does USCIS expect to send forward the memo?

---

From: Nuebel Kovarik, Kathy  
Sent: Tuesday, October 24, 2017 11:21:06 PM  
To: Nealon, James; Hamilton, Gene; Dougherty, Michael  
Cc: Petyo, Briana  
Subject: RE: TPS interagency consultations  

The decision is the Secretary’s, but USCIS is writing the notice for DHS to approve and send to the register. So, I guess it’s a joint initiative, but thought you were in a better position to bring the parties together.

Kathy Nuebel Kovarik  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  

---

From: Nealon, James  
Sent: Tuesday, October 24, 2017 11:18 PM  
To: Hamilton, Gene; Nuebel Kovarik, Kathy; Dougherty, Michael  
Cc: Petyo, Briana  
Subject: RE: TPS interagency consultations
I'm in Australia, back in the office Monday. I'd like to participate if this happens. Is this ASI's initiative, or a USCIS initiative?

From: Hamilton, Gene
Sent: Tuesday, October 24, 2017 9:50:01 PM
To: Nuebel Kovarik, Kathy; Dougherty, Michael; Nealon, James; Petyo, Briana
Cc: Petyo, Briana
Subject: RE: TPS interagency consultations

This needs to happen in the next day or two, in all likelihood.

Gene P. Hamilton
Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: Nuebel Kovarik, Kathy
Sent: Tuesday, October 24, 2017 9:45 PM
To: Dougherty, Michael; Nealon, James
Cc: Hamilton, Gene; Petyo, Briana
Subject: RE: TPS interagency consultations

Okay. I appreciate you helping out, especially since a decision needs to be made in less than two weeks.

From: Dougherty, Michael
Sent: Tuesday, October 24, 2017 9:31:53 PM
To: Nuebel Kovarik, Kathy; Nealon, James
Cc: Hamilton, Gene; Petyo, Briana
Subject: RE: TPS interagency consultations

Kathy, Amb. Nealon is on overseas travel this week.

Jim, if you concur Jared and I can work to get this set up.

Best,

Michael T. Dougherty
Assistant Secretary
Border, Immigration and Trade Policy
Department of Homeland Security

From: Nuebel Kovarik, Kathy
Sent: Tuesday, October 24, 2017 11:52 AM
To: Nealon, James  
Cc: Hamilton, Gene  
Subject: TPS interagency consultations

Ambassador Nealon – given the interest by the Secretary to gather input from all federal partners before she makes her decision on TPS for the Central American countries (and Haiti), we think it’s most helpful to have DHS POLICY set up a call sometime this week or early next to hear other department’s equities. We considered going through OMB or doing a PCC, but ultimately, we think pinging the departments for input or doing a call is best. Then DHS POLICY can gather that input and provide it to the Secretary. I anticipate that our Director will send up a memo with recommendations by weeks end.

Those we should hear from include:
State
DoD
Justice
DPC
NSC

Would you be able to arrange this?

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct  
Cell:

This email, along with any attachments, is intended solely for the use of the addressee(s) and may contain information that is sensitive or protected by applicable law. Unauthorized use or dissemination of this email and any attachments is strictly prohibited. If you are not the intended recipient, please notify the sender and delete or destroy all copies.

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I would also suggest we discuss steps that should be taken publicly prior to announcing any decision that would enhance domestic and foreign acceptance of any decision by Secretary Duke. Calls to officials, visits, meetings, articles, etc.
This week, I expect the director to send up after his hearing tomorrow.
Fysa. Will be coming to you for write ups from previous Haitian engagement and assessment of Haitian actions.

From: Wolf, Chad
Sent: Tuesday, November 07, 2017 9:25:25 AM
To: Neumann, Elizabeth
Cc: Thurston, Eliza
Subject: TPS Strategy Meeting

Eliza,

Need to schedule a TPS Strategy Meeting – Haiti for next week. Likely Monday afternoon. Participants below. Purpose: to assess actions taken by the Haitian government over the last 4 months to prepare their TPS beneficiaries for repatriation.
Please circle with Elizabeth when she gets in.

COS
DCOS
OPA – Hoffman
OLA – Cassidy
PLCY – Nealon, +
USCIS – Cissna, +
OGC – Maher, Dimple
ICE – Homan or surrogate
Page 1 of 2

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Page 2 of 2

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Page 2 of 2

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of the Freedom of Information and Privacy Act
The leak...

From: Sigmon, Eric B  
Sent: Friday, November 03, 2017 6:38:41 PM  
To: Cloe, David; Batla, Traci; St. John, Jillian  
Cc: Bowers, Allyson M  
Subject: Wash Post: Central Americans and Haitians no longer need protected status, State Dept. says

Central Americans and Haitians no longer need protected status, State Dept. says  
By Nick Miroff and Karen DeYoung November 3 at 5:58 PM  


More than 300,000 Central Americans and Haitians living in the United States under a form of temporary permission no longer need to be shielded from deportation, the U.S. Department of State told Homeland Security officials this week, a few days ahead of a highly anticipated DHS announcement about whether to renew that protection.

On Tuesday, Secretary of State Rex Tillerson sent a letter to acting DHS secretary Elaine Duke to inform her that conditions in Central America and Haiti that had been used to justify the protection no longer necessitated a reprieve for the migrants, some of whom have been allowed to live and work in the United States for 20 years under a program known as Temporary Protected Status (TPS).

Tillerson’s assessment, required by law, has not been made public, but its recommendations were confirmed by several administration officials familiar with its contents. The officials spoke on the condition of anonymity to discuss internal deliberations.
DHS has until Monday to announce its plans for roughly 57,000 Hondurans and 2,500 Nicaraguans whose TPS protections will expire in early January. Although most arrived here illegally, they were exempted from deportation after Hurricane Mitch devastated Central America in 1998. Their TPS protections have been renewed routinely since then, in some cases following additional natural disasters and resulting insecurity.

Congress established TPS in 1990 to protect foreign nationals from being returned to their countries amid instability and precarious conditions caused by natural disasters or armed conflict.

Trump administration officials have repeatedly noted that the program was meant to be temporary — not a way for people to become long-term residents of the United States. Officials said that long-ago disasters should not be used to extend provisional immigration status when the initial justification for it no longer exists.

Tillerson’s assessment is consistent with broader administration efforts to reduce immigration to the United States and comply with legal restrictions that it maintains have been loosely enforced in the past.

“It is fair to say that this administration is interpreting the law, exactly as it is, which the previous one did not,” an administration official said.

The official acknowledged that the countries in question continue to suffer from problems of poverty, corruption and violence that, in many cases, have spurred illegal migration. But, the official said, those conditions should be addressed in other ways.

“The solution is going to require working with Congress and these countries,” the official said. “We are equally committed to finding that. There is no lack of empathy here.”

But “with this particular law,” the official said, “it is very clear to this administration what needs to be done.”

Administration officials have also said that the return of tens of thousands of migrants could benefit the Central American nations and Haiti, because their citizens will return with job skills, democratic values and personal savings acquired from living long-term in the United States.

Many of the immigrants have homes, businesses and U.S.-born children, but if the protections expire, they could be subject to arrest and deportation. “We understand this is a very difficult decision,” the administration official said.

DHS officials declined to say Friday what the agency planned to do, or when an announcement would be made.

“The acting secretary has made no decision on TPS,” said Tyler Houlton, a spokesman for the agency.
Tillerson’s letter does not amount to a recommendation. But DHS is required to seek the agency’s input, and officials said the State Department’s position carries significant weight.

The largest group of TPS recipients — about 200,000 — are from El Salvador, and DHS has until early January to announce its plans for them. At least 30,000 of them live in the Washington area, according to immigrant advocacy groups.

When the Obama administration last extended TPS for the Salvadorans, in July 2016, it said that they were eligible because conditions justifying it continued to be met.

“There continues to be a substantial, but temporary, disruption of living conditions in El Salvador resulting from a series of earthquakes in 2001,” Homeland Security officials said at the time, “and El Salvador remains unable, temporarily, to handle adequately the return of its nationals.”

DHS must also decide what to do with about 50,000 Haitian TPS recipients by Thanksgiving Day. The Haitians, who are concentrated in South Florida, received TPS after the 2010 earthquake that killed 200,000.

Advocates say removing TPS would be a cruel blow to long-standing, law-abiding immigrants, forcing them to decide between remaining in the country illegally or leaving their homes and families. According to a recent study by the left-leaning Center for American Progress, TPS recipients have nearly 275,000 U.S.-born children.

If recipients lose their protections but defy orders to leave, it would not be difficult for immigration enforcement agents to find them. The provisional nature of their status requires them to maintain current records with DHS; the agency has their addresses, phone numbers and other personal information.

“Terminating TPS at this time would be inhumane and untenable,” a group of Catholic charity leaders wrote to Duke in a recent letter, arguing it would “needlessly add large numbers of Hondurans and Salvadorans to the undocumented population in the U.S., lead to family separation, and unnecessarily cause the Department of Homeland Security to expend resources on individuals who are already registered with our government and whose safe return is forestalled by dire humanitarian circumstances.”

If DHS ends the TPS protections, it is expected to grant recipients a grace period of at least six months or more to give them time to prepare for departure.

In May, then-DHS Secretary John F. Kelly extended TPS for Haitians for six months, far less than the 18-month waivers granted by the Obama administration.

Kelly, in a statement at the time, called the six-month window a “limited” extension whose purpose was to “allow Haitian TPS recipients living in the United States time to attain travel documents and make other necessary arrangements for their ultimate departure from the United States.”

Haiti is the Western Hemisphere’s poorest country and remains in the grips of a cholera epidemic triggered by United Nations troops who were sent after the earthquake.
Advocates of reduced immigration say the Haiti decision will be a key test of the administration’s willingness to follow through on its by-the-books rhetoric.

Immigration experts believe many of the Haitians could attempt to seek refuge in Canada, particularly French-speaking Quebec, to avoid arrest and deportation.

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(U) Please contact I&A_PB@hq.dhs.gov if you have any questions or concerns.
(U) Please contact I&A_PB@hq.dhs.gov if you have any questions or concerns.

(U) Intended Audience: Federal, state, local, tribal, and territorial law enforcement partners

Very Respectfully,
Planning, Production, and Standards Division
Department of Homeland Security

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Sounds good. Let’s discuss during Monday’s meeting. I think ASI will likely have to meet with the Haitian Ambassador.

From: Nealon, James  
Sent: Thursday, November 9, 2017 2:25 PM  
To: Wolf, Chad; Neumann, Elizabeth; Petyo, Briana  
Cc: Nealon, James  
Subject: schedule request for Haitian Foreign Minister

Chad,

You’re going to see a schedule request for the Haitian Foreign Minister. I wanted to flag it for you before Monday’s meeting to discuss Haiti TPS. I just had a conversation with the Haitian Ambassador so he could bring me up to date on their efforts to comply with General Kelly’s requests to prepare for an eventual end to TPS. We can discuss on Monday whether or not we recommend that ASI meet with him.
Coordinator: Good evening and thank you all for standing by. I'd like to inform all participants that your lines have been placed on the listen-only mode until the question-and-answer session of today's call. Today's call is also being recorded. If anyone has any objections, you may disconnect at this time. And I would now like to turn the call over to Assistant Secretary, Jonathan Hoffman. Thank you. You may begin.

Jonathan Hoffman: Good evening, everyone. Thank you for joining this call a little bit later in the evening. We will try to make this quick. So, I know many of you have deadlines and stories to write and so, we will get you the information as quickly as possible.

I am the Assistant Secretary of Public Affairs at DHS. Ground rules for the call is that information presented on the call will be on background. You can attribute the information to senior administration officials. We ask that all information be embargoed until the call ends.

I'm going to deliver initial remarks and then we have an (extra) from USCIS who is the Don Neufeld, the Associate Director of Service Center Operations.
at USCIS and he and I will take some of your questions. And at the conclusion of the call we will be issuing a press release and additional documentation on the issue we're going to discuss tonight.

So, today Acting Secretary of Homeland Security, Elaine Duke, has announced her decision to terminate the Temporary Protected Status designation for Nicaragua with a delayed effective date 12 months from the current January 5, 2018 (expiration). The TPS designation for Nicaragua will terminate on January 5, 2019.

The 12-month delayed effective date will allow for an orderly transition and provide time for TPS beneficiaries to seek an alternative lawful immigration status in the United States if eligible or if necessarily arrange for their departure. It will also provide time for Nicaragua to prepare for the return and re-integration of its citizens.

The decision to terminate TPS for Nicaragua was made after an interagency review process that considered in-country conditions, the ability of the country to receive returning citizens and the lack of a request by the Government of Nicaragua to extend the current TPS designation. Based on all available information, the Acting Secretary determined that the country conditions in Nicaragua now exceed those prior to Hurricane Mitch and thus pursuant to statute, the current TPS designation should not be extended.

The Department will seek cooperation from Nicaragua to support the reintegration of their nationals upon termination of their designation and will encourage TPS beneficiaries to prepare for their return and request appropriate travel documents.
Additionally, Acting Secretary of Homeland Security, Elaine Duke, announced today that she has not made a determination with regard to the country conditions in Honduras and the Acting Secretary requires additional information to determine whether or not the country conditions in Honduras warrant termination, extension or designation in a manner consistent with the Statute.

Pursuant to the Immigration Nationality Act, Section 243B3C, where the Secretary does not make a decision that a foreign state no longer meets the conditions for designation for TPS, the period of designation of the foreign state is automatically extended for an additional period of six months.

Based on the lack of a determination, Honduras's current TPS designation will be automatically extended for an additional six months from the current January 5, 2018 date of expiration. The current TPS designation for Honduras will now expire on July 5, 2018.

The Acting Secretary received information and advice regarding Honduras's country conditions from the Department of State as required in Statute, DHS components and other intelligence entities and staff consulted with a wide variety of external entities as well. The Government of Honduras formally requested an extension of Honduras's TPS designation and provided information on progress and remaining challenges in addressing country conditions.

Despite receiving input from a broad spectrum of sources, the Acting Secretary concluded that additional time is necessary to obtain and assess supplemental information pertaining to country conditions in Honduras in order to make an appropriately deliberative TPS designation determination.
However, given the information currently available to the Acting Secretary, which she continues to review, it is possible that the TPS designation for Honduras may be terminated with an appropriate delay at the end of the automatic six-month extension with an appropriate delay. That decision will be taken at a later date.

Before I turn it over to questions, just one last thing to add on this. The Acting Secretary and the Administration are committed to working with Congress to address the impact of Nicaragua's TPS termination. Only Congress can legislate a permanent solution and provide those in otherwise perpetually temporary status with a certain future. Operator, I will now open it up to questions.

Coordinator: Thank you. At this time, if anyone would like to ask a question, please press star followed by one on your telephone. You will be prompted to record your name. Please ensure your phone is unmuted and please record your first and last name so I may introduce you for your question. Again, that is star followed by one to ask a question. One moment please. Our first question comes from (Jacqueline Charles). You may go ahead.

(Jacqueline Charles): Yes, has there been any decision in terms of Haiti or El Salvador?

Jonathan Hoffman: Hey, (Jackie). Thank you for joining us. The Secretary has decided that she will be examining each of the countries in turn on a country-by-country basis. TPS Haiti -- the decision with respect to the status of Haiti is not due for a review until later this month and she will make a determination at that time. She has made no such determination now. Similarly, she has made no such determination with respect to TPS El Salvador.

(Jacqueline Charles): Okay, thank you.
Coordinator: Thank you. The next question comes from (Maria Penell). You may go ahead.

(Maria Penell): Yes, it's (Maria Penell) with (LaOpinion). Thank you. Can you give us a rundown or updated statistics or numbers for each of the countries affected by this decision? I've seen different numbers. The El Salvadoran Government, for instance, says that there are about 190,000 Salvadorans, but your numbers are different. So, give us a rundown of the most updated information in terms of TPS holders? Thank you.

Jonathan Hoffman: Don, can you take that for Honduras and Nicaragua?

Donald Neufeld: Yes, sorry. Hi, I can provide - if you can give me a second here, I can provide the numbers for Nicaragua. It was 5,000 - hold on. Five thousand three hundred persons are beneficiaries under TPS Nicaragua and then for Honduras I have those numbers -- that is approximately 86,000 persons for TPS Honduras. I don't have the numbers for the others.

(Maria Penell): Okay.

Jonathan Hoffman: We can work to get you those (sic) information. If you just email the meeting inquiry email address, we'll get you those numbers.

(Maria Penell): Okay, thank you.

Jonathan Hoffman: All right, next question.

Coordinator: Thank you. The next question is from Dean DeChiaro. You may go ahead.

Dean DeChiaro: Hi. Thanks for doing the call. I'm just - if I can get some clarification on whether the information on each TPS holder will be available to ICE at any
point during this process or if that information becomes available on the date of the expiration and if there will be any enforcement strategy specifically targeting former TPS holder following the expiration date.

Jonathan Hoffman: So, to the priorities, the DHS enforcement priorities still remain in place. We prioritize criminal aliens and those who have a final order of removal. Your typical TPS recipient will not fall into those priorities. However, we stand by our position that all persons who are here illegally are eligible for removal, but they will not be targeted for removal. Don, do you want to take the last second one or do you want me to - the second part or do you have that?

Donald Neufeld: What was the second part?

Jonathan Hoffman: The sharing of information.

Donald Neufeld: I'd rather you…

Jonathan Hoffman: Okay.

Donald Neufeld: Well, what I can say is the USCIS doesn't proactively share information with ICE regarding just the expiration of TPS status.

Jonathan Hoffman: Okay.

Dean DeChiaro: So, to the larger question, so no information we proactively share for the purpose of immigration enforcement.

Jonathan Hoffman: Okay.
Man 1: Could I just ask very quickly, is there any - the dates on the work authorizations, are they going to be consistent with the dates of the expirations? I know sometimes in the past the dates have been not totally lined up. Is there going to be any change in the work authorizations or will they go according to the expiration date?

Jonathan Hoffman: Don, can you take that?

Donald Neufeld: Yes, I can take that. So, yes, the folks will have to re-register. They'll have a 60-day period to re-register and file their applications with us and then when we process their EADs -- their Employment Authorization Documents -- they will bear an expiration date that would be timed with the TPS designation.

Man 1: Okay, thank you.

Jonathan Hoffman: Next question.

Coordinator: Thank you. The next question is from Victor Ramos. You may go ahead.

Victor Ramos: Hi. Yes, I'm wondering what is the critical piece of information or additional information that the Secretary will be looking for in the case of Honduras to determine whether they qualify to continue receiving TPS?

Jonathan Hoffman: The focus of her review is going to be examining the conditions on the ground and working with the State Department, the Government of Honduras and other entities to obtain additional information so that she can make a fully deliberative decision.

I do not believe that there is a single piece of information that she is seeking, but she is looking for time and an opportunity to examine the information she
received, seek out additional information, deconflict those sources and make an appropriately thoughtful and fair decision.

Victor Ramos: Can I ask a follow-up?

Jonathan Hoffman: Sure.

Victor Ramos: If you talk to immigrant advocates in the Central American community, they'll raise the issue of increasing violence in Central America in the northern triangle and while that was not the cause for the initial TPS, they say that that warrants continuing the program. Is that a factor that you are considering?

Jonathan Hoffman: So, under the Statute, the INA restricts considerations for continuing designation of TPS to the conditions on the ground as impacted by the initial event, whether it's a civil war or a natural disaster. So, the conditions on the ground and how they were impacted by that event is what we have to consider under the Statute. I will say that if individuals believe that there are other reasons that they cannot return, there are other avenues available and they can apply for other immigration benefits outside of TPS.

Victor Ramos: Thank you.

Coordinator: Thank you. The next question is from Alicia Caldwell. You may go ahead.

Alicia Caldwell: Hey, thanks for the call, guys. I think my question actually just got answered, but I appreciate it.

Jonathan Hoffman: Okay, thanks Alicia.

Coordinator: Thank you. The next question is from (Paul Copen). You may go ahead.
Woman 1: (Unintelligible).

Jonathan Hoffman: All right, well you're breaking up pretty bad there. We can't hear you.

Woman 1: Is this better?

Jonathan Hoffman: Yes.

Woman 1: I know you talked about country-by-country decisions and the upcoming deadlines, but we now have the termination of Sudan, the termination of Nicaragua and the indication that Haitians should get their affairs in order. Is there a message from this Administration that they are looking to wind down TPS at large?

Jonathan Hoffman: The only indication you should receive is that the Administration is examining earnestly and thoughtfully the conditions on the ground as they exist at the time of a determination for an extension and making an assessment of whether those conditions meet the statutory requirements. That is the message that the Administration is sending.

Woman 1: Thank you.

Coordinator: Thank you. The next question is from Alex Pfeiffer. You may go ahead.

Alex Pfeiffer: Hi. Did the White House have any say in this decision?

Jonathan Hoffman: This was a decision that was made by the Acting Secretary of Homeland Security based on her assessment and review of the conditions on the ground.

((Crosstalk))
Jonathan Hoffman: I won't get into pre-deliberative conversations or matters other than that.

Alex Pfeiffer: Okay, thank you.

Coordinator: Thank you. The next question is from Juan Carlos Lopez. You may go ahead.

Juan Carlos Lopez: Yes, hi. Good evening. Question first -- Nicaraguans. With this year they get, do they have to re-apply? Do they have to submit paperwork? How does it work? And does it mean that after that year is over they must have left the country or that they have until that date to leave?

Jonathan Hoffman: Don, if you can take that?

Donald Neufeld: Yes, so the process is that they will have 60 days to submit a -- what's known as -- a re-registration package, which is the same package that they have been submitting for other re-registration periods. Nothing's changed. They have 60 days to do that and then we will process. They will also get an automation extension of their EAD upon the filing of their re-registration.

So, the Employment Authorization Document that they have -- even though it says on the face of it that it's expired -- they'll get an automatic extension of that to cover the time period that it takes for us to adjudicate the cases.

Juan Carlos Lopez: Okay, so that means...

Donald Neufeld: And there was a second part I didn't...

Juan Carlos Lopez: Yes, the second part was that date -- that 2019 date -- what does that mean, that they must have left the country by that date or they have starting on that day they have to leave?
Donald Neufeld: Well, that would be the termination of their Temporary Protected Status. After that, they would revert back to whatever status they had prior to the approval of Temporary Protected Status with the provision that that status wouldn't have subsequently or in the interim expired. So, for the most part, the practical application is that that's the date by which these folks would need to leave or in the interim between now and then come up with another means to, you know, regularize their status.

Juan Carlos Lopez: And do Hondurans have to do anything on the six-month extension or is it automatically extended and then they have to re-apply?

Donald Neufeld: They'll need to re-register as well. It's in the same pattern as they've been accustomed to, it's just that the period that they'll be authorized is six months not a year or 18 months.

Juan Carlos Lopez: And pay all the fees, both Nicaraguans and Hondurans?

Donald Neufeld: Yes.

Juan Carlos Lopez: Okay, thank you.

Coordinator: The next question comes from (Amy Ortiz). You may go ahead.

(Amy Ortiz): Actually, my question was just answered. Thank you. Sorry about that.

Coordinator: Thank you and…

Jonathan Hoffman: All right, we'll do one more question.

Coordinator: Okay. The next question is from Neil Munro. You may go ahead.
Neil Munro: Yes, hi. I've got two questions here. First of all, what percentage of these TPS beneficiaries were in the country as illegal immigrants when the old process started. And secondly, is this process designed to give the President any leverage in continuing negotiations about DACA, Dreamers and the border wall and chain migration.

Donald Neufeld: To the first one, I don't believe we have that information. It was definitely not something that was examined in this process. To the second question, I will say that the Administration's intention with this was to look at what the Statute required under the law given the timing of the decision and making appropriate decision under the statute.

That being said, the Administration understands that there are a number of individuals who have been in a TPS status for, in the case of Nicaragua will have been here potentially for 20 years at the time that that status terminates. And given that the lengthy period of their presence here that Congressmen wish to find a solution that allows them a more permanent status versus this 18-month to 18-month temporary fix that has been going on for two decades.

That is up to Congress, but the Administration would support Congress's efforts to find such a solution.

Neil Munro: What would Congress have to do to win the Administration's approval for that solution?

Donald Neufeld: I don't believe we have any - we're not going to lay out any negotiating positions on this call tonight. But, we do hope that and we encourage Congress to look at this and find a solution.
Jonathan Hoffman: All right, everybody. Operator, I think that's going to be the last call.

Everyone, you should be receiving the press release momentarily, which will have a little bit additional information, but I just want to remind you that this call is on background, and Senior Administration officials, thank you for joining us.

Coordinator: Thank you. That concludes today's conference. All participants may disconnect.

END
Briana – Sorry just responding now. My team will take responsibility for the memo, but a few things to note:

1) It won’t be ready by 1400 tomorrow if seven offices/components are expected to clear. Thursday morning is a more realistic target.

2) Jill and I have already reached out to State and the Haitian Government for updates, which should go to the heart of AS1’s question. That said…

3) The Haitian Government has done very little in the way of preparing the country for the return of TPS recipients, and the memo will reflect that.

Thanks - David

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

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From: Petyo, Briana
Sent: Tuesday, November 7, 2017 3:34 PM
To: Dougherty, Michael; Batla, Traci
Cc: Pley Exec Sec; Nealon, James
Subject: RE: TPS Strategy Meeting
From: Dougherty, Michael  
Sent: Tuesday, November 07, 2017 3:34 PM  
To: Petyo, Briana; Batla, Traci; Immigration Policy; Cloe, David  
Cc: Plcy Exec Sec; Nealon, James; St. John, Jillian  
Subject: RE: TPS Strategy Meeting

Who is hosting the meeting?

Michael T. Dougherty  
A/S for Border, Immigration and Trade Policy  
Office of Policy  
Department of Homeland Security

From: Petyo, Briana  
Sent: Tuesday, November 7, 2017 3:33 PM  
To: Batla, Traci; Immigration Policy;  
Cloe, David  
Cc: Dougherty, Michael; Plcy Exec Sec; Nealon, James; St. John, Jillian  
Subject: RE: TPS Strategy Meeting

Sorry forgot to add the purpose-

Purpose: to assess actions taken by the Haitian government over the last 4 months to prepare their TPS beneficiaries for repatriation.

From: Batla, Traci  
Sent: Tuesday, November 07, 2017 3:32 PM  
To: Petyo, Briana; Immigration Policy; Cloe, David  
Cc: Dougherty, Michael; Plcy Exec Sec; Nealon, James; St. John, Jillian  
Subject: RE: TPS Strategy Meeting

Thanks Briana! Adding Jill who is keyed into our Haiti engagement.

Traci M. Batla  
Latin America and Caribbean Affairs  
U.S. Department of Homeland Security
From: Petyo, Briana
Sent: Tuesday, November 07, 2017 3:26:14 PM
To: Immigration Policy; Cloe, David; Batla, Traci
Cc: Dougherty, Michael; Picy Exec Sec; Nealon, James
Subject: TPS Strategy Meeting

All,

There is going to be a TPS meeting on Haiti. I know the title of the meeting is misleading but here is what we got from FO on purpose. Based on that, David can your team take lead and IMM will support? This is more about what Haiti has done and less on the legal and policy side of TPS.

Thanks

Briana
Sensitive but Unclassified

Acting Secretary Duke spoke September 19 with Canadian Minister of Public Safety Ralph Goodale for about 30 minutes.

Minister Goodale began the call by congratulating the acting Secretary for her stewardship of DHS, recalling that he had a great working relationship with former Secretary Kelly, and stating that he hoped to continue the strong partnership between Public Safety and DHS.

The Minister spoke at some length about the importance of the border to both countries, calling it the most successful border in the history of the world. He noted that 400,000 people and 2 billion dollars in trade cross the border every day. He noted that former Secretary Kelly had testified of his wish to “thin” the border. The Minister said that message resonated in Canada, though Canada recognizes the need to balance security and facilitation.

The Minister then turned to the issue of asylum seekers crossing from the U.S. into Canada between ports of entry. He noted that the number of such crossers has increased 500 percent this year. The two areas where they are seeing the most crossings are on the Manitoba/Minnesota border (7-800 this year), but especially at a spot on the Quebec/Vermont border where they’ve seen almost 10,000 crossings this year.

Minister Goodale noted that this has become an important security and public policy issue in Canada, and that he wants to work together with us to determine why it is
happening and how we can cooperate to mitigate the flow and encourage people to use the Ports of Entry (POEs).

Acting Secretary Duke asked the Minister if he had details on the composition of the border crossers. The Minister acknowledged that U.S. and Canadian officials are working together to analyze the flow, but he said that he understood that 30 percent are undocumented in the U.S., many of the Vermont-Quebec crossers are Haitians, and that they understand anecdotally that many of them are reacting to their fear that TPS will end soon. The Minister also noted that a significant number of border crossers apparently have status in the United States, and it would be important to understand what is driving them to cross into Canada.

Minister Goodale explained that Canada is undertaking an outreach campaign to the Haitian community in the United States to clarify that there is no free pass into Canada, and that Canada has a legal process for seeking asylum. He said that they have dispatched officials to speak directly to Haitian communities, and that they are using traditional and social media to reach out as well.

He noted that Canada is aware that TPS will soon expire for other countries, and acting Secretary Duke told him about upcoming decisions for Honduras, Nicaragua and El Salvador, as well as Haiti. The Minister expressed concern that they could see another spike as a result of decisions affecting nationals of those countries.

Acting Secretary Duke promised to stay in contact with Canada regarding those decisions, and suggested that we coordinate our messaging to limit the impact, whatever way those decisions go. The Minister agreed.

Minister Goodale then raised the issue of a possible renegotiation of safe third country, saying “We’d like to talk about what that might look like.” Acting Secretary Duke said that we would be willing to listen to a Canadian proposal. She explained that we are looking at strengthening our asylum framework to eliminate fraud. The Minister noted that our officials are slated to talk on September 29, and that safe third could be a subject of discussion. Acting Secretary Duke agreed that would be an appropriate venue to have a preliminary discussion.

The Minister concluded by saying that he will be issuing new instructions to his various agencies regarding information sharing with foreign countries. These instructions will be issued in the coming days. The instructions are aimed at greater transparency but they will not change anything in practical terms. He didn’t want the acting Secretary to be surprised.

The Acting Secretary and Minister concluded the call by agreeing to continue the discussion on the margins of the G-7 meeting in Italy in October.
Hi Team!

Working to lock in for next week. I’ll keep you posted.

Thanks,
Quann

From: St. John, Jillian
Sent: Wednesday, August 16, 2017 9:24 AM
To: Cloe, David; Williams, Regan; Cuevas, Lequann; Giska, Sara; Petyo, Briana
Cc: Regan, Quann

Subject: RE: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS

Regan, Quann –

Please let us know if the call requested by the Haitian Amb to the US Altidor with AS Nealon could be confirmed for today. If so, we will provide updated background and points.

Many thanks,
Jill

From: Cloe, David
Sent: Tuesday, August 15, 2017 3:27 PM
To: Williams, Regan
Cc: Giska, Sara; Petyo, Briana; St. John, Jillian

Subject: RE: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS

Regan – Jill has reached out and is trying to confirm, but I think it’ll be a short call – 15-20 minutes...
David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Williams, Regan
Sent: Tuesday, August 15, 2017 3:06 PM
To: Cloe, David
Cc: Giska, Sara; Petyo, Briana; St. John, Jillian
Subject: RE: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS

He will take it if we can get it to work with his schedule. How long of a call are we looking at doing?

From: Cloe, David
Sent: Tuesday, August 15, 2017 3:01 PM
To: Williams, Regan
Cc: Giska, Sara; Petyo, Briana; St. John, Jillian
Subject: FW: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS

Regan – Don’t believe this went forward to you from Quann’s account earlier this week, unfortunately.

My sense is A/S Nealon will want to take this call, which will undoubtedly focus on TPS. If Nealon has time on his calendar, I can schedule it with the Haitian Embassy.

Thanks - David

David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

From: Naomie Pierre-Louis
Sent: Tuesday, August 15, 2017 2:54 PM
To: Cloe, David; Giska, Sara
Cc: Paul Altidor
Subject: Fwd: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS

Dear Ms. Giska (and Mr. Cloe):

It was a pleasure speaking with you.
Please see below for the follow up call request.

Thank you for your assistance in securing a time for this conversation.
Cordially,  
Naomie  

--------- Forwarded message ---------
From: Naomie Pierre-Louis (b)  
Date: Mon, Aug 14, 2017 at 12:36 PM  
Subject: Embassy of Haiti | Office of the Ambassador | DHS Conference Call Request RE: TPS  
To: "Cuevas, Lequann" (b)  
Cc: Paul Altidor (b)  

Good afternoon Lequann:  

Thank you for coordinating the meeting between His Excellency Paul Altidor and the Department of Homeland Security delegation on July 26, 2017.  

The Ambassador would like to arrange a follow up conference call with Ambassador James Nealon this week, preferably before Wednesday (8/16) if possible.  

We're looking forward to your response.  

Cordially,  
Naomie  

--  
https://docs.google.com/a/diplomatie.ht/uc?id=0B5Ft1pF-kNNV93WgS5ZG12UDQ&export=download  
NAOMIE PIERRE-LOUIS, M.A.  
Special Assistant to the Ambassador  
Embassy of the Republic of Haiti  
2311 Massachusetts Ave, NW  
Washington DC 20008  
Main Line: (b)  
Deck Line: (b)  
Fax: (b)  
Cell: (b)  
Web: www.haiti.org  

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NAOMIE PIERRE-LOUIS, M.A.
Special Assistant to the Ambassador

Embassy of the Republic of Haiti
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PLCY cannot provide any additional materials. Any materials on country conditions and country specific decisions would come from CIS.

From: Culwell, Kelbi  
Sent: Tuesday, October 10, 2017 9:52 AM  
To: Blackwell, Juliana; Petyo, Briana; Tarpley, Kyle; Plcy Exec Sec  
Cc: ESEC-BBIC; USCIS Exec Sec  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

PLCY,  

Are these materials ready? The meeting is today at 1:00pm.  

Thank you!  
Kelbi

From: Blackwell, Juliana  
Sent: Tuesday, October 10, 2017 8:09 AM  
To: Petyo, Briana; Tarpley, Kyle; Plcy Exec Sec  
Cc: ESEC-BBIC; USCIS Exec Sec  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

Any update? This meeting is today
From: Blackwell, Juliana  
Sent: Monday, October 9, 2017 2:04 PM  
To: Petyo, Briana; Tarpley, Kyle  
Cc: ESEC-BBIC; USCIS Exec Sec  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

How is this request coming along, do you think we can get something today?

From: Blackwell, Juliana  
Sent: Sunday, October 8, 2017 12:33 PM  
To: Petyo, Briana; Tarpley, Kyle  
Cc: ESEC-BBIC; USCIS Exec Sec  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

Looping in USCIS.

Additional guidance from the COS.

The discussion needs to be on each individual country under consideration. Specifically, need a deep dive into the conditions of that respective country to determine if they continue to meet the statutory categories for TPS

Juliana Blackwell  
Office of the Executive Secretary

From: Blackwell, Juliana  
Sent: Saturday, October 07, 2017 9:08:38 PM  
To: Petyo, Briana; Tarpley, Kyle  
Cc: ESEC-BBIC  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

It’s important to have the two attachments, and the briefing memo is okay in terms of serving as an introduction. But she has decisions to make in the next three weeks about Honduras and Nicaragua. This briefing session needs to focus on those decisions, and it’s my understanding that USCIS would like for El Salvador to be considered also (even though that decision doesn’t need to be made for a couple of months). Policy and USCIS should work together to prepare
briefing materials so that she can start thinking about those particular decisions—and also, Haiti.

Please resubmit by 4pm tomorrow.

Juliana Blackwell
Office of the Executive Secretary

From: Petyo, Briana
Sent: Friday, October 06, 2017 9:50:47 PM
To: Tarpley, Kyle; Plcy Exec Sec
Cc: ESEC-BBIC
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

From: Tarpley, Kyle
Sent: Friday, October 06, 2017 5:16:16 PM
To: Plcy Exec Sec
Cc: ESEC-BBIC; Petyo, Briana
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

Hi, checking in on the status of these materials. When can we expect them?

From: Gillus, Allison
Sent: Friday, October 06, 2017 12:30 PM
To: Petyo, Briana; Plcy Exec Sec
Cc: ESEC-BBIC; OGC Exec Sec
Subject: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

This meeting has been confirmed for 1:00pm on Tuesday 10/10

Allison

From: (b)(6)
Sent: Friday, October 06, 2017 12:03 PM
To: Petyo, Briana; Plcy Exec Sec
Cc: ESEC-BBIC; OGC Exec Sec
Subject: [Tentative] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)

All materials must be formatted to comply with the attached templates.
Lead Component: PLCY  
Required Coordination: OGC  
Product: Briefing Memo  
Notes: Meeting to discuss upcoming decisions related to TPS  
Attendees: Acting Secretary  
Location: TBD  
Talking Points: Please coordinate with OPA on all Talking Points (1st person narrative).  
Meeting Classification: Please include bullet in background section of briefing memorandum if the meeting or any of the briefing materials are classified. (i.e., "This meeting [or any of the briefing materials] are classified").  
Please note that all materials being shown to the Secretary must be passed through ESEC first. Please do not bring anything to the meeting ESEC has not seen (classified or unclassified) without prior approval. If a presentation is to be made, Lead Component is responsible for providing an appropriate number of handouts at the meeting. (15 if the meeting takes place in Rm. 5110D; 25 if in Rm. 5107.)

DHS Briefing Book and Interagency Coordination Standards and Procedures (including links to templates) are located on the DHS intranet at: http://dhsconnect.dhs.gov/ORG/COMP/ESEC/Pages/default.aspx

Office of the Executive Secretary  
Department of Homeland Security  
Desk: [b](6)  
BB: [b](6)

"ESEC: Excellent Service Endless Commitment"

Sender: Petyo, Briana [b](6)  
  Culwell, Kelbi [b](6)  
Recipient: Blackwell, Juliana [b](6)  
  Tarpley, Kyle [b](6)
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Pcty Exec Sec b(6)

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Sent Date: 2017/10/10 09:52:36

Delivered Date: 2017/10/10 09:52:37
Got it...

David Cloe

Latin America/Caribbean

202-731-4438//david.cloe@hq.dhs.gov

From: Petyo, Briana

Sent: Monday, May 22, 2017 6:43:27 PM

To: Cloe, David

Subject: Re: Haiti

They want to be wheels up within 4 hours
From: Cloe, David

Sent: Monday, May 22, 2017 05:38 PM Eastern Standard Time

To: Petyo, Briana

Subject: RE: Haiti

Wheels up by the 4th?

David L. Cloe

DHS Office of Policy for Latin America/Caribbean

From: Petyo, Briana

Sent: Monday, May 22, 2017 5:31 PM

To: Cloe, David

Subject: Re: Haiti
Sorry- schedule moved as they tried to make room.

They were hoping for about 2-3PM to the island although the head of Advance just told me they may have an earlier arrival but can't give me answer until tomorrow.

They liked the 2 meeting idea given they are hoping to be on ground about 3 hours and wheels up by the 4th.

Yes on theme.

From: Cloe, David

Sent: Monday, May 22, 2017 05:24 PM Eastern Standard Time

To: Petyo, Briana

Subject: RE: Haiti

O.K. – I was about to write and say that Post had cleared on a visit for Tuesday afternoon, that their president was confirmed to be on the island that day (but not necessarily agreed to take the meeting), etc.

I will go back to State and ask if Wednesday afternoon also works. Please ask the front office...
1) For Wednesday, May 31st, around what time do we expect SI to arrive and depart?

2) Please confirm that he’s looking to hold two meetings only:
   a. One with Haitian officials, hopefully hosted by President Moise
   b. The second with the top military and civilian UN officials

I would note that I’m just guessing those are the themes for the visit...

Thanks - David

David L. Cloe
DHS Office of Policy for Latin America/Caribbean

---

From: Petyo, Briana
Can we actually change it to Wednesday afternoon? Sorry!

From: Petyo, Briana

Sent: Monday, May 22, 2017 12:30 PM

To: Cloe, David

Subject: Haiti

So in case there wasn’t enough going on, the Secretary has now decided he would like to “pop into Haiti” on Tuesday or Wednesday. He will be traveling to Miami and FLETC but wants to make a trip down to Port Au Prince to meet with key leadership and the UN Commander. Sounds like they are hopeful the meetings will be about 4 hours or less on the ground. I think Tuesday is what they would like to make happen. I can come see you to talk through after you have some time to think it out. I realize this is a ridiculous way to do this type of stuff.

BP
<table>
<thead>
<tr>
<th><strong>Sender</strong></th>
<th>Cloe, David</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recipient</strong></td>
<td><em>Petyo, Briana</em></td>
</tr>
<tr>
<td><strong>Sent Date</strong></td>
<td>2017/05/22 18:44:27</td>
</tr>
<tr>
<td><strong>Delivered Date</strong></td>
<td>2017/05/22 18:44:28</td>
</tr>
</tbody>
</table>
Any additional materials need to be provided by CIS.

From: Plcy Exec Sec  
Sent: Tuesday, October 10, 2017 9:18 AM  
To: Peto, Briana  
Cc: Plcy Exec Sec  
Subject: FW: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)  
Importance: High

Briana –

Is this squarely in USCIS’ lane? Or does IMM need to be looped into this? Any background you might have from over the weekend is appreciated.

Best regards,

Social Science Analyst  
Office of Policy, Executive Secretariat  
U.S. Department of Homeland Security  

Desk:  
Mobi:  
UNCLASS:  
HSDN:  
JWICS:  

Duplicate
So I thought I'd pitched this as a first conversation to set the stage for a decision. Important for them to understand that memos will come from CIS. Did we send a read-ahead? I see this as a "frame the upcoming decisions" meeting, not a decision meeting.

From: Petyo, Briana  
Sent: Sunday, October 08, 2017 12:13:20 PM  
To: Nealon, James  
Subject: FW: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)  

The FO- can't tell if it's Gene or Chad or Elizabeth asking- wants more than the fairly high level briefing memo we sent on TPS. We can't provide anything else, CIS would need to since it's their decision memo.

Helpful to send an email to James asking for them to send forward what they have or at least give him a heads up FO is asking?

From: Petyo, Briana  
Sent: Sunday, October 08, 2017 12:10:21 PM  
To: Blackwell, Juliana; Tarpley, Kyle; Picy Exec Sec  
Cc: ESEC-BBIC  
Subject: RE: [Confirmed] AS1BB - 10.10.17 - TPS Meeting - (Due Today @ 1600)  

Anything specific to decisions on countries would need to come from CIS. They were going to have the draft decision memos up to ESEC last week- believe they haven't yet sent but would be helpful if you all asked for them for this convo. We can of course also ask them too.
2 page draft document

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DHS-001-659-000761
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Withheld pursuant to exemption

(D)(5); WIP Draft

of the Freedom of Information and Privacy Act
Apologies- tied up for next hour but will focus after.
Yeah we sent very broad read aheads that mentioned the upcoming decisions but Chad came back with wanting to talk about specifics. I ask FO to ask CIS if they were going to provide any specific paperwork.
If you have it send me the read ahead. If not no worries I'll get it Tuesday morning.
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of the Freedom of Information and Privacy Act
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of the Freedom of Information and Privacy Act
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of the Freedom of Information and Privacy Act
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Withheld pursuant to exemption

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Withheld pursuant to exemption

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of the Freedom of Information and Privacy Act
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of the Freedom of Information and Privacy Act
I will look into the original request

Juliana Blackwell
Office of the Executive Secretary

Duplicate
Loopying in USCIS.

Additional guidance from the COS.

The discussion needs to be on each individual country under consideration. Specifically, need a deep dive into the conditions of that respective country to determine if they continue to meet the statutory categories for TPS

Juliana Blackwell
Office of the Executive Secretary

(b)(6)
# TEMPORARY PROTECTED STATUS (TPS) AND DEFERRED ENFORCED DEPARTURE (DED) DESIGNATIONS

Last Updated on August 3, 2017

## Current TPS Designations

<table>
<thead>
<tr>
<th>Country</th>
<th>Initial Designation Date</th>
<th>Basis for Initial Designation</th>
<th>Redesignation Date &amp; Basis</th>
<th>Current Expiration Date</th>
<th>Most Recent Action</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>El Salvador</td>
<td>03/09/2001</td>
<td>environmental disaster (series of earthquakes in 2001) (66 FR 14214)</td>
<td>N/A</td>
<td>03/09/2018</td>
<td>Extension eff. 09/10/2016 (81 FR 44645, 07/08/2016)</td>
<td>263,282 (as of 12/31/16)</td>
</tr>
<tr>
<td>Haiti</td>
<td>01/21/2010</td>
<td>extraordinary and temporary conditions (resulting from January 2010 earthquake) (75 FR 3476)</td>
<td>1) 07/23/2011 (extraordinary and temporary conditions) (76 FR 29000)</td>
<td>01/22/2018</td>
<td>Extension eff. 07/23/2017 (82 FR 23830, 05/24/2017)</td>
<td>58,706 (as of 12/31/16)</td>
</tr>
<tr>
<td>Honduras</td>
<td>01/05/1999</td>
<td>environmental disaster (Hurricane Mitch) (64 FR 524)</td>
<td>N/A</td>
<td>01/05/2018</td>
<td>Extension eff. 07/06/2016 (81 FR 30331, 5/16/2016)</td>
<td>86,163 (as of 12/31/16)</td>
</tr>
<tr>
<td>Nepal</td>
<td>06/24/2015</td>
<td>environmental disaster (earthquake in April 2015) (80 FR 36346)</td>
<td>N/A</td>
<td>06/24/2018</td>
<td>Extension eff. 12/25/2016 (81 FR 74470, 10/26/2016)</td>
<td>12,967 (as of 12/31/16)</td>
</tr>
<tr>
<td>Nicaragua</td>
<td>01/05/1999</td>
<td>environmental disaster (Hurricane Mitch) (64 FR 526)</td>
<td>N/A</td>
<td>01/05/2018</td>
<td>Extension eff. 07/06/2016 (81 FR 30325, 5/16/2016)</td>
<td>5,349 (as of 12/31/16)</td>
</tr>
<tr>
<td>Somalia</td>
<td>09/16/1991</td>
<td>extraordinary and temporary conditions (56 FR 46804)</td>
<td>1) 09/04/2001 (extraordinary and temporary conditions) (66 FR 46288)</td>
<td>09/17/2018</td>
<td>Extension eff. 03/18/2017 (82 FR 4905, 01/17/2017)</td>
<td>497 (as of 12/31/16)</td>
</tr>
<tr>
<td>Country</td>
<td>Initial Designation Date</td>
<td>Basis for Initial Designation</td>
<td>Redesignation Date &amp; Basis</td>
<td>Current Expiration Date</td>
<td>Most Recent Action</td>
<td>Number of Beneficiaries</td>
</tr>
<tr>
<td>--------------</td>
<td>--------------------------</td>
<td>-------------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------</td>
<td>------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>-------------------------</td>
</tr>
</tbody>
</table>
| South Sudan  | 11/03/2011               | ongoing armed conflict; extraordinary and temporary conditions (76 FR 63629) | 1) 05/03/2013 (ongoing armed conflict; extraordinary and temporary conditions) (78 FR 1866)  
2) 11/03/2014 (ongoing armed conflict; extraordinary and temporary conditions) (79 FR 52019)  
3) 05/03/2016 (ongoing armed conflict; extraordinary and temporary conditions) (81 FR 01388) | 11/02/2017 | Redesignation and Extension eff.  
05/03/2016 (81 FR 01388, 01/25/2016) | 49 (as of 12/31/16) |
| Sudan        | 11/04/1997               | ongoing armed conflict; extraordinary and temporary conditions (62 FR 59737) | 1) 11/09/1999 (ongoing armed conflict; extraordinary and temporary conditions) (64 FR 61128)  
2) 11/02/2004 (ongoing armed conflict; extraordinary and temporary conditions) (69 FR 60168)  
3) 05/03/2013 (ongoing armed conflict; extraordinary and temporary conditions) (78 FR 1872) | 11/02/2017 | Extension eff.  
05/03/2016 (81 FR 01387, 01/25/2016) | 1,039 (as of 12/31/16) |
<table>
<thead>
<tr>
<th>Country</th>
<th>Initial Designation Date</th>
<th>Basis for Initial Designation</th>
<th>Redesignation Date &amp; Basis</th>
<th>Current Expiration Date</th>
<th>Most Recent Action</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
</table>
| Syria   | 03/29/2012               | extraordinary and temporary conditions (77 FR 19026) | 1) 10/01/2013 (ongoing armed conflict; extraordinary and temporary conditions) (78 FR 36223)  
2) 04/01/2015 (ongoing armed conflict; extraordinary and temporary conditions) (80 FR 245)  
3) 10/01/2016 (ongoing armed conflict; extraordinary and temporary conditions) (81 FR 50533) | 03/31/2018 | Redesignation and Extension eff. 10/01/2016 (81 FR 50533, 08/01/2016) | 6,177 (as of 12/31/16) |
| Yemen   | 09/03/2015               | ongoing armed conflict (80 FR 53319) | 1) 03/04/2017 (ongoing armed conflict; extraordinary and temporary conditions) (82 FR 859) | 09/03/2018 | Designation eff. 03/04/2017 (82 FR 859, 01/04/2017) | 819 (as of 12/31/16) |
## Current DED Designations

<table>
<thead>
<tr>
<th>Country</th>
<th>Initial Designation Date</th>
<th>Who is Covered</th>
<th>Current Expiration Date</th>
<th>Most Recent Action</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberia</td>
<td>10/01/2007</td>
<td>Liberian nationals who have lived in the U.S. since 10/01/2002 and held TPS on 09/30/2007.</td>
<td>03/31/2018</td>
<td>Extended for 18 months beginning on 10/01/2016 Up to approximately 4,200. This is the estimated number of Liberians who held TPS as of 09/30/2007 and so is the maximum number potentially eligible for DED. In August 2016, USCIS estimated that 1,100 to 2,200 Liberians were continuing to rely on DED as protection from removal.</td>
<td>4,200</td>
</tr>
</tbody>
</table>

## Terminated TPS Designations

<table>
<thead>
<tr>
<th>Country</th>
<th>Initial Designation Date</th>
<th>Basis for Initial Designation</th>
<th>Redesignation Date &amp; Basis</th>
<th>Termination Date</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Angola</td>
<td>03/29/2000</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (65 FR 16634)</td>
<td>1) 04/05/2001 (ongoing armed conflict; extraordinary and temporary conditions) (66 FR 18111)</td>
<td>03/29/2003 (68 FR 3896)</td>
<td>316 (at termination)</td>
</tr>
<tr>
<td>Bosnia-Hercegovina</td>
<td>08/10/1992</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (57 FR 35604)</td>
<td>N/A</td>
<td>02/10/2001 (65 FR 52789)</td>
<td>400 (at termination)</td>
</tr>
<tr>
<td>Burundi</td>
<td>11/04/1997</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (62 FR 59735)</td>
<td>1) 11/09/1999 (ongoing armed conflict; extraordinary and temporary conditions) (64 FR 61123)</td>
<td>05/02/2009 (72 FR 61172)</td>
<td>30 (at termination)</td>
</tr>
</tbody>
</table>


Last Updated: August 3, 2017 (Kathryn Anderson)
<table>
<thead>
<tr>
<th>Country</th>
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<th>Basis for Initial Designation</th>
<th>Redesignation Date &amp; Basis</th>
<th>Termination Date</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Guinea</td>
<td>11/21/2014</td>
<td>extraordinary and temporary conditions (resulting from Ebola epidemic) (79 FR 69511)</td>
<td>N/A</td>
<td>05/21/2017 (81 FR 66064)</td>
<td>1,009</td>
</tr>
<tr>
<td>Guinea-Bissau</td>
<td>03/11/1999</td>
<td>extraordinary and temporary conditions (64 FR 12181)</td>
<td>N/A</td>
<td>09/10/2000 (65 FR 15016)</td>
<td>400</td>
</tr>
<tr>
<td>(Province of Kosovo)³</td>
<td>06/09/1998</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (63 FR 31527)</td>
<td>1) 06/08/1999 (extraordinary and temporary conditions) (65 FR 30542)</td>
<td>12/08/2000 (65 FR 33356)</td>
<td>1,000</td>
</tr>
<tr>
<td>Kuwait</td>
<td>03/27/1991</td>
<td>extraordinary and temporary conditions (56 FR 12745)</td>
<td>N/A</td>
<td>03/27/1992 (57 FR 2930)</td>
<td>Not specified in termination FRN</td>
</tr>
<tr>
<td>Lebanon</td>
<td>03/27/1991</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (56 FR 12746)</td>
<td>N/A</td>
<td>04/09/1993 (58 FR 7582)</td>
<td>Not specified in termination FRN</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2) 09/29/1998 (extraordinary and temporary conditions) (63 FR 51958)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

¹ DED then granted from 07/01/1992 (57 FR 28700) through 12/31/1994 (59 FR 62751) to those who held El Salvador TPS.
² Number of beneficiaries taken from the Notice of Deferral of Enforced Departure for Salvadorans (57 FR 28700). All other cited numbers of beneficiaries at termination in this chart were taken from the respective published notice of termination.
³ In the Republic of Serbia in the state of the Federal Republic of Yugoslavia (Serbia-Montenegro).
⁴ Immediately redesignated after this termination on 9/29/1998.

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<table>
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<tr>
<th>Country</th>
<th>Initial Designation Date</th>
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<th>Termination Date</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td>Liberia</td>
<td>11/21/2014</td>
<td>extraordinary and temporary conditions (resulting from Ebola epidemic) (79 FR 69502)</td>
<td>N/A</td>
<td>05/21/2017 (81 FR 66059)</td>
<td>2,313 (at termination)</td>
</tr>
<tr>
<td>Montserrat</td>
<td>08/28/1997</td>
<td>environmental disaster (active volcano); extraordinary and temporary conditions (62 FR 45685)</td>
<td>N/A</td>
<td>02/27/2005 (69 FR 40642)</td>
<td>292 (at termination)</td>
</tr>
<tr>
<td>Rwanda</td>
<td>06/07/1994</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (59 FR 29440)</td>
<td>N/A</td>
<td>12/06/1997 (62 FR 33442)</td>
<td>200 (at termination)</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>11/04/1997</td>
<td>ongoing armed conflict; extraordinary and temporary conditions (62 FR 59736)</td>
<td>1) 11/09/1999 (ongoing armed conflict; extraordinary and temporary conditions) (64 FR 61125)</td>
<td>05/03/2004 (68 FR 52407)</td>
<td>2,700 (at termination)</td>
</tr>
<tr>
<td>Sierra Leone</td>
<td>11/21/2014</td>
<td>Extraordinary and temporary conditions (resulting from Ebola epidemic) (79 FR 69506)</td>
<td>N/A</td>
<td>05/21/2017 (81 FR 66054)</td>
<td>1,255 (at termination)</td>
</tr>
</tbody>
</table>

6 Designation based on ongoing armed conflict was terminated effective 10/24/2004 due to end of conflict, but FRN simultaneously redesignated Liberia effective 10/01/2004 due to extraordinary and temporary conditions resulting from damage caused by the civil war.
7 Deferred Enforced Departure (DED) granted on 10/01/2007 for Liberians who held TPS on 09/30/2007. DED for qualifying Liberians has been continuously renewed since the initial grant. The current scheduled DED expiration date is 09/30/2016.

Last Updated: August 3, 2017 (Kathryn Anderson)
DHS-001-659-000836

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Past DED Designations

- **China**
  - Executive Order 12711 issued on 04/11/1990 provided DED through 01/01/1994 for certain Chinese nationals and their dependents who were in the United States on or after 06/05/1989.
  - Action taken in response to the Chinese government’s suppression of June 1989 Tiananmen Square protests.
  - Approximately 80,000 individuals covered.
  - The Chinese Student Protection Act of 1992 (P.L. 102-404) enabled Chinese nationals with DED to become LPRs.

- **Persian Gulf**
  - Presidential Directive issued on 11/14/1991 provided DED through 01/01/1996 for certain Persian Gulf evacuees who were airlifted to the United States after the invasion of Kuwait in 1990.
  - Approximately 2,227 individuals covered.

- **El Salvador**
  - Presidential Letter issued on 05/04/1992 provided DED through 06/30/1993 for certain Salvadorans who had fled the civil war in the 1980s.
  - Aimed at covering Salvadorans who had held TPS prior to its termination on 06/30/1992.
  - DED subsequently extended through 12/31/1994, with EADs extended through 09/30/1995.
  - Approximately 150,000 to 200,000 individuals covered.

- **Haiti**
  - Presidential Memorandum issued on 12/23/1997 provided DED for one year for certain Haitians who had been paroled into the United States or applied for asylum before 12/31/1995.
  - Approximately 40,000 individuals covered.
  - The Haitian Refugee Immigration Fairness Act of 1998 (HRIFA) (P.L. 105-277) enabled Haitians to become LPRs.
  - EADs for individuals covered by DED automatically extended through 12/22/1999 to provide them time to apply for adjustment under HRIFA.

- **Liberia**
  - Aimed at covering Liberians who had held TPS prior to its termination on 09/28/1999.
  - DED subsequently extended through 09/28/2002; Liberia received a new TPS designation on 10/01/2002.
  - Approximately 10,000 individuals covered.
Terminated Extended Voluntary Departure (EVD)\textsuperscript{a} Programs

- Poland (1984)
- Cuba (1960s)
- Dominican Republic (1966-1978)
- Czech (1968-1977)
- Chile (1970s)
- Cambodia (1970s)
- Vietnam (1970s)
- Lebanon
- Hungary
- Romania
- Uganda
- Iran
- Nicaragua
- Afghanistan
- Ethiopia
- China

\textsuperscript{a} EVD was a form of immigration relief similar to, and the precursor of, TPS and DED.
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of the Freedom of Information and Privacy Act
Page 2 of 2

Withheld pursuant to exemption

(R)(5)

of the Freedom of Information and Privacy Act
Thank you, David. It is now with ESEC for tasking.

Social Science Analyst
Office of Policy, Executive Secretariat
U.S. Department of Homeland Security
Desk: 
Mobile: 
UNCLASS 
HSDN: 
JWICS: 

Duplicate
James, nicely done today on the Hill. Tough questioning at times. I look forward to hearing your cold-blooded analysis.

On TPS, thinking about the excellent timeline that we worked out. Are you guys close to having your memos done?

FYI, I have spoken to PRM, WHA and S/P at State repeatedly about the need to have State input in timely fashion. They are well aware. More on that when I see you. Thanks, Jim
Irregular Northbound Migration

Overview:
In 2017, Canada began experiencing an influx of asylum seekers crossing from the United States between official land ports of entry (POE). Between January and June 2017, approximately 5,365 asylum seekers entered Canada from the United States between POEs. These asylum seekers were from various countries of origin, including many in Africa and the Middle East. In July and August 2017, there was an additional surge, mostly of Haitians, into the province of Québec. Over 2,996 asylum seekers crossed into Canada during July, and 5,530 in August, bringing the total for all of Canada to 13,211 through August. The flows have since decreased from a peak of nearly 450 per day to 50 per day, with the percentage of Haitians decreasing and Nigerians increasing. In September 2017, the Royal Canadian Mounted Police has intercepted a total of 1,602 individuals crossing between POEs, including 1,472 in the Québec region. This brings the total number of individuals who crossed into Canada between POEs to 14,813 for all of Canada year-to-date. Official numbers on the number of asylum claimants for September will be issued by Canada Border Services Agency in mid-October.

Background:
Welcoming statements by senior Canadian officials, immediate access to Canadian work permits and health benefits upon application for asylum, and perceptions of higher asylum approval rates in Canada than in the United States are likely to have played a role in encouraging asylum seekers to cross from the United States to Canada. To counter this narrative, the Government of Canada recently began targeting messaging to various U.S. immigrant communities via social media and in-person visits to explain Canada’s immigration and asylum policies and dispel the perception that illegal entry is a “free pass” into Canada. Like the United States, Canada has a robust asylum system and conducts deportations of failed asylum seekers.

Canadian officials have expressed concern over whether DHS’s July 2017 announcement regarding Temporary Protected Status (TPS) for Haitians, which encouraged them to prepare for their return to Haiti during a limited six month extension of TPS, cautioning that TPS might not be further extended, was a push factor for the summer surge of Haitians into Canada. Upon receipt from Canada of requested data, DHS and the U.S. Department of State (DOS) will conduct analysis on the flows of Haitian asylum claimants to determine what, if any, percentage of the asylum seekers hold TPS or another lawful immigration status in the United States.

Asylum applicants appear to be choosing to enter Canada between POEs to avoid being subject to the 2002 U.S.-Canada Safe Third Country Agreement, which applies only at land POEs. Under that agreement, asylum claims must be heard in the first safe country in which an individual arrives, which prevents asylum forum shopping. Exceptions to the agreement allow, among others, unaccompanied minors and individuals who have certain family members with legal status in the receiving country to be able to apply, even if they arrive at a POE. On September 29, 2017, Canada provided a discussion paper to DHS and DOS for consideration of modernizing the Agreement as one part of an approach that also would include enhanced information sharing to deter against misuse of travel documents and collaboration in the region to deter irregular migration at the source and in transit. DHS will seek internal feedback on the proposal and also work with DOS and the White House to develop a unified response to
Canada’s proposed approach, including identifying any additional elements that may be in the U.S. interest.

Status:
DHS and DOS have worked closely together in tracking these migration flows and taking action where possible. For instance, based on analysis of those who entered Canada illegally while holding valid U.S. visas, DOS worked with the posts from which the visas had been issued to modify adjudication thresholds and revoke previously issued visas that are suspect. DHS and DOS held at least four separate meetings on this topic between February and September with the Government of Canada to ensure a common operating picture and an open bilateral dialogue. While the United States does not have the legal authority to stop individuals from leaving the United States to enter Canada illegally, particularly those with legal status in the United States, we are willing to support the Canadian Government in their efforts to stem these flows by providing strategic and tactical analysis, through policy and operational working groups, and by sharing best practices based on U.S. experiences in migration surges. We also are seeking additional information about the types of domestic policy and procedural changes Canada may be exploring in order to effectively manage migration flows, including designation of pop-up POEs, process modifications, a review of their Immigration and Refugee Board, enhancements in their technological and personnel presence at the border, and communication efforts.

The more information that Canada provides on a timely basis, the better the United States can provide support to Canada. In particular, information that Canada acquires about the routes, methods, and facilitators that migrants used to reach Canada can assist U.S. efforts with other international partners to reduce irregular migration and combat transnational organized crime networks that smuggle persons throughout the Western Hemisphere. Case specific information that Canada acquires can enable the United States to conduct additional analysis of the individual’s travel history and encounters with the United States as well as develop targeting rules that could help mitigate these trends.
No requests received.

From: Talbot, Joanne  
Sent: Thursday, September 21, 2017 10:27 AM  
To: Petyo, Briana  
Subject: FW: NBC News Inquiry

Good morning Briana, hope you are well. I need your assistance please. I need/want to confirm whether or not any of the Caribbean countries affected by Hurricane Irma has requested TPS status for their citizens in the U.S. USCIS has confirmed they have not received any requests but I wanted to check at the DHS HQ level before I refer the reporter to also check with DOS.

Thanks!!

Joanne

To: Talbot, Joanne  
Subject: FW: NBC News Inquiry

Joanne,

Per your question earlier about TPS. Do you want to answer this, or do you want us to?

Best regards,
Carter

R. Carter Langston  
Acting Chief, Media Relations Division  
Office of Communications | U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
Office:  
Mobile:  

From: Scheidhauer, Sharon E  
Sent: Wednesday, September 20, 2017 6:56 PM
To: Langston, Robert C (Carter); Blando, Steve E  
Cc: Vu, Hien Q; Echevarria, Alexandra N  
Subject: RE: NBC News Inquiry

Carter and Steve,

Below is the information I received from OP&S re that Joanne requested about how countries are designated for TPS:

We have not heard of any requests (yet) for the recent hurricanes. Here are our proposed responses:

Have any countries affected by the recent hurricanes requested new TPS designations? “USCIS is unaware of any foreign government requests for TPS relating to the recent hurricanes.”

What is the process for such a request—does it go through the State Department? “Although the statute requires, for environmentally based designations, that a foreign state officially request the TPS designation, there is no one specific process the request must abide by. In the past, both the Department of State and DHS have received official requests from foreign counterparts for TPS.”

Sharon Scheidhauer  
Public Affairs Officer  
U.S. Citizenship and Immigration Services (USCIS)  
U.S. Department of Homeland Security

[b](6)

From: Echevarria, Alexandra N  
Sent: Wednesday, September 20, 2017 3:25 PM  
To: Scheidhauer, Sharon E; Langston, Robert C (Carter); Blando, Steve E  
Cc: Vu, Hien Q  
Subject: RE: NBC News Inquiry

Best to check in with Kathryn Anderson and Brandon Prelogar who are the TPS experts in OP&S. Looping in Hien since TPS is his.

From: Scheidhauer, Sharon E  
Sent: Wednesday, September 20, 2017 2:08 PM  
To: Langston, Robert C (Carter); Blando, Steve E  
Cc: Echevarria, Alexandra N  
Subject: RE: NBC News Inquiry

I will ask SMEs.  
In the past, we’ve said this about Venezuela, FYI:

USCIS is monitoring conditions in Venezuela to consider whether a discretionary TPS designation might be appropriate under the statute.
The authority to designate a country for TPS is vested in the Secretary of Homeland Security, per statute.

SMEs are pretty tied up with the Sudan situation so I may not get an immediate response.

Sharon Scheidhauer  
Public Affairs Officer  
U.S. Citizenship and Immigration Services (USCIS)  
U.S. Department of Homeland Security

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From: Langston, Robert C (Carter)  
Sent: Wednesday, September 20, 2017 2:03 PM  
To: Blando, Steve E; Scheidhauer, Sharon E  
Cc: Echevarria, Alexandra N  
Subject: FW: NBC News Inquiry

Sharon/Alex,

Any idea how a country gets TPS?

How is TPS

Best regards,
Carter

R. Carter Langston  
Acting Chief, Media Relations Division  
Office of Communications | U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security

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From: [Redacted]  
Sent: Wednesday, September 20, 2017 1:53 PM  
To: Langston, Robert C (Carter)  
Subject: FW: NBC News Inquiry

Hi. It is my understanding countries have to request TPS.... Could you please help me confirm/verify that they need to do this and through DOS?

Thanks!

From: Remaly, Benjamin (NBCUniversal)  
Sent: Tuesday, September 19, 2017 5:12 PM
Hey Joanne,

I’m reaching out to see if any countries had requested TPS following the recent Hurricanes.

Also, I was reading over the story and realized that the info is a bit generic to be granting anonymity. Would it perhaps be possible to get this on record about no country having requested TPS yet, and not speculating whether or not these countries would be eligible for TPS? Also included info that there wouldn’t be speculation on where things stood with Haiti.

Best,
Ben

Ben Remaly
Desk Assistant
NBC News Washington

Hi Ben! Yes, you can say DHS official.

Here is info on the Haitians going to Canada:

DHS is aware of Haitians crossing into Canada from the United States and is working with the Canadian government to better understand and address these movements.

Thanks!

Joanne

Joanne,

Thank you so much for taking the time to speak with me yesterday.
Do you have a preference of how you are referred to when mentioned on background? I just had “A DHS Official.”

Also was wondering if you were able to locate any information of influx of Haitians crossing over to Canada.

Best,
Ben

Ben Remaly
Desk Assistant
NBC News Washington

From: Remaly, Benjamin (NBCUniversal)
Sent: Tuesday, September 12, 2017 12:01 PM
To: Remaly, Benjamin (NBCUniversal)
Subject: RE: NBC News Inquiry

Hi Ben! Just called you, please call me when you have a chance.

Thanks,

Department of Homeland Security
Office of Public Affairs

From: Remaly, Benjamin (NBCUniversal)
Sent: Monday, September 11, 2017 6:21 PM
To: Lapan, David <b6>; Talbot, Joanne <b6>; Media Inquiry <b6>
Cc: ‘benjamin <b6>
Subject: NBC News Inquiry

DHS Press Office,
I am working an article regarding Temporary Protected Status for countries affected by the recent Hurricanes. Do you have any sense that Temporary Protected Status may be implemented or considered for countries affected by the recent hurricanes including the Dominican Republic and/or Antigua and Barbuda.

Is there any sense of whether Hurricane Harvey may have an impact on the decision of whether or not to extend Temporary Protected Status for Haiti?

Also, is there any plans for humanitarian aid to some/all of these countries affected by the recent hurricanes (or does this fall under the scope of the State Dept?)

I do not need an immediate response today. At some point tomorrow would be great if possible.

Thank you very much.

Best,

Ben

Ben Remaly
NBC News Washington

Description: cid:image001.png@01CCF88D.11601B10

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<thead>
<tr>
<th>Sender: Petyo, Briana</th>
<th>Recipient:</th>
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</thead>
</table>

DHS-001-659-000852
Sure – this attachment should work for you.

**Kathy Nuebel Kovarik**
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

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Thank you!!!
Yes, that's perfect, many thanks.

From: Nuebel Kovarik, Kathy  
Sent: Monday, September 18, 2017 1:20 PM  
To: Nealon, James  
Cc: Petyo, Briana  
Subject: RE: REQUEST: TPS -- upcoming decisions and timelines

Sure – this attachment should work for you.

Kathy Nuebel Kovarik  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  

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From: Nealon, James  
Sent: Monday, September 18, 2017 1:12 PM  
To: Nuebel Kovarik, Kathy  
Cc: Petyo, Briana  
Subject: REQUEST: TPS -- upcoming decisions and timelines

Thanks Kathy, this is very helpful. The chart is also very useful.

Question: Do you have a chart which lists the original date of TPS in each case and, if possible, how many times it has been extended? Thanks and looking forward to the discussion.
Need to discuss this. Note that we are down to provide recommendation to USCIS tomorrow…
August 24, 2017

The Honorable Elaine Duke
Acting Secretary of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20528

Dear Acting Secretary Duke:

I write regarding Temporary Protected Status (TPS) for Haitian nationals. Given Haiti’s continued recovery from the 2010 earthquake and last fall’s Category 4 hurricane, I strongly urge you to grant a full, 18-month extension of Temporary Protected Status for the roughly 60,000 Haitian nationals living here in the U.S.

The 2010 earthquake killed more than 200,000 people, displaced another one million, and ultimately led to a cholera epidemic that devastated the island. Last October, Hurricane Matthew’s destruction compounded these problems and created new ones, killing more than 1,000 people, devastating Haiti’s infrastructure and agricultural system, and leaving many Haitians without a secure supply of food or shelter. As Secretary Kelly himself noted earlier this year, “significant losses of crops and livestock in the regions damaged by Hurricane Matthew impacted the entire country.”

Hurricane Matthew has significantly set back Haiti’s ongoing recovery efforts, and I strongly urge you to fully consider these conditions in extending TPS for another 18 months.

Then-Secretary Kelly and I have worked together closely on this issue, and I look forward to doing the same with you. As you consider this request to extend TPS beyond its current expiration date of January 22, I encourage you to visit Haiti to assess the conditions on the ground there for yourself. I also encourage you to meet with Haitian leaders in Florida to discuss the importance of extending protections for those already living here and the impact it has on the community.

The new Government of Haiti is in the process of implementing an economic growth plan so Haiti can better serve its people at home and those living abroad. I know that you share hopes for a stable and prosperous Haiti, and I look forward to working with you to achieve these goals.

Thank you for your attention to this matter.

Sincerely,

Bill Nelson
Page 1 of 1

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(9)(B) WIF Draft

of the Freedom of Information and Privacy Act
When she says strategy and policy they mean their office. But to your point, we meet with them Thur. Which leaves us no time.
OK. I have an idea hatching ...
Page 1 of 1

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(D)(5) VIF Draft

of the Freedom of Information and Privacy Act.
SCHEDULING PROPOSAL FORM

TODAY’S DATE: May 18, 2017

TO: Marcy Brodsky
Office of Scheduling & Advance
Secretary John F. Kelly

FROM: Alaina Clark
Principal Deputy Assistant Secretary for the Office of Partnership & Engagement (OPE)
Office: (b)(6)

REQUEST: Governor Rick Scott will host the 2017 Latin American Summit and has extended an invitation to Secretary Kelly to participate in a panel with Governor Scott, Secretary of State Rex Tillerson, and Secretary of Commerce Wilbur Ross. Following the Summit, there will be a reception and private dinner with select Latin American officials, business leaders, federal officials and Governor Scott.

PURPOSE: The overall objective of the Summit is to demonstrate via panel discussions and keynote speakers that Latin American nations who embrace human rights and democracy thrive in a global economy, particularly as it relates to Florida. The objective of the panel is to reinforce the overall mission of the Summit via discussions with United States Officials about the importance of human rights and democracy in Latin American countries as it relates to relations with the U.S. This could be an opportunity for Secretary Kelly to highlight Department efforts regarding human trafficking, immigration policy, visas, drug demand reduction and the newly created Victims of Illegal Immigrant Crime (VOICE) office.

PREVIOUS PARTICIPATION: Secretary Kelly spoke with Governor Scott on May 11 to discuss the potential extension or termination of Haiti’s Temporary Protected Status (TPS). This would be Secretary Kelly’s first opportunity to participate in a panel discussion, as well as, interact and engage with Governor Scott and Secretaries Tillerson and Ross on topics of mutual interest.
DATE AND TIME: Monday, October 2, 2017
Panel Discussion: 4:30 pm
Reception: 5:30 pm
Private Dinner: 7:30 pm

DURATION: Panel Discussion: 1 hour
Reception: 2 hours
Private Dinner: 1 hour

BRIEFING TIME: Pre-brief required with the Secretary

LOCATION: Miami, Florida – InterContinental Miami
100 Chopin Plaza
Miami, Florida 33131

PARTICIPANTS:
Panel:
Governor Rick Scott, Florida

Secretary Rex Tillerson, U.S. Department of State
(Invited)

Secretary Wilbur Ross, U.S. Department of Commerce (Invited)

Audience:
About 400 business leaders and policy makers from the United States and Latin America.

OUTLINE OF EVENTS: TBD

REMARKS REQUIRED: TBD (based on panel format)

MEDIA COVERAGE: TBD
PHONE CALL WITH SENATE MINORITY LEADER CHUCK SCHUMER (D-NY)
August 11, 2017
3:00-3:30 PM

Objective/Asks:
Introduce yourself, and highlight and gain the Senator’s support on key agenda items and issues. In this courtesy call, the asks are: support of DHS nominees; on-time, full year DHS appropriation; support for a first-ever DHS Reauthorization; and a clean National Flood Insurance Program reauthorization.

Background:
• As Minority Leader, Senator Schumer does not actively serve on any committees, but was actively engaged in DHS issues in the last congress from his seat on the Senate Judiciary Committee.
• Senator Schumer has been a vocal critic of the recent Executive Orders, and has repeatedly called on the Administration to reverse course. At the Senator’s request, Secretary Kelly met with him in late March to discuss issues related to Executive Order implementation.
• Senator Schumer has been generally supportive of Temporary Protected Status (TPS) for a number of countries, most recently Haiti and Ecuador. In the past, he has regularly sent correspondence to the Department advocating for TPS designations and extensions.
• The National Flood Insurance Program (NFIP) is set to expire on September 30, 2017. Senator Schumer supports a clean, multiyear reauthorization of the program, with no substantial changes to the program.
  o He has indicated that he would not support the current version of Senator Crapo’s National Flood Insurance Reauthorization Act of 2017, as it contains one rider provision to fund wildfire suppression on Federal lands out of the Disaster Relief Fund.
• As Minority Leader, Senator Schumer plays a key role in facilitating Democratic support for Senate confirmations. This meeting may provide an opportunity to request his assistance in advancing a number of DHS nominations.

Discussion Points:
• Thank the Senator for his focus in helping the Department effectively execute its missions.
• I remain extremely impressed with the broad scope of both the DHS mission and the ability of its people to accomplish it. In order to continue executing on our mission, can I count on your immediate support of DHS’s nominees? For example, Francis Cisnera was reported favorably out of the Judiciary Committee with overwhelming bipartisan support to lead U.S. Citizenship and Immigration Services, but was not included in a final block of DHS nominees confirmed via UC (unanimous consent) before the Senate gavels out for August.
• Further, as we approach the end of the fiscal year, it will be critical to provide DHS a full year appropriation and I’m counting on your support to ensure we don’t find ourselves operating under a continuing resolution. Operating under a CR does not put us in the strongest position to make the long term strategic decisions necessary to protect the Nation’s security.
• Also on my radar is the first ever DHS Reauthorization. The House passed its version in July and we’re eager to keep momentum going in the Senate. The men and women of DHS
are most appreciative of the ongoing efforts in Congress to pass a reauthorization bill. DHS
has never been reauthorized, and this bill will provide the necessary updates and authorities
the Department needs to effectively accomplish its mission. Many of the threats have
changed since the Homeland Security Act of 2002 and the Department’s authorities need to
evolve. Much of what is in this bill accomplishes that important task.

- Finally, I **appreciate your support for a clean NFIP reauthorization** is a key focus for
  DHS and FEMA. FEMA opposes efforts that would use NFIP Reauthorization as a vehicle to
  amend the Stafford Act and broaden Stafford’s reaches to allow Disaster Relief Funds to be
  used on Federal lands. Congress created the Stafford Act to support only States and localities
  following a disaster. Going beyond the State and local focus would have tremendous
  negative budgetary consequences for the DRF – for instance, if such an amendment is
  enacted we would face the very real likelihood that as fire season is in full swing, hurricane
  season is kicking off and we don’t have the necessary funding to help recovery from a
  hurricane.

- My job of securing our nation means enforcing our laws, and I remain absolutely committed
to the humane and lawful treatment of all individuals as I carry out this mission.

**Participants:**
Elaine Duke, Acting Secretary, Department of Homeland Security
Benjamin Cassidy, Assistant Secretary, DHS Office of Legislative Affairs

**Attachments:**
A. Biography of Senator Schumer

**Staff Responsible for Briefing Memo:**
James M. Phillips, Director, Office of Legislative Affairs, 202-447-5471.
*Reviewed and approved by:* Susan Corbin, Chief of Staff, 202-253-0177.
Page 2 of 3
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DHS-001-659-000879
Page 3 of 3

Withheld pursuant to exemption

(R)(5)

of the Freedom of Information and Privacy Act
Thanks Deb, looks good to me.

From: Meyers, Deborah
Sent: Tuesday, August 15, 2017 5:10 PM
To: Nealon, James; Dougherty, Michael
Cc: Lawson, Leslie; OIA-CAN; Clissna, Francis; Petyo, Briana
Subject: FW: FOR VIS: WaPo Haiti TPS inquiry--Deadline today

The USCIS-drafted response is fine (I just cleared) but I wanted you to be aware of the WP inquiry.

From: Talbot, Joanne
Sent: Tuesday, August 15, 2017 4:53 PM
To: Meyers, Deborah
Subject: FW: FOR VIS: WaPo Haiti TPS inquiry--Deadline today

Good afternoon Ms. Meyers.

This is Joanne Talbot from DHS OPA. We are in the final stage on answering a media inquiry from the Washington Post on TPS Haiti and media reports (Q#6) on Haitians crossing the border into Canada. (please see below email traffic)
I need to make sure this answer is correct and ok with you as drafted by USCIS.

Q6. And also a comment about reports that many Haitians are fleeing the U.S. for Canada?
DHS has indicated that it is aware of Haitians crossing into Canada from the United States and the agency is working with the Canadian government to better understand and address these movements.

Could you please let me know?
Thanks,

Joanne

Joanne F. Talbot
Department of Homeland Security
Office of Public Affairs

From: Langston, Robert C (Carter)
Sent: Tuesday, August 15, 2017 2:50 PM
To: Lapan, David; Talbot, Joanne; Christensen, Gillian M; Hatchett, Dolline L
Cc: Christensen, Gillian M

Subject: FOR VIS: WaPo Haiti TPS inquiry--Deadline today

For your visibility, USCIS will provide response by COB today unless we hear otherwise.

WASHINGTON POST
Deneen Brown
Deadline: COB Today

Asks questions about Haiti TPS. They have been cleared through USCIS Program Office.

Q1. How many Haitians currently have TPS?
58,706 (current as of Dec. 31, 2016)

Q2. Have their work permits already expired?
If USCIS received a request for re-registration and for a new employment authorization document (EAD) during the Haiti TPS re-registration period, and the applicant is found eligible, the applicant will receive a new EAD—with an expiration date of January 22, 2018, the date to which Haiti TPS was extended.

Q3. Is there a possibly of an extension beyond January? Many activists say the conditions in Haiti have not improved as described by then-Secretary Kelly. Are there plans for another assessment of conditions in Haiti?
At least 60 days before Jan. 22, 2018, the Acting Secretary (or Secretary) of DHS will re-evaluate the TPS designation for Haiti and will determine whether another extension, a redesignation, or a termination is warranted, in full compliance with the Immigration and Nationality Act.

Q4. What will Homeland Security do about Haitians who have TPS and also have children who are U.S. citizens? Will families be torn apart? What are the plans regarding families?
Haitians with TPS may apply for other immigration benefits that they may be eligible for at any time.

Q5. Could I get a comment from DHS regarding the growing panic in Haitian communities?
Prior to the existing January 22, 2018 expiration date of Haiti’s TPS designation, the Acting Secretary (or Secretary) of DHS will re-evaluate the TPS designation for Haiti and determine whether another extension or a termination is warranted under the Immigration and Nationality Act. When Secretary Kelly announced the limited six-month extension in May, he emphasized that Haitian TPS recipients living in the United States should attain travel documents and make other necessary arrangements for their ultimate departure from the United States, and the Haitian government should prepare for the future repatriation of current TPS recipients in case Haiti’s TPS designation is not extended again.

Q6. And also a comment about reports that many Haitians are fleeing the U.S. for Canada?
DHS has indicated that it is aware of Haitians crossing into Canada from the United States and the agency is working with the Canadian government to better understand and address these movements. Further comment about this will have to come from DHS at MediaInquiry@hq.dhs.gov.

Q7. What is the impact on the U.S. economy if they are deported?
A. USCIS does not have information to provide an answer to this question.

Best regards,
Carter

R. Carter Langston
Deputy Chief, Media Relations Division
Office of Communications | U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security

DHS-001-659-000883
Good afternoon,

FYI on S1’s transcript from yesterday’s HSGAC hearing.

Best,

Emily Hymowitz
Office of Legislative Affairs
Department of Homeland Security
JOHNSON: Morning. This hearing will come to order. I would ask consent that my opening -- my written opening statement be entered in the record without objection. I want to welcome Secretary Kelly. This is a hearing on the Department of Homeland Security's fiscal year 2018 budget. This is the third time that Secretary Kelly has appeared before this committee, the second time as secretary of the department. And again we welcome you and appreciate your service to this country -- many, many years of it. In lieu of my written opening statement, I just want to make a couple comments. I'm -- by vocation I'm -- I'm an accountant, so I've gone through budget meetings many, many times. First, I want to just talk about the history of the budget of the Department of Homeland Security. We're not quite ready for the chart. When you take a look at total budget authority, when the -- the department was first stood up, the first fiscal year was 2014 and the department's budget was -- this was total budgetary authority, mandatory and discretionary -- is $36.5 billion.

JOHNSON: Now, had that budget just grown by inflation, today's request would be a little under $50 billion -- $48.25 billion. Instead, total -- total budget authority is $70.6 billion, about a 93 percent increase.

Now, from my standpoint, that represents in a bipartisan fashion, President Bush, President Obama and now President Trump realized that the threat environment that America faces has become more severe. It's growing. It's evolving. It's metastasizing. And the department needs more resources to try and keep this homeland safe.

And so as much as I am concerned about the long-term budget situation in this country, the $20 trillion we're already in debt, we cannot be penny wise and pound foolish. I mean, I don't think there's -- I've seen an accurate assessment of how much economic loss we suffered because of 9/11. We have to do everything we possibly can. And let's face it, the defense of this nation and the defense of our homeland is the top priority of government.

So, I want to be completely supportive of the secretary's request. Tough budget times, but we need to allocate the resources to keep this nation and our homeland safe.

Next point I'd want to make is just the dramatic change we've had in terms of total apprehension. We have a little chart here. What I've done, because we really only have three months worth of
history under the new administration, I've just gone back and had my staff prepare a three-month moving average of apprehensions along the southwest border.

And it's -- it's incredibly revealing. Prior to the last three months, on average, we were apprehending a little more than 122,000 individuals coming to this country illegally -- 122,000. In the last three months total, it was just under 56,000. In other words, we're 45, about 46 percent of the previous four or five years average. That's a pretty remarkable result.

I've been, you know, since taking over this chairmanship and really been on this committee looking at the problem of our illegal entry into our southwest border, I've been saying repeatedly that the first thing we need to do is be committed to securing our border, and then eliminate the incentives for illegal immigration. I would say lack of enforcement of our immigration laws has been a huge incentive for people coming to this country.

Under the new administration, under a new secretary, we have obviously committed to securing our border. And I was a little concerned when people were taking credit for this reduction I think after three months. We'll see what happens after four months. I think just that signal alone that we are committed to securing this border and we're going to enforce our laws has had a powerful effect, and I think we're seeing the results of it right now.

So again, I commend the secretary for standing strong against severe criticism and actually enforcing the laws of this nation.

With that, I'll turn it over to our ranking member, Senator McCaskill.

MCCASKILL: Thank you, Mr. Chairman.

And thank you, Secretary Kelly, for being here. You appeared before this committee a couple of months ago for the first time, after being confirmed, and just look at the developments that have occurred in the few months since then where you have had to be all hands on deck for serious issues facing the national and homeland security.

On May 11th, you met with the airline industry executives about your concern about large electronic bands in terms of international travel. On May 12th, we had a ransomware cyber attack that struck more than 200,000 computers in 150 countries, shutting down auto production in France, police departments in India, and closing doctors' offices in Britain. And then, of course, tragically on May 22nd, a terrorist suicide bomber killed 22 innocent children and adults in Manchester, England; and then this past weekend terrorists killed seven in London.

These are just a few examples of why we are counting on you and why we respect the job that you have to do every day, and how difficult it truly is.

The importance of your work also speaks to the critical responsibility this committee has in providing oversight. I've never, ever, ever known of a government agency that works better with less oversight. Asking hard questions is, of course, the way you do aggressive oversight. And I'm really particularly pleased that you're not afraid to answer tough questions. It's kind of who you are. You've been that way throughout your career.

In fact, I noticed in the speech you gave to the Coast Guard cadets -- I'll quote you here -- "Tell the truth to your seniors, even though it's uncomfortable, even though they may not want to hear it. They deserve that, tell the truth." I know that you will continue to speak truth to power, and I look forward to your honest assessment of what we can do to help you in that regard.

MCCASKILL: While none of the three terrorists who did the attack over this past weekend would have been impacted by the president's proposed travel ban, a lot of discussion in the United Kingdom is now about the government -- the Conservative Party's cuts in police resources over the last decade and how many fewer resources there were actually on the ground to try to prevent those terrorist attacks.
I'm concerned that the president's budget plans to cut critical TSA programs at a time that we cannot afford to let up on these security measures.

A large portion of this cut is taken from the VIPER teams, the Visible Intermotive -- Intermodal Prevention and Response teams, which are deployed all over the country to provide critical assistance with securing airports, subways, and bus terminals, some of the most attractive soft targets for terrorists in our country. The president's budget aims to cut the VIPER teams from 31 down to just eight teams to cover the entire country.

The Urban Area Security Initiatives, which has been an -- a -- a lifeline for major urban areas that have so many soft -- soft targets -- targets because of the large populations -- those also have been cut.

Additionally, the police -- the president's budget is going to completely eliminate the Law Enforcement Officer Reimbursement Program, which provides assistance to local law enforcement agencies who help secure our airports. Hundreds of airports across the country take part in this program, and particularly for smaller airports, this assistance is critically important.

The president's budget will also slash other DHS programs that provide critical security to our transportation systems. The Transit Security Grant Program will be cut in half. The Port Security Grant Program will be cut in half. The president is calling for a complete elimination of the Complex Coordinated Terrorist Attacks Grant Program.

I'm concerned that these priorities are not getting the attention they deserve, especially in light of what's going on around the world. I think we may be focused on a shiny object which has come to be known as the travel ban, when instead we need to be focused on how many people we have, in your terminology, General, boots on the ground, in terms of being able to identify, track and prevent these terrorist attacks.

We're being asked to fund additional Border Patrol agents and air and marine officers, but there's no provision in the budget for additional CBP officers. And the difference in terminology is very important because, as you know, Secretary Kelly, the majority of drugs are other contraband come through our country through the ports of entry, and the CBP officers are the ones responsible for finding them and stopping them. We cannot neglect our ports of entry as we try to increase resources in terms of Border Patrol and ICE agents.

So, I'm glad you're here today, Secretary Kelly. There are a lot of important issues before us. I have a lot of questions. I know the rest of the committee does, too. And I can't tell you how much it means to all of us that you're willing to come here, to both Democrats and Republicans, and answer our questions.

I -- I hope the rest of the administration follows your example, because I think -- think you're setting a very good one.

JOHNSON: Thank you, Senator McCaskill.

It is the tradition of this committee to swear in our witnesses, so if you'll please rise and raise your right hand, do you swear that the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?

KELLY: I do.

JOHNSON: Please be seated.

Secretary John F. Kelly is the fifth secretary of homeland security. Prior to joining DHS, General Kelly served as commander of the U.S. Southern Command, where he worked closely with U.S. law enforcement and DHS personnel in a coordinated effort to combat the flow of drugs, people and other threats against the homeland into the United States from across the southern border.
Secretary Kelly's career has included extensive service in the Marine Corps where he commanded Marine Force -- Forces Reserve and Marine Forces North and served as senior military assistant to two secretaries of defense, Secretaries Gates and Secretary Panetta. Less than a year after his retirement from service, Secretary Kelly returned to serve the American people as secretary of homeland security.

General Kelly is a retired four-star general, a gold star parent. America could not be more appreciative and more fortunate to have you serving in this capacity. And we thank you for your service and look forward to your testimony.

KELLY: Chairman Johnson, Ranking Member McCaskill and the distinguished members of the committee, every day the men and women of the Department of Homeland Security protect Americans from the threats we face. And so it is a great pleasure to appear before you today to talk about the tremendous men and women of the department, and the critical missions they carry out in service of our America every day and night, 24/7/365.

I believe as anyone who fully understands the fundamental role of our government also believes that the federal government's responsibility every day begins and ends with the protection of the homeland and the security of our people. No other mission is as important. No other consideration more pressing. None.

The president's fiscal year 2018 budget request for the department will make it possible for us to continue and expand in many ways on our ability to protect our nation and its people.

KELLY: The world is a different place today. We can no longer think in terms of defense over there, but rather must think in terms of the -- the security overall of the homeland across the numerous domains of potential attack and defense.

The Department of Homeland Security is making a difference in fighting the home game while the Department of Defense fights the away game.

And together with and because of the dedication and effective interagency integration with the DNI, CIA, NCTC, FBI, NSA, DEA, ATF and over a million state and local and tribal enforcement professionals, America today is safe, secure and prepared in a way that most could not have envisioned the day before 9/11.

But the plots to attack the nation are numerous, the perpetrators relentless. But we fully -- we need a fully funded budget that matches our mission -- no more continuing resolutions -- and I think this budget does that.

The president's F.Y. 2018 budget requests $44.1 billion in net discretionary funding for the Department of Homeland Security. It also requests $7.4 billion to finance the cost of emergencies and major disasters in FEMA's disaster relief fund.

When you're talking about numbers like these, it's easy to lose sight on what's behind each dollar. But when you get right down to it, behind each and every dollar are hardworking men and women who have dedicated their careers, and in many ways risked their lives, to protect the American people. Every dollar invested in the men and women of DHS and every dollar invested in the tools, infrastructure, equipment and training they need to get the job done is an investment in prosperity, freedom and the rule of law. Above all, it is in investment in the security of the American people.

As far as I'm concerned, recent events show you cannot invest too much in security. The terrorist attacks on innocent civilians in Kabul, Cairo, South Asia, Manchester and now London are horrific reminders of the dangers we face globally.

They also illustrate the need to do everything we can to keep our people safe. That means getting better about verifying identity, making sure people who -- are who they say they are, and
working with our international partners to raise their awareness and raise their defenses and force them to do so, if need be, to at least operate at the levels that we work at.
Domestically, one of the most important enhancements to this effort is the Real ID Initiative, an enhancement passed into law 12 years ago by the United States Congress, one which most of our states and territories have taken seriously and have already adopted. Many others are working hard at compliance.
In those 12 years, some in elected or appointed state and federal positions who have the fundamental and sacred responsibility to safeguard the nation have chosen to drag their feet or even ignore the law passed by Congress. I will not.
Real ID will make Americans safer; it already is. Real ID will soon be enforced at our airports, land ports of entry and all federal facilities, and it is a critically important 9/11 Commission recommendation that others have been willing to ignore, but which I will ensure is implemented on schedule, with no extension for states that are not taking the effort seriously.
For those states and territories that cannot or will not make the January 2018 deadline, they should encourage now their citizens to acquire other forms of ID compliant with the Real ID law, like passports, available of course from the State Department.
We need to prevent bad actors regardless of religion, race or nationality from entering our country. In recent years, we have witnessed an unprecedented spike in terrorist travel. There are more terrorist hot spots and foot soldiers now than almost any time in modern history.
In Syria and Iraq, for instance, we have thousands of jihadists fighters that have converged from more than 120 countries. As our superb military machine, acting in coalition with and leading many other like-minded partners, as they succeed on the battlefield in the caliphate in Iraq and Syria, these jihadi fighters are returning home to Europe, South Asia, Southeast Asia, Australia and even the Western Hemisphere, and who knows what they're up to but we can guess. They are heading to what they think are safe havens to continue their plotting and otherwise advance their toxic ideology of hate, death and intolerance with -- wherever they are allowed to hide. We expect that some will look to travel to the United States to carry out attacks.
KELLY: With this context in mind, the president has issued clear direction in the form of an executive order to the entire executive branch to prevent the entry of aliens who seek to do us harm. But the current court injunction, of course, prevents us from taking steps right now to improve the security of the homeland until we see how that court action plays out. While some discuss, debate and argue the name, title, or label that best describes the president’s E.O., professional men and women like me are actually in the business of implementing the president's intent to secure the nation and we are doing that.
We’ll let the chattering class and self-appointed critics talk about the name. I just hope the Congress sees the wisdom of what the president is trying to do to protect America and its people and that the Congress is willing to work with those of us in the business of securing the nation. And it's been my experience in less than four months on the job that the Congress is in fact committed to that.
The Congress -- the court's injunction has prevented us from implementing a temporary ban on travel by aliens from six countries that are in states of civil war or state sponsors of terrorism, and are basically failed states. They are the same countries identified by the Congress in a previous administration in 2015 as nations of great concern.
At the time, the expectation was that those in the business of securing the nation lawfully would focus additional attention on these nations and others in similar circumstances for supplementary
and accurate vetting. It has nothing to do with religion or skin color or the way they live their lives, but all about security for the United States and nothing else. These are countries that are either unable or unwilling to help us validate the identities and backgrounds of persons within their borders. I can tell your right now because of the injunctions, I am not fully confident that we're doing the best we -- all that we can to weed out potential wrongdoers from these locations. The injunction also prevents me from actually looking into the information that we need from each country to conduct proper screening, not just from the six countries identified in the executive order, but from every country across the globe. It also prevents me from conducting a review under the executive order with the goal of improving the security of our refugee program. Bottom line, I've been enjoined from doing these things that I know would make America safe and I anxiously await the court to complete its action one way or the other so I can get to work. The men and women of DHS will do everything we can and always, always, always within the law to keep the American people safe. But the delay has prevented us from doing that -- what I and those most familiar with the reality of the threats we face believe we need to do to protect our homeland.

Again, sir, I appreciate the opportunity to appear before the committee today and I think -- thank you for your continued support and the committee's continued support for the great men and women of the department and the mission we take so seriously. I remain committed to working with Congress and protecting the American people. I have made changes within the organization since I've been the department head to do exactly that -- to increase responsiveness, availability of witnesses. And we've done all of that in a big way. I'm glad to answer any questions you may have, sir.

Thank you.

JOHNSON: Thanks, Secretary Kelly.

I really appreciate the attendance by my colleagues. I know everybody's got tight schedules. So I'm going to defer my questioning so people have their opportunities. And I'll start out with Senator McCaskill.

MCCASKILL: Thank you, Mr. Chairman.

I appreciate the note you ended on, Secretary Kelly. And I'm -- while I condemn the leak and the person who leaked it, we now have in the public domain verified information that the Russians made an aggressive attempt to access not only a vendor of voter software in this country, but also a number of states the voter file databases in the month prior to our election. I mean, in any other circumstances, this would be an earthquake. But because of everything else that's going on, I don't think enough attention has been given to something that is your responsibility as the secretary of homeland security, and that is critical infrastructure, including the election system.

I have asked for a number of pieces of information. This is one area where we have not gotten a response yet. I do appreciate that you all have not frozen us out. Many of my colleagues are being frozen out across the government. You have not frozen us out, and I'm deeply grateful for that.

I am anxious to get more information about what we know about these attempts. Whether or not they accessed the tabulation, it's clear they were trying to get into that voter file. And I don't think they were going there to try to just hang out. Imagine the disruption -- we spend a lot of time in this country talking about voter ID. Imagine the disruption if thousands of people showed
up to vote and their names were no longer on the voter file. What would we do? How would we address that in terms of fairness and open and free elections?
So I guess my question to you is, are you deferring the investigation of this to the FBI? Or is the department actually actively engaged in investigating the penetration or the attempts to penetrate the voter files in this country immediately before the election by the Russian government?
KELLY: Thanks, Senator.
You know me, I'm not going to dodge any question relative to anything that anyone in the United States Congress asks. I would say, though, up front, I would not be in a -- because of the allegations and the things that have been allegedly released are so highly classified, I wouldn't want to kind of confirm or deny anything in there. I think we just have to wait for the investigation.
Happy to come over or send people over to talk to you to the level that they can about what actually took place. And I believe certainly members of Congress deserve that, given the levels of classification. But I share your concern. I don't disagree with anything you said relative to the sanctity of our voting process.
Clearly, it's an -- should be an interagency investigation, and that is taking place. DHS will be part of that. As you know, just prior to his leaving, Jeh Johnson went out and declared that the voter -- voting infrastructure was in fact critical infrastructure. I've had a large amount of pushback on that from states, some members -- many members of Congress.
It was done before I took over. We're looking at that, trying to help the states understand what that means. And it's voluntary entirely. We're here to help, so to speak. But I am meeting with the state homeland security professionals I think next week here in the city. I'm going to put that question to them.
Should we back off on that? I don't believe we should, but should we back off on it? Do you see us as partners and helpers in this, to help, you know, down -- down inside the states and help you make sure that your systems are protected? But there is nothing more fundamental to our democracy than voting.
MCCASKILL: Well, you know, in following up with that, I just hope that you convey -- I mean, it would be one thing for the states to say we don't want the federal government to be -- I like that our elections are decentralized. I don't think the federal government should be telling each state how to run their elections or what vendors to use.
On the other hand, this was Russia.
KELLY: Right.
MCCASKILL: I mean, this was Russia. This was not, you know, some hacker in -- at a university trying to screw around with one individual state. This was an international attempt to impact the elections of the United States of America. So it really would be, I think, distressing if the United States would then pull back from the ability to help states protect these voter files. And you all are going to be in the best position to be able to do that.
So is someone from the department working in the investigation over this intrusion into our data files -- our voter data files?
KELLY: Yes, we are involved.
MCCASKILL: OK.
The other area I wanted to talk about and give you a chance to respond to the things I said in my opening statement about cutting funding for the VIPR program and for the Law Enforcement Officer Reimbursement Program, the urban area grants that are so important to large cities in this country in terms of protecting soft targets for terrorism.
Could you address those cuts? And if -- if you would be OK with the fact that we would maybe want to restore those cuts?

KELLY: I'd like to comment for sure. The first thing I would -- and I kind of referenced it a little bit in my opening statement. We are as a nation in a different place entirely from the law enforcement and local protection point of view. We're in a different place today than we were 15 years ago when 9/11 first took place.

I mean, whether it's New York City and the largest non-federal law enforcement organization in the country, the New York City Police Department, or small towns and counties, with very few professionals, this kind of thinking -- this anti-terrorism, counterterrorism is in the DNA. We have certainly, and should have right after 9/11, for years afterwards, I think to the tune now of $45 billion in 15 years, helped states, whether it was acquire equipment, hire people. DOD has a program where they give excess equipment away. You know all of that.

So we're in a different place today. New York City Police Department -- I was just up there last week, and sat with them for several hours getting their -- their concept of how they protect the city from a terrorism point of view. And I don't think there's anyone better in the world.

So, in a perfect world, I'd love to fund everything, but 15 years on, we are in a different place locally and federally in terms of protecting the homeland. Again, in a perfect world, I'd love to fund everything.

MCCASKILL: OK. Well, I -- I understand the point you're making, although I will say that I don't think any of us would think that the threat of a terrorist attack is less today than it was 15 years ago, and I can speak for many of these communities that are struggling with enough officers now.

St. Louis is a good example, where we have a serious crime problem, and in order to have the resources they need to cover the airport, to do some of the things that this money allows them to do -- is really important. So I'm hoping that we can work together and figure that out.

KELLY: Senator, if I could explain (ph), I wouldn't disagree at all, and -- and the threat since 9/11 is -- I think certain types of threats are much more than they were during 9/11, much more metastasized, some of it local, some of it potentially from outside the country.

I'm with you 1,000 percent. But the one fundamental difference is we have different state, local and federal focus on this, and training and equipment, so...

MCCASKILL: We do.

KELLY: ... yes, ma'am.

JOHNSON: Senator Tester.

TESTER: Thank you, Mr. Chairman.

And once again, thank you for being here, Secretary Kelly. I think that you have bipartisan support on this committee because of your track record. And you were in front of the subcommittee on homeland security here a few weeks back, and I appreciate your testimony there.

Since then, it was reported that the president's son-in-law, Jared Kushner, attempted to establish secret back channel communications with the Kremlin through Russian Ambassador Sergey Kislyak.

You were asked about these back channel communications with Russia on TV, and you -- you supported Kushner setting up back channel communications. The White House has been mum about these communications. I believe that these communications did occur.
Whether there was anything classified or not that went through, I think this is a big deal, because we're talking about Russia. I looked up your age and I thought we might be similar in age and to your credit, you're a little bit older than me but you look younger. OK, Mr. Secretary?
But -- but you -- you remember Russia in the height of the Cold War. I don't trust them any more today than I did when I was a first grader in school. And to have somebody this close to the president setting up back channels before they were in office through a -- through a Russian embassy is very disturbing to me, if, in fact, this happened.
And so have you spoken to Mr. Kushner about this issue?
KELLY: I have not.
TESTER: OK, so has anybody spoken to him about this issue in -- in your department, or to find out if this happened and what kind of information was related?
We just heard the ranking member talk about potential impacts on elections. We've talked about potential money flowing to the Trump business enterprise. There's all sorts of smoke here that we need to get to the bottom of, and so I'm curious about that.
KELLY: I hope no one in my department's spoken to him. That would be inappropriate. I'm the interaction with the White House, as a general rule, he doesn't work -- like many of the White House staff do not work directly...
TESTER: So...
KELLY: ... but if I could, sir, on the back channel...
TESTER: Yes, go ahead.
KELLY: ... back channel communications -- I mean, I have back channel communications, myself, from -- through religious leaders in the United States to leaders in, say, Latin America. It's one thing if I call the president of a country and tell him -- you know, have a conversation with him. It's different if it comes from another direction. It's just the reality of the way things work.
TESTER: So...
KELLY: I would just offer to you, sir, that we have to make the assumption...
TESTER: ... yeah.
KELLY: ... and I will...
TESTER: Yeah.
KELLY: ... that Jared Kushner is a great American.
TESTER: Yeah.
KELLY: He's a decent American, he has -- he has a -- he has a security clearance at the highest level, as I understand it...
TESTER: Didn't then, though, did he?
KELLY: ... and if he was opening, he -- I believe he should have had.
TESTER: OK.
KELLY: Now, if he was trying to open back channel communications to pass information through that back channel to get to Putin or anyone else over there, to say, "Hey, look, we're concerned about this," or...
TESTER: Yes.
KELLY: ... "This is what you might want to consider doing," because if it's official, then it's a whole different dynamic...
(CROSSTALK)
TESTER: I got you. So there -- but the question is -- is there were -- there was no -- no red flags that come up for you at all on this?
KELLY: Not at the time. I didn't know about it. Since it's been reported, back channels are the normal -- are -- are in the course of normal interactions with other countries. Very, very common.

TESTER: Can you tell me if -- if it's also normal to go to an embassy of a country that has been our foe for -- since World War II, and do this -- is that normal?

KELLY: I don't know if that was the case, but if that is the case, I'm not so sure it's normal. But certainly, it would be one way to communicate through the back channel.

TESTER: So if I were to do that, you guys would think that's OK? If -- I've got a security clearance. If I were to talk over to an embassy and say, "Hey, look, I want to -- I want to have a back channel communication, and -- by the way, even though it appears that nobody in the United States will know what I'm talking about and this is why I did it, it's OK because I'm not..."

KELLY: Well, Senator, I think...

TESTER: Is that -- I mean, really.

KELLY: ... if -- if you went over to, whether you met them here in the building or you...

TESTER: Went to the embassy.

KELLY: ... or went to the embassy...

TESTER: The Russian embassy.

KELLY: ... "Let me tell you something, as a senator from the great state of Montana and a member of these committees, this is B.S. what you're doing, and you better stop it or whatever or this..."

(CROSSTALK)

TESTER: Yes.

KELLY: That's -- that's essentially a back channel -- back channel of communication.

TESTER: Well, I would -- I would just say this. I appreciate your faith in the system. I'm going to tell you that whether classified information was delivered or not, I find this unacceptable. I just do.

To have somebody who is son-in-law to the president that goes in and sets up with -- with Russia, the -- the country that I was told to hide under the desk when the nuclear bombs came -- what the Hell good that would do I don't know -- when I was in first grade.

I just think if we don't get to the bottom of what's going on and what's happening, we've talked about the Russians, we've talked about money, there's all sorts of stuff going on here. And as Claire -- I mean, as the -- the ranking member said, there's so much going on here that we don't know which direction to have the investigation happen.

And I -- if it needs to be you, you've got the credentials, by the way, and you've got to respect I believe on this committee and probably in Congress to really find out what the Hell's going on. Because it doesn't make -- it doesn't make me sleep better at night, I will just tell you. And if it doesn't make me sleep better at night, you -- your probably eyes are wide open on this.

Am I -- am I just...

KELLY: No, Senator, I think -- again, I think we have to make the assumption that...

TESTER: But don't you think we should ensure that that assumption is correct?

KELLY: Well, sure. And I think there's numerous...

TESTER: But nobody's doing that.

KELLY: I think there's numerous investigations that'll look into this -- looking into this. I mean, I think it's part of the Bob Mueller investigation. I think there's a number of congressional committees looking into it.
TESTER: OK.
Another topic. I just want to echo what the ranking member said: There have been folks that have been frozen out by different agencies. I think that's inappropriate. Whether you're on that committee or whether you're a member of Congress, oversight is our big job.
I appreciate you not doing that and I hope that policy continues. I would assume that that's going to be the case, correct?
KELLY: Yes, sir. And if I could comment...
TESTER: Yes.
KELLY: ... as I was going through the process of confirmation, those senators that gave me and - - and House members gave me the courtesy of a -- of an office call prior to the hearing, the one single thing I heard repeatedly was how nonresponsive this department, my department, our department was...
TESTER: Was.
KELLY: ... prior to.
I would tell you that since I've been running the show, to the degree that I think I'm running it, we've got over 37 appearances in congressional hearings...
TESTER: Yeah, yeah.
KELLY: ... 57 witnesses, 973 Hill engagements. That is -- that is -- prior to that, it was a tiny fraction.
In fact, I was just talking to Senator Grassley, who was the -- the biggest critic of my department relative to congressional engagement. And he was -- I was on an open phone with him and his staff and asked him how we were doing and he gave me nothing but high marks.
We're going to make that better. And some of the things I've been -- first of all, we're leaning forward, and whether it's -- regardless of who the letter comes from, and it doesn't have to just come from a ranking member or chairman, we'll respond to any congressional inquiry.
TESTER: Thank you.
KELLY: If we can't get to it right away -- and some of the letters, as you might imagine, are lengthy and -- and in need of great detail...
(UNKNOWN): Too lengthy, sometimes.
KELLY: ... my folks will call -- if it falls into the category we can't get to it real quick and respond, we'll call the -- the staff and say, "Hey, we got it and we're -- we're on it, but it'll be some weeks or even perhaps months before we can get it to you." If need be, we'll send a letter or I'll call the -- the member and say, "Boy, this is a big one. I'm going to have set some people to work on this. It'll be a while, but if we're on it."
And I think in every case thus far, and certainly in the last 90 days -- 60 days anyways -- we're getting high marks. I will not freeze you out, sir.
TESTER: Thank you, Mr. Secretary. And I look forward to seeing you in Montana.
Thank you, Mr. (inaudible).
JOHNSON: Senator Peters?
PETERS: Thank you, Mr. Chairman.
And thank you, Secretary Kelly, for being here today. And I'd like to once again thank you for your trip to Detroit. I think it was very -- it was well received by the community, and I appreciate you taking the -- the effort to come out to my state.
Secretary -- secretary Kelly, I'm particularly concerned about some of the proposed cuts to several FEMA preparedness grant programs that are in the president's budget.
PETERS: Our first responders in Michigan used the Urban Area Security Initiative and State Homeland Security Program funding to support lifesaving efforts, including bomb search and rescue equipment, simulation drills, maintenance of local early warning and emergency response centers. The proposed 25 percent cost-share matching requirement for local governments would prevent a number of these efforts because, quite frankly, many of the departments simply don't have the money available for that cost-share.

And I know you think it's important that there's skin in the game -- you've used that term frequently -- that our local communities have some cash as they are in these matching programs. But given the fact that we're -- we're facing lone-wolf attacks and a lot of changes in -- in how our domestic homeland security folks have to deal with -- with situations, do you believe that -- how are they able to make the appropriate investments to make sure that they're equipped for these types of attacks? Are there some other alternatives, or are there ways that we could perhaps adjust that figure in the budget?

KELLY: Yes, Senator.

Referencing a couple of my previous comments in this hearing as well as in the past, we -- our local law enforcement -- city, state, county, big city, small city -- they're in a different place today than they were right after 9/11, and we all know that. They're just much better at what they do. Their -- their head is in the game. They have skin in the game.

The -- the -- the grants over the years have -- have, to a degree, caused that to happen, because we've given additional funding to the various municipalities to -- to improve themselves. We're at the point now where much of that effort is already accomplished and we're in the sustainment phase. That is to say, states and local governments now are -- need to sustain what we've helped them -- the points at which and the equipment and all that we've helped them get to.

That, combined with the -- there aren't unlimited resources.

One of the things you mentioned, lone-wolf attacks -- a lone wolf -- and you know this, sir. And I beg your forgiveness. I'm not -- don't mean to lecture -- not lecture, but to -- to go too low in terms of my response.

But the -- the thing we're facing now with the lone-wolf attacks is a different dynamic. It is absolutely -- you know, New York City is at risk. Detroit's at risk. Yet some tiny little town in the middle of Arkansas is at risk. Every small town, big town is at risk from this lone-wolf stuff.

I don't know, as hard as I've thought about it, if there's a way to prevent it, predict it, get our arms around it, other than, you know, local cops and -- and -- and sheriffs getting in -- getting into people's business and -- legally, outreach and all of that kind of.

But my point is, an unlimited amount of money parceled out to every big city, small municipality in America might prevent a lone-wolf attack. I don't know if it will, but might. But, of course, we don't have an unlimited amount of money.

We -- we make these decisions in many ways based on formulas that we receive from the -- from the Congress. We plug in numbers and try to somehow evaluate what might be a logical target. Not necessary for the whole -- the lone-wolfers; they're everywhere, but a logical target or a target that might be at higher risk, say New York City, than another municipality, particularly from an external terrorist.

PETERS: I understand that. And -- and I appreciate the fact that this is a big challenge. And we -- we don't have unlimited amounts of money. But I want to just challenge a little bit of the assessment that other -- the communities are adequately prepared for it.
Certainly, we've come a long way, as you mentioned. We've come a long way and provided those resources. But I'm certainly hearing from my departments in Michigan, there're still unmet needs that they think are pretty critical. Resources are tight for them as well, and we still have a ways to go.

So, hopefully we can revisit some of those matching programs to make sure that those communities that may be at the highest risk, but also have a fairly challenging budget situation in that community -- that we're able to work something out. But I would appreciate having further discussion in that area.

Also, Mr. Secretary, the first travel ban executive order required the secretary of homeland security to submit a report in 30 days that provides a list of countries that do not provide adequate information for vetting within 30 days of the date of this order. And it's my understanding, the district court in Seattle did not stay that aspect of the order.

The second executive order required the exact same report within 20 days of its effective date. And as you know, aside from Sections 2 and 6, the remainder of the revised executive order is not affected by any subsequent injunctions.

So that means as of today, May 6, 2017, the report required by the first executive order is overdue by over 60 days, more than twice as much time as required, and a report required by the second executive order is overdue by about 30 days.

Mr. Secretary, did you begin the report reviewing screening procedures that the initial executive order required?

KELLY: Senator, we've -- we've been very, very, very cautious, extra cautious in getting anywhere near where the court might consider we're not following the -- their instructions. I would have to get back to you on exactly where we are on the reports.

One of the things that -- regardless of whether the court has told us not to do, we've looked for things that we could do, as in -- as an example, thinking -- thinking about other countries, but not studying it and looking at vetting procedures, additional vetting, extreme vetting, but not studying it.

Some of them are very -- some of the procedures would be very obvious, some of the countries very obvious. But if -- if I -- if you don't mind, I'd like to get back to you on the question.

PETERS: I appreciate it, because it seems to me a court injunction's not going to limit you from doing your own internal reviews of policies and procedures. That's -- that...

(CROSSTALK)

KELLY: I actually have lawyers telling me, sir, that -- that we are too close on some of these issues, not necessarily the ones you've addressed, but on some of these issues, and it's best just to show extra good faith and -- not getting too close to it.

PETERS: Very good. Well, I'd appreciate further discussions on that, as well.

KELLY: Sure.

PETERS: Thank you Mr. Secretary.

KELLY: Yes sir.

JOHNSON: Senator Hassan.

HASSAN: Thank you, Mr. Chair and Ranking Member.

And good morning, Secretary Kelly, and thank you for being here. Like all of my colleagues, I appreciate your willingness to have this conversation with us.

Last week, I visited our CBP base covering New Hampshire's northern border with Canada. The men and women at the station are working overtime, and on a shoestring budget, to secure our northern border, including intercepting human traffickers and preventing narcotics smuggling. I
think they're doing an incredible job with truly limited resources, but they really need more support.

And while CBP is getting a huge boost in their funding in this budget, we know that this funding isn't going to be used to shore up the northern border. And it isn't just CBP's northern border forces -- they aren't the only ones getting shorted in this budget.

As some of the other members here have indicated, TSA, in charge of protecting our aviation borders and stopping terrorists from taking down our aviation system is facing a sizable cut to some of its key programs and renewed aviation threats.

And the Coast Guard protects our nation's largest border, but despite its aging maritime assets, run-down and frankly outdated facilities, the Coast Guard's also getting cut. So this budget tells me that your priority is to secure the southern border, and that fighting off all other threats is secondary.

I certainly support securing the southern border and reducing narcotics trafficking, but this budget presents, really, I think, a false choice. We can and should secure the southern border, and also secure our other land, sea and air borders as well.

So what is your plan for making sure that our northern border forces, TSA and the Coast Guards get the funding increases they so desperately need?

KELLY: Well, Senator, the -- the good news is, from my perspective and certainly what I've learned in the last going on four months -- is we have two great partners in this effort to secure our borders: Canada in the north, obviously, and Mexico to the south.

The bad news for Mexico and the southwest border is, largely because of our drug demand, an incredibly efficient network has developed that stretches, frankly, from around the world, goes through the Western Hemisphere, Caribbean, up the Central American isthmus, Mexico, into the United States.

So that's where the overwhelming amount of drugs, illegal aliens -- special interest aliens come through, because of that network. Not because Mexico's not a partner, not because they're not great friends, but because of they -- they're unfortunately astride a network or a -- or a land mass or a geographical feature that -- the drug traffickers has decided that that's how they're coming.

HASSAN: And, Secretary Kelly, I'm well -- I'm well aware of that. I'm also well aware of how able, nimble, evolving and creative these cartels and networks are. And so it just seems to me a totally false choice to leave a border inviting and open -- relatively open. It may disrupt things on the southwest border for a time, but it doesn't do us any good if there are other ports of entry. And you know, you talk to the Coast Guard right now and they are not able to intervene in some of the narcotics traffic on our seas because they simply don't have the resources, even when they know that they're there. And that would be a very important aspect of our -- our war on this drug epidemic we have.

KELLY: Well, you're right on the northern border versus the southern border, but for right now, the southern border is the problem. If we were to seal the southern border, and I believe we can get -- I know we will get control of our southern border.

That doesn't mean seal it, but control it -- go from where we were several months ago to almost -- to -- almost no control to some -- some pretty good control, they will -- given the drug demand in the United States, they will figure other ways to get through. We have to watch that and react to it.

HASSAN: And we also have to keep people in the northern part of our country safe. And so, one of the things, you know -- that's not a very reassuring answer to the people of New Hampshire or the other northern border states.
I want to move on to another issue that we discussed the last time you were here. I asked you about an innovative way to protect DHA's -- DHS's systems from cyber attacks, and the possible application of the Pentagon's pilot program to use hackers to probe the Pentagon's networks for vulnerabilities.

The pilot program was called Hack The Pentagon, and it's been very successful. In the few weeks that the program ran, the Pentagon collected 138 previously undiscovered vulnerabilities. Since then, the Pentagon has expanded the program, and GSA has announced an effort to launch a similar program.

A little over a week ago, Senator Portman and I, along with others on this committee, introduced the Hack DHS Act. That bill would instruct DHS to hold a pilot program to allow hackers to probe DHS's systems for vulnerabilities and report them to DHS.

In return, DHS would pay the hackers a small sum of money for each vulnerability they discover and report. As my friend Senator Harris said, we will fight hackers with hackers.

So, as you can see, a lot has happened since you were last here. At the last hearing, you promised to look into whether the Pentagon's pilot program would be a fit for DHS. So I'm just asking you today that you take a hard look at this bill.

There's also been a similar bill introduced today in the House by Representatives Lieu and Taylor. And so would you just commit to taking a hard look at those bills and seeing what the department thinks of them?

KELLY: Senator, absolutely will, and probably will not wait to see if this law is -- passes.

HASSAN: OK. Thank you.

Lastly, I just wanted -- I don't want to reiterate -- I guess I have two more points.

I don't want to reiterate everything Senator Peters said, but I -- I will just let you know, as -- as a former governor, who is in a state with lots of volunteer first responder forces, part-time police departments and ongoing efforts to keep our state -- and do our part for our country's national security -- safe too, the elimination or severe cuts to critical state aid and grant programs for everything from airport security to other kinds of security efforts to fight homegrown terrorism -- you have to train ongoing. You need ongoing resources.

We have an enemy who's evolving. And the -- the notion that, just because we've made improvements since 9/11, we can -- we can absorb this kind of drastic cut, I think, is just a really false notion.

And I would tell you that, having talked with my homegrown -- homeland security people in New Hampshire about the myriad of threats we're facing, The cuts here are really troubling.

And lastly, if I may, Mr. Chair, I just would encourage -- and maybe we could talk off-line about the president's opioid commission. I understand that the first interim report is due shortly. We just haven't heard anything about it. I know you're on the commission, and I'd love to talk later about that.

KELLY: Well and on that, if I could just have a minute, Mr. Chairman, to respond. Myself, Rex Tillerson -- you may or may not have seen us with the Mexicans, a couple weeks ago -- they're on board with -- with our attempts to not only safeguard the southwest border, their northern border, but also get at the demand problem.

I know Secretary Tillerson, Secretary Price, myself and the head of ONDCP, who I've spoken to and I -- I -- I'd like to think changed his attitude to -- to what his job is going forward. We'll get together and put some real energy behind the demand reduction, to include, obviously, the opioids.
But I think a big part of it -- I think you will agree, I think we spoke about this -- is this overmedicated society that we suffer from in the United States that just suggests to people, all I got to do is put something up their nose, in their mouth, or in their arm to solve all their problems.

HASSAN: And -- and one of the things that's going to be really important, and really concerning, obviously, is the administration's support for eliminating things like Medicaid expansion and -- and requirements that insurance companies treat addiction, which gets at the overmedication and the overprescribing issues. So I look forward to talking with you more about it.

Thank you.

JOHNSON: Thank you, Senator Hassan.

I -- I will, again, just point out, based on the baseline budget, 2004, those $36.5 million (ph) -- had it grown by inflation, would be about $48 billion. Instead, it's about $70 billion.

JOHNSON: So $22 billion more growth in spending for this department because of those evolving threats. So, I just want to point out what the reality is in terms of the -- the increase in spending over the last whatever that is, 13 years.

MCCASKILL: And if I may -- and I appreciate that, Mr. Chair. My concern is that we are only as strong as our weakest link...

(CROSSTALK)

JOHNSON: Well, yeah, we don't want to be penny-wise and pound-foolish, but we have dramatic increase of resources for this department.

Senator Paul?

PAUL: Secretary Kelly, thanks for your testimony.

The last time you were here, we talked about U.S. citizens coming across the border and being threatened with non-entry or detention if they did divulge the contents of their phone -- all of the contents of their phone. And your response was, "I just don't believe we're doing it."

So we asked some questions in writing and we're still waiting on the response. It's been about six weeks or so.

But I thought I'd list for you a couple of the public episodes of this happening.

This year, a NASA engineer and a U.S. citizen was pulled aside after coming back from Chile. They demanded the PIN for his phone and they handed him a form that explained how CBP had the right to copy the contents of his phone, all the contents of his phone. He recalled that the form indicated that his participation in the search was mandatory and it threatened detention and/or seizure if he did not comply.

The phone, ironically, was already a government phone, it was a NASA phone that we were wanting to search.

Two citizens were stopped on return from Canada. NBC did an investigation of 25 different cases of U.S. citizens being told to turn over the phones, unlock them or provide passwords. A U.S. citizen was taken off of a flight in L.A., handcuffed and released after a Homeland Security agent looked through his phone for 15 minutes. A U.S. citizen journalist was also had their phone taken.

So I guess my question is, is your answer still, "I just don't believe we're doing it"?

KELLY: My answer is, we don't do it routinely unless there's a reason why, so that's a change.

We do it whether they're citizens or noncitizens coming in, I think it's -- of the -- of the million or so people are coming in the country, about half of one percent is checked.

Now, typically the officer -- and always according to the law.
Now typically the officers who are -- who are engaged in the front-line defense at the ports of entry, in their questioning of individuals for whatever has tipped them off, will cause them to have certain conversations, go down certain avenues of -- of not interrogation, but again, the conversation, in the event of some indicator that perhaps the individual is returning from, you know, sex tourism or something like that. We do catch a fair number of people in that regard. But again, Senator, very seldom done and always for a reason and always within the law.

PAUL: So the answer now is not, "I just don't believe we're doing it." It's, "We are doing it and not -- not that often"?

KELLY: Right.

PAUL: The policy they're being threatened with, though, is detention. How long will they be detained if they don't give the PIN to their phone?

KELLY: It's a relatively short period of time. They generally call secondary with a -- with a -- our -- our -- you know, these follow-up questions and what -- once a decision might be made to put them into some legal justice system, then that's the -- that's the...

(CROSSTALK)

PAUL: But you -- but to you it's -- it's still -- you're just fine with a policy that arbitrarily takes someone's phone, says you can't come back into your own country?

KELLY: Not arbitrarily. There's a reason why they do it, Senator.

PAUL: Well, no, the thing is it is arbitrarily unless there are rules as to how you do it. What are the rules? In our country, if you want to look at my phone...

KELLY: There are rules...

PAUL: ... you -- you call a judge, in my country. You know, so this wouldn't necessarily be American jurisprudence if you're just saying, "We might have some internal rules." Have you published what your rules are?

KELLY: At the ports of entry, whether they're a citizen or a noncitizen, the officers have procedures to follow, but certainly (inaudible) checked baggage and in this case look into electronics.

There are procedures, whether they're published or not or specific enough to publish I don't know, but I can certainly get back to you.

PAUL: We'd like to see that. We'd also like to see the form that threatens them with detention and/or seizure if they don't comply.

KELLY: Sure.

PAUL: I can tell you I'm not happy with the policy and I wish it were different. And we have actually introduced legislation to try to stop you from doing this and to make you go to a court the way we do in our country. Typically, we go to a court and you ask a judge and you have to present evidence, you have to specify an individual, and you have to have a reason for doing it...

(CROSSTALK)

PAUL: Searching someone's phone is not the same as searching someone's luggage.

KELLY: Would that law -- that law also prohibit us from looking in the, you know, bags and things like that?

PAUL: No, and I think there's a difference. And I think that's the whole point here is that looking at someone's -- in someone's luggage for an immediate threat to a -- you know, to the country, to the people, to the plane, et cetera, I think we've decided that that's within the scope of -- of your jurisdiction.

But looking at someone's phone is a much more personal and much more extensive look into their life. And we just don't think you should be -- you know, it -- it, sort of, horrifies us to think
that you couldn't come back in your country, you know? People are now talking, there are whole people giving you advice to not take your phone abroad because when you come back home, your country won't let you come home unless you let them look at your entire life. That doesn't seem like a fair tradeoff to be able to travel or for safety. And I think there is a point at which we give up so much of our liberty to travel that, you know, has it been worth it, you know, really? I mean, we can live in a secure state if we -- if we clamp down and we have no freedom to travel, you know, and we give up all of our privacy to travel. I just don't think that's necessary.

And I think there can also be two different standards, frankly. I think there can be one standard for somebody who's coming for the first time from Afghanistan who's got one name and no background. I'm with you all, and we need to do more scrutiny on people coming to our country. But if an American citizen leaves and comes back, I think, for goodness sakes, they ought to still be protected by the Bill of Rights when they come home.

JOHNSON: Senator Hoeven?

HOEVEN: Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here and for your good and very important work.

Where are we -- or where are you, I guess, in terms of this extreme vetting process, as far as having the procedures in place that you want, and particularly as regards to the six countries included in the president's E.O.?

KELLY: I'm sorry, sir. Where are you...

HOEVEN: Where are you in the process of establishing your extreme vetting procedures the way you want to have them set up, and particularly as regards to the E.O. countries?

KELLY: Because again of -- of my not wanting to get crosswise with the courts in any law, we've been pretty -- we've been very reserved in that.

I will tell you that, you know, it's -- there's two aspects of this; some of it I control, some of it the State Department controls.

The State Department has recently issued a number of additional questions, as an example, that their consular officers will ask those that want to visit the United States on visas. That's a little bit of an easier thing, because typically those people are coming out of countries -- well, they would present the passport, as an example.

And -- and there's always been certain questions in place that they would ask. Now there'll be some additional questions about where they've lived and -- and, you know, it could be access to their electronic devices, but that's outside the country.

In the case of -- of refugees, I think the senator knows that in many, many cases, the refugees that we deal with have no paperwork that we can rely on, they have no passports, and we have to take their word for it.

The U.N., as hard as they try -- and obviously (ph) I think the last time I was here, one of the recent hearings talked about my interaction with the -- with the U.N. -- they're in the same position we are, although they're not in the position of allowing people to come to a given country. They themselves, as they do their initial refugee screening -- they don't do screening; they do refugee registration. What's your name? Where you from? All of that taken on -- on faith -- good faith. And then it comes to us.

In the past we have I think exercised entirely too much good faith and I think the -- the things that we are looking at is, "OK, if you don't have a passport, you have no proof of who you are, then we need to know some additional facts and figures about you. Well, who's your -- who's your -- how did you support yourself in a given country? Do you have -- do you have any way to
prove that you work for a living, so that we can kind of prove who you are? What village are you at? Can you give us points of contact in a given country that we can call?" That kind of thing. But in many, many cases, many of these refugees don't have any of that. So it'd be very, very hard for me in good faith to then move them into the United States to -- to establish, you know, a home here.

But we are -- I believe what will give us an advantage is when we start to deal with them on their social media accounts, their telephone registrations, that kind of thing.

HOEVEN: What about the visa waiver countries?

You mentioned earlier that as we inflict defeat on ISIS in the Middle East, that there are individuals who've been in the Middle East and returning to other Western European and other countries, with which we have visa waiver in place. What -- what procedures -- extra procedures, precautions are you taking to protect them from coming to the United States?

KELLY: Well, as I -- as I think the senator knows, there are 38 visa waiver countries. As you might imagine, I know you realize this, they're countries that have more or less what we have. They have a working relationship with the United States, to say the least. They have a U.S. embassy locally to handle our affairs and look out for us. They have kind of an FBI and an intelligence community, and all the rest, with databases that allow us to tap into what they do. That's getting better, by the way, and I've got commitments from many countries around the world because of the laptop ban that we implemented in 10 airports about mid-March.

But the point is, we're in pretty good shape in those. We're in very good shape in those countries. We have confidence in their -- in their systems and now they interact with our systems. Not every country, though, say in Europe, is a visa-waiver country, because some of them have not got, even though they're, you know, Western countries, first world, they don't have what we think they need. So we set the bar very high. And they have in most countries, certainly 38 have met that bar.

But that said, again the long pole in the tent is, as Jim Comey would say, the database is only good if you're on it. And not to get into it. I don't want to be too open about this in an open hearing, but some of the more recent terrorists in England or U.K. may not have been on any of those lists. So that had they decided to come here, you're exactly right. Had they...

HOEVEN: Answer my question.

KELLY: ... had they come to the United States, they would have certainly been able to buy a ticket and fly to the United States. Now, they're baggage and everything would have been subject to the normal protocol. So my sense would be that, you know, they wouldn't be getting on the airplane with a bomb or something like that if they got here, hopefully. And if they got here and were trying to do something about that, (inaudible) know that. But if they got here, then it would possibly be problematic.

But the point is there's a certain point where I don't think we can -- we either have a visa waiver program or not. And I can tell you that 38 countries that are on it, are committed to it. We're all committed to making it better. Right now, I'm comfortable with where we are on it.

HOEVEN: But clearly, we have to react to events and take out sure precautions. Right?

KELLY: We do.

HOEVEN: In regard to Senator Hassan's comments regarding the northern border, one of the best tools you have, and you and I have talked about this both at Homeland Committee Appropriations, as well as this committee, is the unmanned aerial systems, UAS.
Kevin McAleenan, your acting CBP director, who by the way is absolutely fantastic, was out in
Grand Forks. We have 900 miles of border responsibility, all different kind of terrain, all the way
from Lake Superior, all the way throughout most of Montana. The UAS is a great tool.
You're co-located in the Grand Forks Air Force Base. We're looking at new facilities. We're
working with him. I would ask for your strong support for him in that effort. And also, with the
technology park we have there at the Grand Forks Air Force Base, it is really a unique
opportunity to develop that UAS tool, which helps you on the northern border and the southern
border.
So again, I want to commend him and comment him to you, and ask for your support for his
good efforts. That's a tool that can really address some of the concerns that she raised.
KELLY: Senator, I agree with you. Thanks for the comments about Kevin. He is really a first-
round draft choice.
HOEVEN: He's an all-star.
KELLY: I can't wait to get him confirmed.
HOEVEN: I agree.
KELLY: Hopefully, the Senate will confirm him.
HOEVEN: Thank you for all you're doing.
JOHNSON: Senator Harris?
HARRIS: Thank you.
Secretary Kelly, as a followup to Senator Tester's question, you mentioned that you have, in your
career, had back-channel conversations with foreign governments. Is that correct?
KELLY: People I could rely on to pass information to foreign leaders.
HARRIS: And was that in your current capacity as a member of the president's Cabinet?
KELLY: That was in my capacity when I was in uniform.
HARRIS: And did you ever initiate...
KELLY: I wouldn't (ph) hesitate to do it now.
HARRIS: And did you initiate any of those conversations such that you initiated that they would
take place inside the embassy of a foreign government?
KELLY: I have gone to embassies both in my current assignment, as well as in past assignments,
or met with members of the diplomatic corps from other countries.
HARRIS: Have you initiated back-channel conversations to occur...
(CROSSTALK)
KELLY: Can I finish what I was saying?
HARRIS: ... inside of those embassies as opposed to attending a cocktail party?
KELLY: I have had -- I've had conversations with members of foreign -- foreign diplomats in
various places, and talked to them about my perception of what they could do better in response
to things that the United States government would like to see them do.
HARRIS: Thank you.
Secretary Kelly, included in the president's budget is a provision that says, quote, "the secretary
of homeland security may condition a grant or cooperative agreement awarded by the
Department of Homeland Security to a state or political subdivision of a state for a purpose
related to immigration, national security, law enforcement or preventing, preparing for or
protecting against or responding to acts of terrorism."
Specifically, the budget authorizes the secretary to condition grants on compliance with any
lawful request by DHS to detain an alien for a period not to exceed 48 hours. Are you familiar
with that?
KELLY: I'm fairly familiar with it, yes.
HARRIS: I'm sorry?
KELLY: Fairly familiar with it, yes.
HARRIS: Grants that are subject to new conditions would include the urban area security initiative, a DHS grant that provided California last year with $124 million to help urban areas prevent, mitigate and respond to acts of terrorism. This grant supports more than 100 incorporated jurisdictions in 12 counties in the Bay Area of California alone. It supports them to buy equipment, enhance systems and conduct training so that localities can prevent, mitigate and respond to acts of terrorism.
Are you aware of that?
KELLY: That's a good thing.
HARRIS: Another DHS grant is the State Homeland Security Grant Program that provided California $60.2 million last year to support state, local and tribal efforts to prevent terrorism and to prepare the nation for threats and hazards that pose the greatest risk to security in the United States.
Is that correct?
KELLY: I wish I had the same document I could read from as you do.
HARRIS: Are you familiar with this grant program in your department?
KELLY: I'm familiar with the grant program.
HARRIS: And are you aware that there are a number of federal courts that have imposed civil liability on local governments for complying with ICE detainer orders that were not supported by probable cause?
Can you answer the question?
KELLY: Am I aware of that?
HARRIS: Yes.
KELLY: I am.
HARRIS: And in order, then, to comply with the 48-hour ICE detainer made with no probable cause, wouldn't that force the jurisdiction to choose whether to comply with the federal court ruling or forfeit vital public safety funds that are administered by your department?
KELLY: I'm not a lawyer, but I think that federal law is federal law, as state law is state law. And if, you know, we have a different view of the impact of some of the state rulings. But...
(CROSSTALK)
HARRIS: Well, imagine, sir, if you will, that you were a local law enforcement leader presented with a choice of either complying with federal law that means that you may expose your department in your jurisdiction to civil liability, or forfeiting DHS funds that are designed and intended to help you fight terrorism at a local level. Wouldn't you agree that puts those law enforcement leaders in an -- it's almost a Hobson's choice -- a Hobson's choice? What -- how are they supposed to choose?
KELLY: Well, Senator, had you not cut me off, I would have said the same thing you just said. Probably not as eloquently, but I'd have said the same thing you said. I appreciate the fix they're in. I appreciate that they get their legal advice from the state and locals. And below the radar, we work with every police and sheriff department in this country to the degree that they can and are comfortable with.
HARRIS: Secretary Kelly, what do you mean "below the radar"? They have two choices, and they are accountable...
(CROSSTALK)
HARRIS: Excuse me, sir. They are accountable to their jurisdiction, to the bodies that may have appointed or elected them. And they have to make choices. What do you mean "below the radar"?
KELLY: We talk to them on the telephone. And...
HARRIS: And what are you instructing them to do when presented with those two choices?
KELLY: ... and we tell them to whatever they can do within the law, the interpretation, we're willing to work with them. So...
HARRIS: So are you aware that there are local law enforcement...
(CROSSTALK)
KELLY: Let me at least finish once before you interrupt me?
HARRIS: Sir, with all due respect...
KELLY: With all due respect, Senator.
HARRIS: Are you instructing local law enforcement leaders that they can overlook at DHS detainer request so they're not exposed to criminal liability?
KELLY: We talk to them about whatever they're comfortable with, whatever they think they can do within the interpretation of their local attorneys general, as an example, or local lawyers...
HARRIS: So when they're...
(CROSSTALK)
KELLY: Would you let me finish once?
HARRIS: Excuse me? I'm asking the questions.
KELLY: But I'm trying to answer the questions.
HARRIS: When they are -- when they tell you, as I know local police officers -- police chiefs are being told, that it would expose their municipality to civil liability if they comply with the detainer requests, are you telling them that you will not withhold the DHS federal funding that they rely on?
KELLY: OK. Before I start to answer, will you let me finish?
HARRIS: If it's responsive to the question, of course.
KELLY: We talk to them on the phone and tell them whatever they're comfortable with, whatever they can do within the interpretation of their local attorneys or legal advisers, we'll work with them.
HARRIS: So, are you willing to, then, not withhold federal funding when police chiefs tell you that they cannot comply with the detainer request because they've been told by their lawyer that they will expose their jurisdiction or their department to civil liability?
KELLY: I'm willing to work with them in any way I can within the law -- federal and local law. Yeah, whatever they're comfortable with. I don't make threats to people, Senator.
HARRIS: Thank you. And my time...
(CROSSTALK)
JOHNSON: By -- by the way, there's actually a very simple fix for this predicament, and it's a huge predicament. Let's pass a law to give those local law enforcement officials liability protection against those civil suits. there's part of Pat Toomey's sanctuary city law that could clear up this whole difference.
So there's actually a pretty simple fix here, which I would certainly support.
HARRIS: Well, and -- and I would support...
JOHNSON: Senator...
HARRIS: ... any fix that would not withhold funding for local law enforcement to meet the demands that they face around combating terrorism in their local jurisdictions.
JOHNSON: Great. So, this could be a bipartisan solution here. Let's provide that...
(CROSSTALK)
JOHNSON: ... civil -- that civil liability protection against those civil suits so local law
enforcement aren't caught between a rock and a hard place, in a very difficult situation. So, let's -
- let's work on that together. I'd appreciate that.
I'm sure Secretary Kelly would enjoy working with us on that as well.
Senator Carper?
CARPER: Thanks, Mr. Secretary. Thank you for -- for joining today. It's good to see you.
I -- when I first heard the -- the -- the words "St. Elizabeths," I thought why would we spend that
much money on a -- of -- of creating a campus, if you will a home -- a consolidated home for the
Department of Homeland Security.
And over time, I became convinced that one of the better -- one of the ways to actually enable
the leadership of this department to manage their department and to improve their performance,
and frankly improve the morale of the employees is to actually pursue and implement the -- the
plan to create this campus.
When Jeh Johnson became the secretary, he had same kind of misgivings that I originally had
about the -- the proposal. Could you just take a moment and tell us where you're -- you've had a
chance to -- to -- to get a feel for this, and how your department is just so far flung.
KELLY: Right.
CARPER: And what -- what do you think we ought to do? And how does the -- the -- the
administration's budget actually take us in that -- in that direction, or not?
KELLY: Well -- well, the Senate -- you know, Senator, that we are -- and I -- I can't count
the number of locations around the city, various -- various parts -- every part of Homeland Security
is just spread out over all of hell's half-acre here.
To -- to bring all, or most of it, or some of it together over at St. Elizabeths makes a lot of sense,
just from the point of view of -- of time management. I mean, first -- and money. We -- we spend
a huge amount of money renting, you know, choice downtown real estate here in the city. We
could avoid much of that.
I think the -- the -- we would realize, if and when St. Elizabeths opened, billions of dollars of
savings over five or 10 years. But the other issue is time management. I mean, it takes me half an
hour to get from where I -- my -- I sit most of the time to meet with CBP (ph) or ICE, whatever.
And then if -- obviously, you know, half an hour to get back.
Sometimes I do that two, three times a day. It kills either my time management or their time
management. I do the best I can not to inconvenience the people that work for me. But it would
be an advantage to be more or less in one place.
St. Elizabeths seems to be the -- the locale. And over -- but frankly, as I looked -- as I've gotten
smart on that particular location, there are some -- some worker issues that we -- we need to sort
out, and we can do that in terms of transportation, access to Metro, that kind of thing.
But overall, it would be a -- a cost savings, as well as a time savings, if we were to consolidate
much of the headquarters effort in one location, St. Elizabeths.
CARPER: There are -- there are two pieces of funding. One is for GSA and the other is for the
Department of Homeland Security. I think one is for infrastructure and one is for -- if you go
(ph) a fit-out.
And one of them is -- I think the GSA piece is funded in the '18 budget. The DHS funding is -- is
not there. So, I'd like to follow up with you on that, and certainly talk with our appropriators,
some of whom are on this committee, I believe.
KELLY: Yes, sir.

CARPER: I want to go back down to the -- the southern -- the southern border. We see some substantial increases in funding for CBP, for ICE, money for detention centers, money for a wall. The -- there's also money for what I call force multipliers. And I'm a big believer in force multipliers. I'm not a big believer that -- that we need a 2,000-mile wall. There are some places where a wall makes sense. But the -- the idea of investing in these force multipliers that are -- have been demonstrated be effective is -- is good.

You and I have talked often about root causes, and the -- the root causes of why the people continue to come from Honduras, Guatemala, El Salvador has -- has lots to do with our insatiable demand for drugs. The drugs are trafficked through those countries. They come to us. We send them money and guns.

And we set up something called the Alliance for Prosperity a couple of years ago. Actually, the -- those three countries set it up, and we came in. And -- and as you know well -- you were there at the creation, to -- to try to emulate what was accomplished -- what's been accomplished in Colombia.

And do you have a -- a sense for how things are going in those three countries with respect to the -- the goals that they set themselves on the Alliance for Prosperity?

KELLY: A -- a great question and -- and, really, a great story. Not perfect, but a great story. Based on the confidence that the Congress and the previous administration put into the three northern tier countries in helping them out, recognizing that, first and foremost, they have a problem, much of it is generated by -- by our drug -- you know, insatiable appetite for drugs -- that those countries are nearly failed states, much as Colombia was 20 years ago, and isn't today. So, the miracle can happen. I mean, Colombia did it. And frankly, at the time, Plan Colombia was put together by the United States Congress with a lot of resistance in other places. And -- and, as, you know, I think Senator put some American money -- I think 4 cents on the dollar. But ultimately, there's a miracle that's happened in Colombia. So, when people say it -- tell me it can't happen in Central America, I tell them to look at Colombia.

So, that said, the Alliance for Prosperity, the three countries putting their own money into it, and then through the Congress, the Obama administration, Senator -- Senator -- Vice President Biden was a huge help in this, as -- as you know, got some additional U.S. funding put against it, you know, controlled in -- in the right way.

So, what's happened in -- in Central America since we worked on -- on -- on Alliance for Prosperity? Violence is down. You know, Honduras, El Salvador, Guatemala used to be the three most dangerous countries on the planet -- more dangerous, frankly, than Afghanistan and Iraq was at the time.

They have cut their murder rates by either a third or more. Still horrific, but cut it a third or more, all with human rights in mind, all with the rule of law in mind. They have a long way to go. But their economies are starting to grow. They've gotten their arms around the corruption.

Four or five years ago, when I took SOUTHCOM, everything was going in the wrong direction on Colombia, just -- or -- or in Central America. I just read a report this morning where they've either stabilized, not getting worse, or getting better. That's huge.

I think, you know, in -- in addition to my outreach, back channel communications, in some respects, to the -- the leadership down there through religious organizations and NGOs, so that I don't make it official, but they know where I'm -- I am and where I'm going on these issues, we have also asked them to -- ask their -- their citizens to not waste the money and head north, do not get on that terribly dangerous network that I've described before, stay where they are,
because if they come here, this is no longer an illegal-alien-friendly environment. It is a very legal (ph) alien.

And, as the senator knows, 1.1 million people a year. But it is no longer a friendly environment for illegal aliens. Don't waste your money. Don't go on the dangerous network.

What we're doing, we've put together, frankly -- the DHS has been the energy behind it, although it's not my job. We've passed it off to the State Department.

So next week, in Miami, we're bringing together as cosponsors of -- of a conference on the northern countries -- northern tier countries -- Mexico -- great country, great partner -- and the United States cosponsoring.

We've got observers coming in. Canada, I think Spain, certainly Costa Rica, Panama, Colombia, maybe Peru, for due day (ph) conference. That conference will be led by the vice president. I'll be there. Senator -- or Secretaries Tillerson as well as home -- Commerce and Treasury will be there.

The point is, the first day, we'll bring together investors to do the best we can to stimulate what's going on in -- in those three countries economically. And then the next day will be security issues, trying to get at the human trafficking and the drug trafficking.

I mean, just last week, I was down in Haiti meeting with the new leadership there on another issue. Suggested that maybe the Haitian president come on board for one of those days, or at least do a cameo-type appearance.

So, what we're trying to do is help them solve their problems at home, economically. We've already helped them solve the security -- not solved -- helped them go in the right direction on security. And with a little luck and a little -- with a little luck, we might actually be able to help them.

But if we don't reduce the drug demand in the United States for heroin, cocaine and methamphetamine, this is all a complete waste of time.

CARPER: Yeah. I may say (ph) to my -- to my colleagues, the secretary said I asked a great question. I thought he gave a great answer. And -- and I think you've made the case for continued support for the Alliance for Prosperity.

Though -- though -- just like in Colombia, the lion's share of the responsibility rests on these three countries. We didn't just say to Colombia, "We're going to come in and solve your problems." We said, "You solve them. You can do it, and we can help."

And we said the same thing with these three countries. And you made the case for one. I'm (ph) delighted to hear about the some (ph) -- I don't believe our schedules allow us to go and participate unfortunately, but my thoughts and prayers will be with you and on your efforts in this regard.

Thanks so much.

JOHNSON: Thanks, Senator Carper.

Just a moment of clarification. You mentioned 2,000 miles. So there's no confusion, this budget is literally requesting 74 miles of fencing, 60 new miles of fencing, 14 replacement in San Diego sector. I was just down there. It's amazing how many holes have been cut into that San Diego wall and been repaired. And the 60 new miles, 32 miles of that is in Rio Grande sector, new wall and 28 is part of a levy system.

So again, just so we're talking about 74 miles over 1,700 to 2,000 mile -- I think that's a pretty reasonable request.

Senator Heitkamp.

HEITKAMP: Thank you, Mr. Chairman. And again, welcome, Mr. Secretary.
Of course you know what my question's going to be. How soon are we going to see the Northern Border Report as mandated by federal law.

KELLY: I'll get back to you today. I don't know but let me take it -- all seriousness. Let me take it for the record. I'm sorry.

HEITKAMP: OK. If -- obviously we had hoped we would see it in June. I think we have some reason to believe it's going to be delayed, but it makes my broader point, which is we need a strategic plan in terms of border security, and one thing that we hear about is fencing, and I've spent a lot of time on the southern border. I believe that barriers can be enormously effective, as they have been in the San Diego area.

But again, we know that most drugs -- at lest the previous administration would tell us that most of the drugs that we're talking about are coming through the points of entry, and not walking across the border in remote locations.

What additional strategies do you have to do additional screenings? Where's the investment in more personnel, more screenings, more technology at the points of entry?

KELLY: (OFF-MIKE)

I'm sorry. In a sense, that's part of the border strategy. There's no doubt -- and I'm a -- I know a lot about this from my last job in particular, but there's no doubt that heroin, methamphetamine and cocaine primarily come through the border in vehicles, primarily. Marijuana is...

HEITKAMP: Yes.

KELLY: ... in some cases humped around through the desert, but for the most part, the three big killers in the United States come in, and what I've -- if we -- if Kevin McAlenan, just a tremendous professional and dedicated -- my hopes is that the Senate confirms him -- and -- but he's already in a role that makes him very, very valuable.

I've asked him to look at the technology after next, in terms of looking into -- looking into vehicles, tractor trailers, things like that to look at the voids as they're called so we can decide which vehicles get searched, broken down, and to increase the number vehicles. The other way to do that -- we already do it in Canada, we're doing it in Mexico, and that is to work across the border, where -- with the Mexicans or the Canadians in terms of facilitating movement of transportation, looking at vehicles before they're locked and sealed on the way north.

So this -- it's a multifaceted approach, but if I could -- and I'll just end with, but if we're trying to do this on our border, we've kind of already lost. The place to take the tonnages out are working with the Mexicans, which we are, to help them locate the heroin, the poppy fields, which they can destroy, working with the Mexicans to identify and we are -- and they are destroying the methamphetamine labs...

HEITKAMP: And just to raise a concern there, we obviously have in the past had pretty good relationships with the country of Mexico. We saw in a regional election, the ruling party coming very close, and in fact not getting a majority. The last thing we need is to not have strong and great relations with the country of Mexico, and so I just ask you and urge you, given your experience in the region, to encourage this administration to look at the entire relationship, whether it's a trade relationship, whether it's a border security relationship or whether it's just respectful talk. That does us no good. I want to just...

KELLY: I work it every day.

HEITKAMP: I want to cover a couple quick points. I have beekeepers who can't get -- I don't know what happened there -- I didn't do it, though.

KELLY: No, you didn't.

HEITKAMP: Secretary, I didn't hurt your shoulder.
I have beekeepers who can't get seasonal workers in, and it just seems like the delays are getting longer and longer for the H-2B visas and the H-2A visas, and seasonal workers can't wait. How long do you think is a proper timeframe to get an answer on whether we can get workers in the country, and what are you doing to, you know, meet the requirements of the law, but to expedite especially for seasonal A workers.

KELLY: The A workers -- you know, I know we already have large numbers that come in and have been coming in over the years, but looking on the B side -- H-2B, working with labor. This is all about -- in the current administration, this is all about American jobs versus people that come in and do the work.

HEITKAMP: Yes. Except I have doctors who can't get in. You know, if the administration wants to send me beekeepers and doctors, and a whole list of Americans who want those jobs we'll be glad to do that in my state, but we've got to recognize that in the meantime, especially as it relates to physicians, it's extraordinarily difficult to recruit physicians to my state. And we have seasonal workers who we can't -- I mean, obviously we would love to hire locally, but that is becoming increasingly impossible, and so I'll probably submit a question for the record.

Finally, because I'm running out of time and I want to get enough of this in, if you look at local border enforcement, the critical component in states like ours is not just technology, as Senator Hoeven talked about, but it's having a strategy and plan, and that strategy and plan has to involve local law enforcement.

You have Border Patrol in North Dakota that when they are patrolling the border they aren't in (ph) in radio contact with your people back in your points of entry, back where Border Patrol would muster and deploy.

So, we know that we have to have that back-up. One thing that concerns me and it goes to the FEMA grants, it goes to this idea that we can cut grant programs and still provide those services -- Stone Garden's been an enormously successful program. Really concerned about reductions in the commitments to local law enforcements not just for border security, but for safety of the personal who are on the border.

So, I would ask you to play -- please pay close attention to this budget as it relates to working with local law enforcement, local first responders.

They are force multipliers, and without those resources, they're going to have to cut back on resources, and that reduces our readiness. I don't think there's any doubt about it. OK.

KELLY: I will.

HEITKAMP: Thank you, Mr. Secretary.

KELLY: Senator Heitkamp, I would ask you to take a look at my state-based temporary visa program; I think would solve an awful lot of that problem right there.

And just kind of a comment to majority staff, minority staff as well as the secretary, we should really have an alert for witnesses to be prepared to answer questions on the northern border. I think...

(LAUGHTER)

(CROSSTALK)

JOHNSON: Yes, but there's not much of the northern boarder that isn't represented on this committee, so that's always (ph) an issue.

KELLY: That's why I love appearing before this committee.

(LAUGHTER)

JOHNSON: Senator Lankford.
LANKFORD: So, my northern border's Kansas, and we've had our moments but we're getting along just fine.
So, let me talk to you about a couple of other things as well. One is, you and I have spoken, even in fact in the past two weeks about Real ID, and some of the extensions in the process and the decision making on that.
At the time we talked before, I said, hey, the deadline's coming up, June 6th. For that, we were going to try to get back to it quickly. There's been a delay on this. So there's several issues that are pending out there for states like mine and others that are working for the Real ID process.
For those we -- our legislatures past issues with Real ID, working through the implementation and such, that's been fairly automatic that if you're making progress and your working through implementation then those extensions are coming.
It seems to have delayed this time, to literally the very last second, and then we're still waiting to be able to determine what's the decision making factor on that. So help me understand a little bit better so we can take that back.
KELLY: Sure. The first thing I'd say, I had a lengthy meeting earlier this week, yesterday, on this because, actually today was the day that normally I would have made the decision to extend or not.
Now, I think the senator knows the -- I think it's the 22nd of July, before anything would stop.
LANKFORD: Right.
KELLY: So, I have a little bit of time and I've sent my staff back to kind of take a harder look at where -- as you know, most states are either compliant or getting (inaudible) towards compliant. In fact, there's really only one state that is kind of not going to -- I believe, if all the promises are met, will not make it.
But I've asked my folks to go back and start looking at some of the states that are -- that are -- have not been as active as they maybe should have been over the last 12 years to -- to implement. They've been in contact with these states, the governors, the attorneys general, the -- whoever's in charge of this kind of -- if we have, for the most part, commitments from the states to really get at this issue. But I've asked them to just go back one more time, if need be, talk to the states about -- about the extension of what it means.
Bottom line, in that meeting, they told me, "Secretary, three -- three months ago, we had states that weren't even paying attention to this, that were getting dangerously close to not being able to implement before the deadline.
"They've all got the message," they said, "Mr. Secretary, and with the exception with one state, they are -- they are all in there, doing the right thing, getting close to it."
So my -- my sense is -- I know I will make a decision next week, likely that will extend for six months, until October, and then we'll take a hard look then. But the good news is, with a lot of pushing and shoving and gnashing of teeth, over the last 10 -- 10 years or so, most states are on board, and I believe all but one will be compliant.
LANKFORD: So let me -- let me give you a couple of -- just inside pieces on this. When you talk about -- we've got a little bit of time until, basically, late July, let's say that, at some point, DHS comes out and says, "Nope, that driver's license is not going to be extended." Then that means everyone has to get to a passport, which, in the summertime, takes six weeks minimum...
KELLY: Right.
LANKFORD: ... to be able to do.
Plus you've got to contact people. And let's just start with a military base or a federal courthouse, and to be able to tell everyone coming to a federal courthouse, you're going to have to have something different -- you're going to have to get a passport.

Well, first, you've got to identify who's coming to the federal courthouse, and be able to contact those folks and give them six weeks of leave time to get their paperwork to be able to do it. We're out of time.

Once you get to a June the 6th time period to know that deadline's really coming up, if drivers that are doing deliveries, if people that are refreshing the convenience store in a federal building, if people that are bring groceries into the facility onto a military base, if they've got to all have a-- some sort of other passport or something, that's going to take a long time to be able to get geared up.

So the earlier those waivers can be released, the less anxiety it is in all of those locations. Because all of them are currently spinning up, in each of those states, to try to figure out how we're going to accommodate around this, just to be able to get supplies and equipment brought in, or people coming in to apply for a job, onto a military base as a civilian -- can't even come and do that without an escort to be able to do it, so that -- that will be a big issue.

The hiring process we've talked about before, for CBP -- any progress on that of late? Because we're still talking 460 days for hiring, and the polygraph issues -- have there been any changes since you and I spoke in the last...

(CROSSTALK)

KELLY: Yes, Senator. A couple things, one on the polygraph issue. You know, we'll continue to polygraph, but there are other ways to polygraph.

I didn't realize this, but Kevin McAleenan, who's the designate, hopefully will one day be confirmed for the Director of CBP, has told me that there are other techniques, other questions, things like that, that still maintain the -- the vetting process, but are faster.

There are other parts of the federal government, to -- not to -- not to mention the state and local, that have polygraph -- that are a lot less...

LANKFORD: Right. So they've got a fail rate in the 30s...

KELLY: Right.

(CROSSTALK)

LANKFORD: ... so it would be as (ph) in the high 60s.

KELLY: My daughter works for the FBI. She said her polygraph was a fairly pleasant experience. Took an hour and 10 minutes. They asked all the right questions, and she was out of there. By contrast, six, seven hours. So I just, when I came in, said, let's take a look at...

LANKFORD: That -- that could be the first time I've ever heard anyone say that polygraph was a fairly pleasant experience.

KELLY: ... right. Yes.

LANKFORD: So I (ph)...

KELLY: I love it.

LANKFORD: ... yes. So let me ask about the entry-exit program. Is everything still on schedule for that? We've spoken about that before.

KELLY: Well, it's like anything. The -- the entry at the airports are doing well...

(CROSSTALK)

LANKFORD: Right. It's the exit.

KELLY: ... working hard and -- and entry at the ports of entry. But the exit is -- it's not a bridge too far, but it will -- it will take some time, effort -- but we're working toward it.
LANKFORD: So the pilot is on track. I guess what I'm trying to figure out is, by the end of next year, we're trying to implement that as a -- nationwide. Are we on track, at this point, to be able to implement that at airports nationwide? We still have a long way to go on vehicles and -- and other -- other entry-exit points. But...
KELLY: Airports, I think I'm comfortable with saying yes.
LANKFORD: ...OK.
So there -- there was an announcement made by DHS on temporary protected status for Haitians, to extend it for six months, but it basically raised the red flag for them and said, "Hey, this is it." The situation has changed in Haiti that demanded the temporary protected status years ago -- may or may not be there.
What I want to ask you is is this a -- an alert for the Hondurans, for Salvadoreans, for everybody on temporary protected status, that DHS is going to look at the situation that started temporary protected status, and ask if that situation has changed?
KELLY: Senator, it's an alert. But, that said, for whatever reason, once someone goes on this status, they -- traditionally or historically, they just automatically renew it.
LANKFORD: Right.
KELLY: The Central Americans have been on -- some of the Central Americans have been on status over 20 years, and they were put on status because of a hurricane that happened over 20 years ago.
I can tell you that things are going better in Central America, much, much better over the last 20 years, in many ways better. But, no one's ever looked at it. And I think that's something -- we have to do that. It's the law. In Honduras -- not Honduras -- Haiti, seven years ago.
And -- and the program is for a specific event. In -- in Haiti, it was the earthquake. Yes, Haiti had horrible conditions before the earthquake, and those conditions aren't much better after the earthquake. But the earthquake was why TPS was -- was granted and -- and that's how I have to look at it.
Now, that said, and I don't want to get too far out in front here and -- and I certainly wouldn't suggest anything hard to the -- to the Congress, but they're both -- we don't know. Two to four hundred thousand people in the United States are on TPS, vast majority of them behaving themselves, vast majority of them have clearly got jobs and all the rest of it.
They are here more or less legally. A lot of them weren't, but they were given TPS, so I'd make the assumption they're here legally. That may be -- we may think -- you may think that a solution to this would be to look at them and say, "OK, how many of them do we know are here?" and -- and use that against the 1.1 million legal migrants with a -- with a -- with a way towards citizenship. That may be a way to solve it.
I can -- I can look at the Haitian situation, say seven years is a long time, but it's not so long that some of them -- all of them might be able to go back. Twenty years, it's kind of hard. But I'd like to see this solved in another way. But according to the law, I don't have the ability to solve it. But the word is "temporary," and I -- I think those that have been in my -- in my position over the years have simply automatically extended it. So the six months -- and I was down in Haiti last week, spoke with the leadership.
I said, "During the six months, you, Haiti, need to start thinking about travel documents and how you're going to bring these people," who, by the way, are generally better educated, entrepreneurial, would be, I think, a boost to the Haitian economy in -- in -- in social function. And by the same token, those that have been allowed to the United States -- to remain in the United States under TPS should start thinking about going back to their homeland unless they --
and if they feel as though -- and I said this in Miami right after the Haitian trip -- many of them, at this point, probably have different immigration status anyway, in the sense that they've married local men and women or whatever, so they need to go down and get -- consult with an immigration expert to find out if they have status. 
But at the end of it, the word is "temporary" unless we change that -- unless you change that -- to "permanent," somehow.
LANKFORD: Got it. Thank you.
Thank you, Mr. Chairman.
JOHNSON: Senator Daines.
DAINES: Thank you, Mr. Chairman.
Secretary Kelly, it's good to see you again.
Montana recently passed a law, and it's been signed by our governor, for Real ID that I think is going to bring us a solution to the dilemma we faced, by the way. We still need an extension to get it put in place.
But we will offer Montanans two IDs. You can get a Real ID-compliant driver's license, or one that's not, and pay a premium for the Real ID-compliant. But I think we have a path going forward.
We'll need an extension just so (ph) we get this system implemented, but the governor has signed the bill. I think we finally have a path forward with the impasse we've had here for, certainly, quite some time.
I got to say something here, Secretary Kelly. This chart you shared, showing the reduction in apprehensions across the southwest border, I think, is one of the most under-told stories in the country at the moment.
To think that we have seen a nearly 70 percent drop in illegal southern border crossings under your first few months of leadership, and it was accomplished by sending a message to the world, and particularly down south, that the United States would enforce its laws.
DAINES: Thank you, as we are a nation of law and not a nation of men, that you have led with President Trump, and I think we need to get this message out more. I -- I've spoken to a lot of my friends and constituents back in Montana, and that message needs to get out. So congratulations.
And as we have seen these horrific attacks in London, there's breaking news now of a crazed man in Notre Dame Cathedral here in the last few hours.
Who knows if it's a terrorist attack or not, but the point is it's -- it's -- it seems like we're 24/7 breaking news with these horrific attacks around the world, we've seen in London our homeland security will remain our top priority and challenge, and I look forward to continue to work with you to ensure you have the resources to keep our nation safe.
Secretary Kelly, we've discussed the impact of methamphetamine coming from the south of the border on Montana's families. In fact, about one-third of the children in the Montana foster care system are there because of parental meth use. And most of that meth we believe is coming from Mexico.
Recently, Senator Peters joined me in introducing the Child Protection Family Support Act. It's going to help these children. But we also need to continue to fight against the flow of drugs. I know CBP is requesting an additional $2.9 billion. What will this mean for the interdiction of meth at the border?
KELLY: I hate to say this, probably a drop in the bucket -- necessary. And you and I have talked about this, Senator, and made a few comments since this hearing. It's really we've got to take a
much more holistic approach to this, demand reduction, rehabilitation. Certainly law enforcement plays a role in the homeland. The southwest border plays a role.

Our partnership with Mexico -- and here I think it gets more and more important. Our partnership with Mexico, to use the example of heroin and meth as you -- as you say. They're cooperative with us. Just recently, within the last 60 days, they destroyed two massive methamphetamine labs.

And by the way, the reason the -- the production of meth has migrated so heavily towards Mexico -- and this is the balloon effect we talk about -- when we do something that's effective, the cartels figure out a way to get around it. And it's a cat and mouse game that never ends. Right now it's the southern border. As I mentioned earlier, tomorrow could be the southern border or containers, depending on how effective we are.

So the United States Congress passed legislation, I don't know, 10 years ago, something like that, and restricted the -- the precursor chemicals, the availability of the precursor chemicals to make meth. Up until that point, meth was made in a million little, you know, places in the United States and tiny little laboratories. And I use the term loosely, there.

We -- we -- two things, we reduced -- the Congress reduced the availability of the precursors, and the cartels, as they have become more and more successful and sophisticated said, "OK, well if the United -- they're (ph) responding to a market, the United States wants to try to kill themselves with methamphetamine, heck, we can do it for them."

And so that's why it's migrated, again, congressional action in terms of restricting the precursors, and then simply the cartels taking it up and marketing it. So that's -- that's primarily, in my view, the solution to the problem.

Working with Mexico, yes, the southwest border for sure, and increasing the amount of take we take there. Yes, you know, internal U.S. law enforcement.

But you know sir, senator, it really is all about demand reduction. We will always have addicts. Studies tell you that you know, there's -- any population, ours included, there's certain people predisposed to being addicted to something. But an awful lot of these people, from my personal experience as a kid, an awful lot of people start doing drugs because it's cool, there's no argument against it, and suddenly they're -- they're hooked on something, fill in the blanks, and they can't get away from it.

We have solved -- not solved, I've appeared in this hearing a year ago, April and talked about this issue of how we have managed to convince people over the years, seatbelts, smoking, a lot of different things. You never get to zero, but we could do a lot better.

The president has -- has got DHS, State, HHS in the lead, ONDCP. So if we could get a comprehensive drug demand strategy put together that just -- it's not law enforcement, it's Hollywood, it's professional sports, college sports, the president of the United States, the Senate, everyone out there, the influencers, we can solve this problem. Or reduce this problem significantly.

But back to your original question, we need the money but it's a holistic thing and it's not just a CBP guy on the border.

DAINES: You know, Senator Portman and I and a couple others were over in Beijing just a couple months ago, working on getting U.S. beef into China was one of our missions. We were talking to North Korea as well. But Senator Portman brought up the issue with the Chinese government to stop the flow of fentanyl and carfentanil, which you can buy on the dark web. Ofentimes it comes out of China. So I -- this holistic approach is certainly the right approach, and I'll continue to work with you on that.
I want to shift gears -- we're running out of time -- and talk cyber. As the budget request, reflects cyber is a national priority. The request has increased, and (inaudible) the protection programs directorate will help meet the current cyber threats, but we need to also stay ahead of these emerging threats that we see everywhere.
Back in February, in fact, they introduced a bill, Support for Rapid Innovation Act, which provided the science and technology directorate, direction and authority to leverage limited resources within the -- with the private sector and academia to research and develop the next generation cyber-protection capabilities.
Despite the proposed cuts, Secretary Kelly, how will the S&T continue to support cyber R&D in fiscal '18?
KELLY: Sir, first of all, I'd like to just say a couple of words about the effort right now. On the morning that the -- the malware was unleashed on -- on Europe, and I went to the White House situation room, and as we watched that worm its way around the world, infecting hundreds of thousands of systems.
And we had FBI, DHS, and -- well, everybody, we had already made -- we, when it first started, we, DHS, had made notification to those private and public entities that we deal with constantly and said, something's up, you know, put the word out, put the alert out.
Other parts, including DHS, started to do the forensics on the thing, what is it, what's it doing, what's it made up of, where'd it come from. And I'm very proud to say that -- that everyone in the room was constantly deferring to, "What's next? What do we do next?" This includes NSA with DHS. Not -- not that DHS professionals did it all, but we were the central focus of it.
And I am very proud to say that -- through the efforts of my predecessors and the United States Congress and others, that malware came to the United States but was constrained to a handful of systems and contained within those systems. It's as if it never came across the ocean, so to speak, and we helped nations overseas contain it.
That said, we need to get better because the threat is -- is changing, morphing, and this administration, to put it on the back, and certainly my Department of Homeland Security have focused on increasing the protections better than they are now, particularly as we interact, and we do heavily interact, with private entities, Microsoft, people like that. Is it one team, one fight, and can only get better.
DAINES: Thank you, Secretary Kelly. And I just want to thank you again for when the president asked you to serve in this capacity, that you said yes. I'm just grateful for your leadership and -- and the early results you're already seeing because of your leadership. Thank you.
KELLY: Thank you, sir.
JOHNSON: Senator Daines, I've just got a couple of closing questions for Secretary Kelly. First of all, I am concerned about funding for the Coast Guard, I was -- when I'm going through this I've asked staff you know, how much I was hoping Department of Defense made up a fair amount of funding too but they really contributed only about $1.5 billion per year.
So you take a look since 2009, the funding for the coast -- or the budget was about $9.6 billion. Now it's about $10.6 billion. It gained a 10 percent increase, but with the kind of threats we're facing, can you give me any kind of comfort that that's adequate?
KELLY: I can't.
I think the Coast Guard, first of all, is just an amazing organization. I really came into my view when I was in Southern Command. I mean I had seen them sprinkled around the world in the Persian Gulf, places like that, but it really came into my view in Southern Command about how good they are.
You know, obviously they're one of the five military services, small, and in my opinion, in exactly the right place, DHS. But the myriad of missions that they execute and the authorities they have are just -- make them value added to say the least.

But it's not big enough. I mean they're -- the biggest problem with the Coast Guard -- I think, the commandant was sitting right here, he would be pat me on the back. I say we need to recapitalize.

They have, you know, they have brand -- some brand new cutters coming on, national security cutters, valuable, essential, but so much of the Coast Guard is so old that it just limps along, and I think we have a plan. I'd love to add to that plan, but I think we have a plan.

And all of this is not to mention, we've got to, got to, got to get involved in the Arctic more than we are. We have some -- a couple of broken-down old icebreakers. We're looking to buy six -- three heavy, three medium -- to work up there in the northern reaches. We've -- we've got to be up there, not to contest anyone's claims, but to simply work up there. Particularly, as -- as importantly work in terms of the environmental protection of that precious, you know, international asset.

So -- but it's not big enough...

JOHNSON: Well, let's work together with Senator Boozman, his subcommittee. Let's see what we can do on that. Because I'm -- I share your concern.

I -- I was just in Bratislava. And your former -- your predecessor, Secretary Chertoff, was there. Gave a speech, and he -- he talked about the impact that the visa waiver program had when they were able to expand it to some of these nations.

You know, I am highly concerned. I'm also chairman of the European subcommittee of foreign relations, and I'm concerned about destabilizing nature of Russia, their pervasive disinformation propaganda campaign. And if we ignore Central and Southeastern Europe, we have a -- you know, there's a real concern -- those nations don't join the West.

And Secretary Chertoff made a very powerful comment about how that visa waiver program was sort of the -- the stamp that -- that really did solidify the fact that these nations that -- that were granted the visa waiver were going to remain in the West and stay western-facing.

I personally think the visa waiver program enhanced our security. It's not -- you know, there are risks associated with it, but the safeguards put in place to qualify -- it just seems like such a political heavy lift right now.

Secretary Chertoff certainly offered every ounce of help he could have. Can you just kind of comment on -- on your viewpoint of the visa waiver program in expansion? Because, let's face it, every one of those nations wants it.

KELLY: Yes sir, Senator, I'd love to extend it to everybody. You know, we -- we've set the bar very, very high, and, countries that meet that -- that standard, welcome aboard.

There are -- and I share your concern with the -- with the -- with the Eastern European countries. And I've -- as -- as kind of a sidebar comment, when I was in -- working in Mons, Belgium, years ago, as a colonel, the -- after the wall fell, the enthusiasm of all of those countries -- they -- falling all over themselves, "How do we get into NATO? How do we become observers? How do we" -- that's been cooled a little bit, for whatever reason. Well, you and I both know the reason.

So, I think -- anything we can do to expand it. The good news is, there's a lot of countries out there that are trying to get up to our level of security and satisfy us. And there are some countries that are close, some countries that are not so close.
JOHNSON: We -- we should kind of review some of those metrics. Are they realistic? You know, can we -- can we look at those and still maintain the kind of security we're looking for? So I'd like to work with you. I mean, it's kind of a long-term project.

And just finally, because I think -- I think some people may -- may view this with skepticism. But I -- I was just assuming, truthfully, that even with this injunction in place, the Department was to be able to move forward with the vetting process and -- and really reviewing that.

And -- and you've said that -- that, no, that injunction really has inhibited your -- your efforts. I think the ranking member may want to jump into this.

But can you explain in greater detail how that injunction is hampering your efforts in moving forward in terms of, you know, how do we properly vet refugees and -- and other people coming in from those countries?

KELLY: Yes, sir.

Just being as conservative as -- as we can be, so that I (ph) don't -- and -- and frankly, with due respect to the -- to Congress, I get an awful lot of phone calls, and an awful lot of ugly phone calls, about how I'm not following some law. I learned very early on, if there's a perception that we're not executing the law, then -- then a lot of people get agitated and call.

That said, we have moved forward, as I mentioned a -- a little earlier -- the State Department, some enhanced questions and -- and -- and et cetera in terms of the normal visa process. In my case, looking very, very hard.

And some of this is -- is, by the way, a cultural change, whether it's my people as CSIS or -- or the consular people, we -- we are changing the culture -- culture to reflect the reality of -- of security.

That is to say, rather than the idea being bringing as many refugees as you can to meet some number set by the last administration, or bring in, you know, as many visas as you can, we actually, now, are changing the culture to say, "Look, if you want to come to America, you convince me you are who you are and you're coming here for a period of time, and then you'll go home, and you won't do anything wrong when you're here."

Or -- you know, in the case of refugees, same thing. Get a -- I -- I know you're a refugee, but you got to prove to me who you are and that you will come to the United States for all the right reasons. And if this -- and then ultimately, if you stay, then you'll assimilate into our society.

So -- but -- but the kind of things I think -- the studies worldwide, and the studies throughout the regions, about what's the best way to do this -- I think I'm restricted in that. But it doesn't mean...

(CROSSTALK)

KELLY: ... we're not thinking about it.

JOHNSON: From my standpoint, I don't want to feel (ph) you constrained. I don't want you restricted.

Maybe -- maybe Senator McCaskill is the same way, and maybe we can, you know, at least lend that support from two U.S. Senators.

MCCASKILL: Yeah, I -- and I've looked briefly at the decisions, Secretary, and I don't -- I don't see -- I know the State Department's moving forward in terms of trying to prepare a report. And so, clearly, their lawyers are not seeing what your lawyers are seeing.

So -- and specifically, in a couple of the orders, it's clear that you're not restricted in terms of moving forward, which -- with -- with what I think your job is, regardless of -- of requests by the executive to pause.
I mean, really, what this appeal is about is whether or not he has the right, under the executive order, to say certain people cannot come here during a period of time that you are preparing underlying policies.
I -- I can't imagine anybody is going to argue with you about the fact that you should be preparing policies that will keep this country safe. And I -- you know, we've now been paused. I mean, there's been plenty of time that was envisioned in the executive orders for those policies to be done.
So, I -- I would love further conversation with your lawyers that are telling you that you can't begin to, you know, give us more clarity about what the extra vetting is going to be.
JOHNSON: So, let -- let's -- let's look on a bipartisan basis, working...
MCCASKILL: Yeah.
JOHNSON: ... with the department, and make sure that they're not restrained so they can move forward...
(CROSSTALK)
MCCASKILL: Yeah. We'd be glad to work with you on that.
KELLY: At the risk of running through too much of a list here, we are doing some things. The examples I would give you is enhanced automated screening by USIS, enhanced interviews, enhanced biometrics integration, enhanced data collection. So, we are doing something.
MCCASKILL: That's great.
KELLY: And I could go on if you want. But there are more things here.
MCCASKILL: Yeah, we can follow up together.
JOHNSON: So, let's -- let's -- let's work together on this...
(CROSSTALK)
KELLY: So we haven't stopped. We're just being very -- as I say, very, very cautious about not getting out in front of the courts that -- you know, I don't (ph) genuflect to them every day.
MCCASKILL: Well, it would -- if you've -- if you've done it, then the -- the whole case is moot.
KELLY: Right.
MCCASKILL: And we could -- you know, the president could move on and tweet about something else.
(LAUGHTER)
JOHNSON: So, again, -- let -- let's -- great committee, bipartisanship -- let's -- let's work together...
(CROSSTALK)
JOHNSON: ... and -- and make sure that you can do your job.
Again, Secretary Kelly, I think, for -- from every member of this committee, thank you for your service. It's -- it's not a job I envy. But thank you for doing it, and to all the members of your staff and -- and the Department.
This hearing record will remain open for 15 days, until June 21st at 5 p.m., for the submission of statements and questions for the record. This hearing's adjourned.
Thanks.
END
Jun 06, 2017 16:21 ET .EOF -0- Jun/06/2017 20:23 GMT
SENATE COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS HOLDS A HEARING ON THE PRESIDENT’S FISCAL YEAR 2018 BUDGET REQUEST FOR THE DEPARTMENT OF HOMELAND SECURITY

June 06, 2017

SPEAKERS:
SEN. RON JOHNSON, R-WIS
SEN. CLAIRE MCCASKILL, D-MO., RANKING MEMBER
SEN. JOHN MCCAIN, R-ARIZ.
SEN. THOMAS R. CARPER, D-DEL.
SEN. ROB PORTMAN, R-OHIO
SEN. JON TESTER, D-MONT.
SEN. RAND PAUL, R-KY.
SEN. HEIDI HEITKAMP, D-N.D.
SEN. JAMES LANKFORD, R-OKLA.
SEN. GARY PETERS, D-MICH.
SEN. MICHAEL B. ENZI, R-WYO.
SEN. MAGGIE HASSAN, D-N.H.
SEN. JOHN HOEVEN, R-N.D.
SEN. KAMALA HARRIS, D-CALIF.
SEN. STEVE DAINES, R-MONT.

WITNESS:
❖ JOHN KELLY, SECRETARY OF HOMELAND SECURITY

JOHNSON: Morning. This hearing will come to order. I would ask consent that my opening -- my written opening statement be entered in the record without objection. I want to welcome Secretary Kelly. This is a hearing on the Department of Homeland Security's fiscal year 2018 budget. This is the third time that Secretary Kelly has appeared before this committee, the second
time as secretary of the department. And again we welcome you and appreciate your service to this country -- many, many years of it. In lieu of my written opening statement, I just want to make a couple comments. I'm -- by vocation I'm -- I'm an accountant, so I've gone through budget meetings many, many times. First, I want to just talk about the history of the budget of the Department of Homeland Security. We're not quite ready for the chart. When you take a look at total budget authority, when the -- the department was first stood up, the first fiscal year was 2014 and the department's budget was -- this was total budgetary authority, mandatory and discretionary -- is $36.5 billion.

JOHNSON: Now, had that budget just grown by inflation, today's request would be a little under $50 billion -- $48.25 billion. Instead, total -- total budget authority is $70.6 billion, about a 93 percent increase.

Now, from my standpoint, that represents in a bipartisan fashion, President Bush, President Obama and now President Trump realized that the threat environment that America faces has become more severe. It's growing. It's evolving. It's metastasizing. And the department needs more resources to try and keep this homeland safe.

And so as much as I am concerned about the long-term budget situation in this country, the $20 trillion we're already in debt, we cannot be penny wise and pound foolish. I mean, I don't think there's -- I've seen an accurate assessment of how much economic loss we suffered because of 9/11. We have to do everything we possibly can. And let's face it, the defense of this nation and the defense of our homeland is the top priority of government.

So, I want to be completely supportive of the secretary's request. Tough budget times, but we need to allocate the resources to keep this nation and our homeland safe.

Next point I'd want to make is just the dramatic change we've had in terms of total apprehension. We have a little chart here. What I've done, because we really only have three months worth of history under the new administration, I've just gone back and had my staff prepare a three-month moving average of apprehensions along the southwest border.

And it's -- it's incredibly revealing. Prior to the last three months, on average, we were apprehending a little more than 122,000 individuals coming to this country illegally -- 122,000. In the last three months total, it was just under 56,000. In other words, we're 45, about 46 percent of the previous four or five years average. That's a pretty remarkable result.

I've been, you know, since taking over this chairmanship and really been on this committee looking at the problem of our illegal entry into our southwest border, I've been saying repeatedly that the first thing we need to do is be committed to securing our border, and then eliminate the incentives for illegal immigration. I would say lack of enforcement of our immigration laws has been a huge incentive for people coming to this country.

Under the new administration, under a new secretary, we have obviously committed to securing our border. And I was a little concerned when people were taking credit for this reduction I think after three months. We'll see what happens after four months. I think just that signal alone that
we are committed to securing this border and we're going to enforce our laws has had a powerful effect, and I think we're seeing the results of it right now.

So again, I commend the secretary for standing strong against severe criticism and actually enforcing the laws of this nation.

With that, I'll turn it over to our ranking member, Senator McCaskill.

MCCASKILL: Thank you, Mr. Chairman.

And thank you, Secretary Kelly, for being here. You appeared before this committee a couple of months ago for the first time, after being confirmed, and just look at the developments that have occurred in the few months since then where you have had to be all hands on deck for serious issues facing the national and homeland security.

On May 11th, you met with the airline industry executives about your concern about large electronic bands in terms of international travel. On May 12th, we had a ransomware cyber attack that struck more than 200,000 computers in 150 countries, shutting down auto production in France, police departments in India, and closing doctors' offices in Britain. And then, of course, tragically on May 22nd, a terrorist suicide bomber killed 22 innocent children and adults in Manchester, England; and then this past weekend terrorists killed seven in London.

These are just a few examples of why we are counting on you and why we respect the job that you have to do every day, and how difficult it truly is.

The importance of your work also speaks to the critical responsibility this committee has in providing oversight. I've never, ever, ever known of a government agency that works better with less oversight. Asking hard questions is, of course, the way you do aggressive oversight. And I'm really particularly pleased that you're not afraid to answer tough questions. It's kind of who you are. You've been that way throughout your career.

In fact, I noticed in the speech you gave to the Coast Guard cadets -- I'll quote you here -- "Tell the truth to your seniors, even though it's uncomfortable, even though they may not want to hear it. They deserve that, tell the truth." I know that you will continue to speak truth to power, and I look forward to your honest assessment of what we can do to help you in that regard.

MCCASKILL: While none of the three terrorists who did the attack over this past weekend would have been impacted by the president's proposed travel ban, a lot of discussion in the United Kingdom is now about the government -- the Conservative Party's cuts in police resources over the last decade and how many fewer resources there were actually on the ground to try to prevent those terrorist attacks.

I'm concerned that the president's budget plans to cut critical TSA programs at a time that we cannot afford to let up on these security measures.
A large portion of this cut is taken from the VIPER teams, the Visible Intermotive -- Intermodal Prevention and Response teams, which are deployed all over the country to provide critical assistance with securing airports, subways, and bus terminals, some of the most attractive soft targets for terrorists in our country. The president's budget aims to cut the VIPER teams from 31 down to just eight teams to cover the entire country.

The Urban Area Security Initiatives, which has been an -- a -- a lifeline for major urban areas that have so many soft -- soft targets -- targets because of the large populations -- those also have been cut.

Additionally, the police -- the president's budget is going to completely eliminate the Law Enforcement Officer Reimbursement Program, which provides assistance to local law enforcement agencies who help secure our airports. Hundreds of airports across the country take part in this program, and particularly for smaller airports, this assistance is critically important.

The president's budget will also slash other DHS programs that provide critical security to our transportation systems. The Transit Security Grant Program will be cut in half. The Port Security Grant Program will be cut in half. The president is calling for a complete elimination of the Complex Coordinated Terrorist Attacks Grant Program.

I'm concerned that these priorities are not getting the attention they deserve, especially in light of what's going on around the world. I think we may be focused on a shiny object which has come to be known as the travel ban, when instead we need to be focused on how many people we have, in your terminology, General, boots on the ground, in terms of being able to identify, track and prevent these terrorist attacks.

We're being asked to fund additional Border Patrol agents and air and marine officers, but there's no provision in the budget for additional CBP officers. And the difference in terminology is very important because, as you know, Secretary Kelly, the majority of drugs are other contraband come through our country through the ports of entry, and the CBP officers are the ones responsible for finding them and stopping them. We cannot neglect our ports of entry as we try to increase resources in terms of Border Patrol and ICE agents.

So, I'm glad you're here today, Secretary Kelly. There are a lot of important issues before us. I have a lot of questions. I know the rest of the committee does, too. And I can't tell you how much it means to all of us that you're willing to come here, to both Democrats and Republicans, and answer our questions.

I -- I hope the rest of the administration follows your example, because I think -- think you're setting a very good one.

JOHNSON: Thank you, Senator McCaskill.

It is the tradition of this committee to swear in our witnesses, so if you'll please rise and raise your right hand, do you swear that the testimony you will give before this committee will be the truth, the whole truth and nothing but the truth, so help you God?
KELLY: I do.

JOHNSON: Please be seated.

Secretary John F. Kelly is the fifth secretary of homeland security. Prior to joining DHS, General Kelly served as commander of the U.S. Southern Command, where he worked closely with U.S. law enforcement and DHS personnel in a coordinated effort to combat the flow of drugs, people and other threats against the homeland into the United States from across the southern border.

Secretary Kelly's career has included extensive service in the Marine Corps where he commanded Marine Force -- Forces Reserve and Marine Forces North and served as senior military assistant to two secretaries of defense, Secretaries Gates and Secretary Panetta.

Less than a year after his retirement from service, Secretary Kelly returned to serve the American people as secretary of homeland security.

General Kelly is a retired four-star general, a gold star parent.

America could not be more appreciative and more fortunate to have you serving in this capacity. And we thank you for your service and look forward to your testimony.

KELLY: Chairman Johnson, Ranking Member McCaskill and the distinguished members of the committee, every day the men and women of the Department of Homeland Security protect Americans from the threats we face. And so it is a great pleasure to appear before you today to talk about the tremendous men and women of the department, and the critical missions they carry out in service of our America every day and night, 24/7/365.

I believe as anyone who fully understands the fundamental role of our government also believes that the federal government's responsibility every day begins and ends with the protection of the homeland and the security of our people. No other mission is as important. No other consideration more pressing. None.

The president's fiscal year 2018 budget request for the department will make it possible for us to continue and expand in many ways on our ability to protect our nation and its people.

KELLY: The world is a different place today. We can no longer think in terms of defense over there, but rather must think in terms of the -- the security overall of the homeland across the numerous domains of potential attack and defense.

The Department of Homeland Security is making a difference in fighting the home game while the Department of Defense fights the away game.

And together with and because of the dedication and effective interagency integration with the DNI, CIA, NCTC, FBI, NSA, DEA, ATF and over a million state and local and tribal law enforcement professionals, America today is safe, secure and prepared in a way that most could not have envisioned the day before 9/11.
But the plots to attack the nation are numerous, the perpetrators relentless. But we fully -- we need a fully funded budget that matches our mission -- no more continuing resolutions -- and I think this budget does that.

The president's F.Y. 2018 budget requests $44.1 billion in net discretionary funding for the Department of Homeland Security. It also requests $7.4 billion to finance the cost of emergencies and major disasters in FEMA's disaster relief fund.

When you're talking about numbers like these, it's easy to lose sight on what's behind each dollar. But when you get right down to it, behind each and every dollar are hardworking men and women who have dedicated their careers, and in many ways risked their lives, to protect the American people. Every dollar invested in the men and women of DHS and every dollar invested in the tools, infrastructure, equipment and training they need to get the job done is an investment in prosperity, freedom and the rule of law. Above all, it is in investment in the security of the American people.

As far as I'm concerned, recent events show you cannot invest too much in security. The terrorist attacks on innocent civilians in Kabul, Cairo, South Asia, Manchester and now London are horrific reminders of the dangers we face globally.

They also illustrate the need to do everything we can to keep our people safe. That means getting better about verifying identity, making sure people who -- are who they say they are, and working with our international partners to raise their awareness and raise their defenses and force them to do so, if need be, to at least operate at the levels that we work at.

Domestically, one of the most important enhancements to this effort is the Real ID Initiative, an enhancement passed into law 12 years ago by the United States Congress, one which most of our states and territories have taken seriously and have already adopted. Many others are working hard at compliance.

In those 12 years, some in elected or appointed state and federal positions who have the fundamental and sacred responsibility to safeguard the nation have chosen to drag their feet or even ignore the law passed by Congress. I will not.

Real ID will make Americans safer; it already is. Real ID will soon be enforced at our airports, land ports of entry and all federal facilities, and it is a critically important 9/11 Commission recommendation that others have been willing to ignore, but which I will ensure is implemented on schedule, with no extension for states that are not taking the effort seriously.

For those states and territories that cannot or will not make the January 2018 deadline, they should encourage now their citizens to acquire other forms of ID compliant with the Real ID law, like passports, available of course from the State Department.

We need to prevent bad actors regardless of religion, race or nationality from entering our country. In recent years, we have witnessed an unprecedented spike in terrorist travel. There are more terrorist hot spots and foot soldiers now than almost any time in modern history.
In Syria and Iraq, for instance, we have thousands of jihadis fighters that have converged from more than 120 countries. As our superb military machine, acting in coalition with and leading many other like-minded partners, as they succeed on the battlefield in the caliphate in Iraq and Syria, these jihadi fighters are returning home to Europe, South Asia, Southeast Asia, Australia and even the Western Hemisphere, and who knows what they're up to but we can guess. They are heading to what they think are safe havens to continue their plotting and otherwise advance their toxic ideology of hate, death and intolerance with -- wherever they are allowed to hide. We expect that some will look to travel to the United States to carry out attacks.

KELLY: With this context in mind, the president has issued clear direction in the form of an executive order to the entire executive branch to prevent the entry of aliens who seek to do us harm. But the current court injunction, of course, prevents us from taking steps right now to improve the security of the homeland until we see how that court action plays out. While some discuss, debate and argue the name, title, or label that best describes the president's E.O., professional men and women like me are actually in the business of implementing the president's intent to secure the nation and we are doing that.

We'll let the chattering class and self-appointed critics talk about the name. I just hope the Congress sees the wisdom of what the president is trying to do to protect America and its people and that the Congress is willing to work with those of us in the business of securing the nation. And it's been my experience in less than four months on the job that the Congress is in fact committed to that.

The Congress -- the court's injunction has prevented us from implementing a temporary ban on travel by aliens from six countries that are in states of civil war or state sponsors of terrorism, and are basically failed states. They are the same countries identified by the Congress in a previous administration in 2015 as nations of great concern.

At the time, the expectation was that those in the business of securing the nation lawfully would focus additional attention on these nations and others in similar circumstances for supplementary and accurate vetting. It has nothing to do with religion or skin color or the way they live their lives, but all about security for the United States and nothing else.

These are countries that are either unable or unwilling to help us validate the identities and backgrounds of persons within their borders. I can tell your right now because of the injunctions, I am not fully confident that we're doing the best we -- all that we can to weed out potential wrongdoers from these locations.

The injunction also prevents me from actually looking into the information that we need from each country to conduct proper screening, not just from the six countries identified in the executive order, but from every country across the globe. It also prevents me from conducting a review under the executive order with the goal of improving the security of our refugee program.

Bottom line, I've been enjoined from doing these things that I know would make America safe and I anxiously await the court to complete its action one way or the other so I can get to work. The men and women of DHS will do everything we can and always, always, always within the
law to keep the American people safe. But the delay has prevented us from doing that -- what I and those most familiar with the reality of the threats we face believe we need to do to protect our homeland.

Again, sir, I appreciate the opportunity to appear before the committee today and I think -- thank you for your continued support and the committee's continued support for the great men and women of the department and the mission we take so seriously. I remain committed to working with Congress and protecting the American people. I have made changes within the organization since I've been the department head to do exactly that -- to increase responsiveness, availability of witnesses. And we've done all of that in a big way.

I'm glad to answer any questions you may have, sir.

Thank you.

JOHNSON: Thanks, Secretary Kelly.

I really appreciate the attendance by my colleagues. I know everybody's got tight schedules. So I'm going to defer my questioning so people have their opportunities. And I'll start out with Senator McCaskill.

MCCASKILL: Thank you, Mr. Chairman.

I appreciate the note you ended on, Secretary Kelly. And I'm -- while I condemn the leak and the person who leaked it, we now have in the public domain verified information that the Russians made an aggressive attempt to access not only a vendor of voter software in this country, but also a number of states the voter file databases in the month prior to our election.

I mean, in any other circumstances, this would be an earthquake. But because of everything else that's going on, I don't think enough attention has been given to something that is your responsibility as the secretary of homeland security, and that is critical infrastructure, including the election system.

I have asked for a number of pieces of information. This is one area where we have not gotten a response yet. I do appreciate that you all have not frozen us out. Many of my colleagues are being frozen out across the government. You have not frozen us out, and I'm deeply grateful for that.

I am anxious to get more information about what we know about these attempts. Whether or not they accessed the tabulation, it's clear they were trying to get into that voter file. And I don't think they were going there to try to just hang out. Imagine the disruption -- we spend a lot of time in this country talking about voter ID. Imagine the disruption if thousands of people showed up to vote and their names were no longer on the voter file. What would we do? How would we address that in terms of fairness and open and free elections?
So I guess my question to you is, are you deferring the investigation of this to the FBI? Or is the department actually actively engaged in investigating the penetration or the attempts to penetrate the voter files in this country immediately before the election by the Russian government?

KELLY: Thanks, Senator.

You know me, I'm not going to dodge any question relative to anything that anyone in the United States Congress asks. I would say, though, up front, I would not be in a -- because of the allegations and the things that have been allegedly released are so highly classified, I wouldn't want to kind of confirm or deny anything in there. I think we just have to wait for the investigation.

Happy to come over or send people over to talk to you to the level that they can about what actually took place. And I believe certainly members of Congress deserve that, given the levels of classification. But I share your concern. I don't disagree with anything you said relative to the sanctity of our voting process.

Clearly, it's an -- should be an interagency investigation, and that is taking place. DHS will be part of that. As you know, just prior to his leaving, Jeh Johnson went out and declared that the voter -- voting infrastructure was in fact critical infrastructure. I've had a large amount of pushback on that from states, some members -- many members of Congress.

It was done before I took over. We're looking at that, trying to help the states understand what that means. And it's voluntary entirely. We're here to help, so to speak. But I am meeting with the state homeland security professionals I think next week here in the city. I'm going to put that question to them.

Should we back off on that? I don't believe we should, but should we back off on it? Do you see us as partners and helpers in this, to help, you know, down -- down inside the states and help you make sure that your systems are protected? But there is nothing more fundamental to our democracy than voting.

MCCASKILL: Well, you know, in following up with that, I just hope that you convey -- I mean, it would be one thing for the states to say we don't want the federal government to be -- I like that our elections are decentralized. I don't think the federal government should be telling each state how to run their elections or what vendors to use.

On the other hand, this was Russia.

KELLY: Right.

MCCASKILL: I mean, this was Russia. This was not, you know, some hacker in -- at a university trying to screw around with one individual state. This was an international attempt to impact the elections of the United States of America. So it really would be, I think, distressing if the United States would then pull back from the ability to help states protect these voter files. And you all are going to be in the best position to be able to do that.
So is someone from the department working in the investigation over this intrusion into our data files -- our voter data files?

KELLY: Yes, we are involved.

MCCASKILL: OK.

The other area I wanted to talk about and give you a chance to respond to the things I said in my opening statement about cutting funding for the VIPR program and for the Law Enforcement Officer Reimbursement Program, the urban area grants that are so important to large cities in this country in terms of protecting soft targets for terrorism.

Could you address those cuts? And if -- if you would be OK with the fact that we would maybe want to restore those cuts?

KELLY: I'd like to comment for sure. The first thing I would -- and I kind of referenced it a little bit in my opening statement. We are as a nation in a different place entirely from the law enforcement and local protection point of view. We're in a different place today than we were 15 years ago when 9/11 first took place.

I mean, whether it's New York City and the largest non-federal law enforcement organization in the country, the New York City Police Department, or small towns and counties, with very few professionals, this kind of thinking -- this anti-terrorism, counterterrorism is in the DNA. We have certainly, and should have right after 9/11, for years afterwards, I think to the tune now of $45 billion in 15 years, helped states, whether it was acquire equipment, hire people. DOD has a program where they give excess equipment away. You know all of that.

So we're in a different place today. New York City Police Department -- I was just up there last week, and sat with them for several hours getting their -- their concept of how they protect the city from a terrorism point of view. And I don't think there's anyone better in the world.

So, in a perfect world, I'd love to fund everything, but 15 years on, we are in a different place locally and federally in terms of protecting the homeland. Again, in a perfect world, I'd love to fund everything.

MCCASKILL: OK. Well, I -- I understand the point you're making, although I will say that I don't think any of us would think that the threat of a terrorist attack is less today than it was 15 years ago, and I can speak for many of these communities that are struggling with enough officers now.

St. Louis is a good example, where we have a serious crime problem, and in order to have the resources they need to cover the airport, to do some of the things that this money allows them to do -- is really important. So I'm hoping that we can work together and figure that out.
KELLY: Senator, if I could explain (ph), I wouldn't disagree at all, and -- and the threat since 9/11 is -- I think certain types of threats are much more than they were during 9/11, much more metastasized, some of it local, some of it potentially from outside the country.

I'm with you 1,000 percent. But the one fundamental difference is we have different state, local and federal focus on this, and training and equipment, so...

MCCASKILL: We do.

KELLY: ... yes, ma'am.

JOHNSON: Senator Tester.

TESTER: Thank you, Mr. Chairman.

And once again, thank you for being here, Secretary Kelly. I think that you have bipartisan support on this committee because of your track record. And you were in front of the subcommittee on homeland security here a few weeks back, and I appreciate your testimony there.

Since then, it was reported that the president's son-in-law, Jared Kushner, attempted to establish secret back channel communications with the Kremlin through Russian Ambassador Sergey Kislyak.

You were asked about these back channel communications with Russia on TV, and you -- you supported Kushner setting up back channel communications. The White House has been mum about these communications. I believe that these communications did occur.

Whether there was anything classified or not that went through, I think this is a big deal, because we're talking about Russia. I looked up your age and I thought we might be similar in age and to your credit, you're a little bit older than me but you look younger. OK, Mr. Secretary?

But -- but you -- you remember Russia in the height of the Cold War. I don't trust them any more today than I did when I was a first grader in school. And to have somebody this close to the president setting up back channels before they were in office through a -- through a Russian embassy is very disturbing to me, if, in fact, this happened.

And so have you spoken to Mr. Kushner about this issue?

KELLY: I have not.

TESTER: OK, so has anybody spoken to him about this issue in -- in your department, or to find out if this happened and what kind of information was related?
We just heard the ranking member talk about potential impacts on elections. We've talked about potential money flowing to the Trump business enterprise. There's all sorts of smoke here that we need to get to the bottom of, and so I'm curious about that.

KELLY: I hope no one in my department's spoken to him. That would be inappropriate. I'm the interaction with the White House, as a general rule, he doesn't work -- like many of the White House staff do not work directly...

TESTER: So...

KELLY: ... but if I could, sir, on the back channel...

TESTER: Yes, go ahead.

KELLY: ... back channel communications -- I mean, I have back channel communications, myself, from -- through religious leaders in the United States to leaders in, say, Latin America. It's one thing if I call the president of a country and tell him -- you know, have a conversation with him. It's different if it comes from another direction. It's just the reality of the way things work.

TESTER: So...

KELLY: I would just offer to you, sir, that we have to make the assumption...

TESTER: ... yeah.

KELLY: ... and I will...

TESTER: Yeah.

KELLY: ... that Jared Kushner is a great American.

TESTER: Yeah.

KELLY: He's a decent American, he has -- he has a -- he has a security clearance at the highest level, as I understand it...

TESTER: Didn't then, though, did he?

KELLY: ... and if he was opening, he -- I believe he should have had.

TESTER: OK.

KELLY: Now, if he was trying to open back channel communications to pass information through that back channel to get to Putin or anyone else over there, to say, "Hey, look, we're concerned about this," or...
TESTER: Yes.

KELLY: ... "This is what you might want to consider doing," because if it's official, then it's a whole different dynamic...

(CROSSTALK)

TESTER: I got you. So there -- but the question is -- is there were -- there was no -- no red flags that come up for you at all on this?

KELLY: Not at the time. I didn't know about it. Since it's been reported, back channels are the normal -- are -- are in the course of normal interactions with other countries. Very, very common.

TESTER: Can you tell me if -- if it's also normal to go to an embassy of a country that has been our foe for -- since World War II, and do this -- is that normal?

KELLY: I don't know if that was the case, but if that is the case, I'm not so sure it's normal. But certainly, it would be one way to communicate through the back channel.

TESTER: So if I were to do that, you guys would think that's OK? If -- I've got a security clearance. If I were to talk over to an embassy and say, "Hey, look, I want to -- I want to have a back channel communication, and -- and by the way, even though it appears that nobody in the United States will know what I'm talking about and this is why I did it, it's OK because I'm not..."

KELLY: Well, Senator, I think...

TESTER: Is that -- I mean, really.

KELLY: ... if -- if you went over to, whether you met them here in the building or you...

TESTER: Went to the embassy.

KELLY: ... or went to the embassy...

TESTER: The Russian embassy.

KELLY: ... "Let me tell you something, as a senator from the great state of Montana and a member of these committees, this is B.S. what you're doing, and you better stop it or whatever or this..."

(CROSSTALK)

TESTER: Yes.
KELLY: That's -- that's essentially a back channel -- back channel of communication.

TESTER: Well, I would -- I would just say this. I appreciate your faith in the system. I'm going to tell you that whether classified information was delivered or not, I find this unacceptable. I just do.

To have somebody who is son-in-law to the president that goes in and sets up with -- with Russia, the -- the country that I was told to hide under the desk when the nuclear bombs came -- what the Hell good that would do I don't know -- when I was in first grade.

I just think if we don't get to the bottom of what's going on and what's happening, we've talked about the Russians, we've talked about money, there's all sorts of stuff going on here. And as Claire -- I mean, as the -- the ranking member said, there's so much going on here that we don't know which direction to have the investigation happen.

And I -- if it needs to be you, you've got the credentials, by the way, and you've got to respect I believe on this committee and probably in Congress to really find out what the Hell's going on. Because it doesn't make -- it doesn't make me sleep better at night, I will just tell you. And if it doesn't make me sleep better at night, you -- your probably eyes are wide open on this.

Am I -- am I just...

KELLY: No, Senator, I think -- again, I think we have to make the assumption that...

TESTER: But don't you think we should ensure that that assumption is correct?

KELLY: Well, sure. And I think there's numerous...

TESTER: But nobody's doing that.

KELLY: I think there's numerous investigations that'll look into this -- looking into this. I mean, I think it's part of the Bob Mueller investigation. I think there's a number of congressional committees looking into it.

TESTER: OK.

Another topic. I just want to echo what the ranking member said: There have been folks that have been frozen out by different agencies. I think that's inappropriate. Whether you're on that committee or whether you're a member of Congress, oversight is our big job.

I appreciate you not doing that and I hope that policy continues. I would assume that that's going to be the case, correct?

KELLY: Yes, sir. And if I could comment...

TESTER: Yes.
KELLY: ... as I was going through the process of confirmation, those senators that gave me and - - and House members gave me the courtesy of a -- of an office call prior to the hearing, the one single thing I heard repeatedly was how nonresponsive this department, my department, our department was...

TESTER: Was.

KELLY: ... prior to.

I would tell you that since I've been running the show, to the degree that I think I'm running it, we've got over 37 appearances in congressional hearings...

TESTER: Yeah, yeah.

KELLY: ... 57 witnesses, 973 Hill engagements. That is -- that is -- prior to that, it was a tiny fraction.

In fact, I was just talking to Senator Grassley, who was the -- the biggest critic of my department relative to congressional engagement. And he was -- I was on an open phone with him and his staff and asked him how we were doing and he gave me nothing but high marks.

We're going to make that better. And some of the things I've been -- first of all, we're leaning forward, and whether it's -- regardless of who the letter comes from, and it doesn't have to just come from a ranking member or chairman, we'll respond to any congressional inquiry.

TESTER: Thank you.

KELLY: If we can't get to it right away -- and some of the letters, as you might imagine, are lengthy and -- and in need of great detail...

(UNKNOWN): Too lengthy, sometimes.

KELLY: ... my folks will call -- if it falls into the category we can't get to it real quick and respond, we'll call the -- the staff and say, "Hey, we got it and we're -- we're on it, but it'll be some weeks or even perhaps months before we can get it to you." If need be, we'll send a letter or I'll call the -- the member and say, "Boy, this is a big one. I'm going to have set some people to work on this. It'll be a while, but if we're on it."

And I think in every case thus far, and certainly in the last 90 days -- 60 days anyways -- we're getting high marks. I will not freeze you out, sir.

TESTER: Thank you, Mr. Secretary. And I look forward to seeing you in Montana.

Thank you, Mr. (inaudible).

JOHNSON: Senator Peters?
PETERS: Thank you, Mr. Chairman.

And thank you, Secretary Kelly, for being here today. And I'd like to once again thank you for your trip to Detroit. I think it was very -- it was well received by the community, and I appreciate you taking the -- the effort to come out to my state.

Secretary -- secretary Kelly, I'm particularly concerned about some of the proposed cuts to several FEMA preparedness grant programs that are in the president's budget.

PETERS: Our first responders in Michigan used the Urban Area Security Initiative and State Homeland Security Program funding to support lifesaving efforts, including bomb search and rescue equipment, simulation drills, maintenance of local early warning and emergency response centers.

The proposed 25 percent cost-share matching requirement for local governments would prevent a number of these efforts because, quite frankly, many of the departments simply don't have the money available for that cost-share.

And I know you think it's important that there's skin in the game -- you've used that term frequently -- that our local communities have some cash as they are in these matching programs. But given the fact that we're -- we're facing lone-wolf attacks and a lot of changes in -- in how our domestic homeland security folks have to deal with -- with situations, do you believe that -- how are they able to make the appropriate investments to make sure that they're equipped for these types of attacks? Are there some other alternatives, or are there ways that we could perhaps adjust that figure in the budget?

KELLY: Yes, Senator.

Referencing a couple of my previous comments in this hearing as well as in the past, we -- our local law enforcement -- city, state, county, big city, small city -- they're in a different place today than they were right after 9/11, and we all know that. They're just much better at what they do. Their -- their head is in the game. They have skin in the game.

The -- the -- the grants over the years have -- have, to a degree, caused that to happen, because we've given additional funding to the various municipalities to -- to improve themselves.

We're at the point now where much of that effort is already accomplished and we're in the sustainment phase. That is to say, states and local governments now are -- need to sustain what we've helped them -- the points at which the equipment and all that we've helped them get to. That, combined with the -- there aren't unlimited resources.

One of the things you mentioned, lone-wolf attacks -- a lone wolf -- and you know this, sir. And I beg your forgiveness. I'm not -- don't mean to lecture -- not lecture, but to -- to go too low in terms of my response.
But the -- the thing we're facing now with the lone-wolf attacks is a different dynamic. It is absolutely -- you know, New York City is at risk. Detroit's at risk. Yet some tiny little town in the middle of Arkansas is at risk. Every small town, big town is at risk from this lone-wolf stuff.

I don't know, as hard as I've thought about it, if there's a way to prevent it, predict it, get our arms around it, other than, you know, local cops and -- and -- and sheriffs getting in -- getting into people's business and -- legally, outreach and all of that kind of.

But my point is, an unlimited amount of money parceled out to every big city, small municipality in America might prevent a lone- wolf attack. I don't know if it will, but might. But, of course, we don't have an unlimited amount of money.

We -- we make these decisions in many ways based on formulas that we receive from the -- from the -- from the Congress. We plug in numbers and try to somehow evaluate what might be a logical target. Not necessary for the whole -- the lone-wolfers; they're everywhere, but a logical target or a target that might be at higher risk, say New York City, than another municipality, particularly from an external terrorist.

PETERS: I understand that. And -- and I appreciate the fact that this is a big challenge. And we -- we don't have unlimited amounts of money. But I want to just challenge a little bit of the assessment that other -- the communities are adequately prepared for it.

Certainly, we've come a long way, as you mentioned. We've come a long way and provided those resources. But I'm certainly hearing from my departments in Michigan, there're still unmet needs that they think are pretty critical. Resources are tight for them as well, and we still have a ways to go.

So, hopefully we can revisit some of those matching programs to make sure that those communities that may be at the highest risk, but also have a fairly challenging budget situation in that community -- that we're able to work something out. But I would appreciate having further discussion in that area.

Also, Mr. Secretary, the first travel ban executive order required the secretary of homeland security to submit a report in 30 days that provides a list of countries that do not provide adequate information for vetting within 30 days of the date of this order. And it's my understanding, the district court in Seattle did not stay that aspect of the order.

The second executive order required the exact same report within 20 days of its effective date. And as you know, aside from Sections 2 and 6, the remainder of the revised executive order is not affected by any subsequent injunctions.

So that means as of today, May 6, 2017, the report required by the first executive order is overdue by over 60 days, more than twice as much time as required, and a report required by the second executive order is overdue by about 30 days.
Mr. Secretary, did you begin the report reviewing screening procedures that the initial executive order required?

KELLY: Senator, we've -- we've been very, very, very cautious, extra cautious in getting anywhere near where the court might consider we're not following the -- their instructions. I would have to get back to you on exactly where we are on the reports.

One of the things that -- regardless of whether the court has told us not to do, we've looked for things that we could do, as in -- as an example, thinking -- thinking about other countries, but not studying it and looking at vetting procedures, additional vetting, extreme vetting, but not studying it.

Some of them are very -- some of the procedures would be very obvious, some of the countries very obvious. But if -- if I -- if you don't mind, I'd like to get back to you on the question.

PETERS: I appreciate it, because it seems to me a court injunction's not going to limit you from doing your own internal reviews of policies and procedures. That's -- that...

(CROSSTALK)

KELLY: I actually have lawyers telling me, sir, that -- that we are too close on some of these issues, not necessarily the ones you've addressed, but on some of these issues, and it's best just to show extra good faith and -- not getting too close to it.

PETERS: Very good. Well, I'd appreciate further discussions on that, as well.

KELLY: Sure.

PETERS: Thank you Mr. Secretary.

KELLY: Yes sir.

JOHNSON: Senator Hassan.

HASSAN: Thank you, Mr. Chair and Ranking Member.

And good morning, Secretary Kelly, and thank you for being here. Like all of my colleagues, I appreciate your willingness to have this conversation with us.

Last week, I visited our CBP base covering New Hampshire's northern border with Canada. The men and women at the station are working overtime, and on a shoestring budget, to secure our northern border, including intercepting human traffickers and preventing narcotics smuggling. I think they're doing an incredible job with truly limited resources, but they really need more support.
And while CBP is getting a huge boost in their funding in this budget, we know that this funding isn't going to be used to shore up the northern border. And it isn't just CBP's northern border forces -- they aren't the only ones getting shorted in this budget.

As some of the other members here have indicated, TSA, in charge of protecting our aviation borders and stopping terrorists from taking down our aviation system is facing a sizable cut to some of its key programs and renewed aviation threats.

And the Coast Guard protects our nation's largest border, but despite its aging maritime assets, run-down and frankly outdated facilities, the Coast Guard's also getting cut. So this budget tells me that your priority is to secure the southern border, and that fighting off all other threats is secondary.

I certainly support securing the southern border and reducing narcotics trafficking, but this budget presents, really, I think, a false choice. We can and should secure the southern border, and also secure our other land, sea and air borders as well.

So what is your plan for making sure that our northern border forces, TSA and the Coast Guards get the funding increases they so desperately need?

KELLY: Well, Senator, the -- the good news is, from my perspective and certainly what I've learned in the last going on four months -- is we have two great partners in this effort to secure our borders: Canada in the north, obviously, and Mexico to the south.

The bad news for Mexico and the southwest border is, largely because of our drug demand, an incredibly efficient network has developed that stretches, frankly, from around the world, goes through the Western Hemisphere, Caribbean, up the Central American isthmus, Mexico, into the United States.

So that's where the overwhelming amount of drugs, illegal aliens -- special interest aliens come through, because of that network. Not because Mexico's not a partner, not because they're not great friends, but because of they -- they're unfortunately astride a network or a -- or a land mass or a geographical feature that -- the drug traffickers has decided that that's how they're coming.

HAASSAN: And, Secretary Kelly, I'm well -- I'm well aware of that. I'm also well aware of how able, nimble, evolving and creative these cartels and networks are. And so it just seems to me a totally false choice to leave a border inviting and open -- relatively open. It may disrupt things on the southwest border for a time, but it doesn't do us any good if there are other ports of entry.

And you know, you talk to the Coast Guard right now and they are not able to intervene in some of the narcotics traffic on our seas because they simply don't have the resources, even when they know that they're there. And that would be a very important aspect of our -- our war on this drug epidemic we have.
KELLY: Well, you're right on the northern border versus the southern border, but for right now, the southern border is the problem. If we were to seal the southern border, and I believe we can get -- I know we will get control of our southern border.

That doesn't mean seal it, but control it -- go from where we were several months ago to almost - to -- almost no control to some -- some pretty good control, they will -- given the drug demand in the United States, they will figure other ways to get through. We have to watch that and react to it.

HASSAN: And we also have to keep people in the northern part of our country safe. And so, one of the things, you know -- that's not a very reassuring answer to the people of New Hampshire or the other northern border states.

I want to move on to another issue that we discussed the last time you were here. I asked you about an innovative way to protect DHA's -- DHS's systems from cyber attacks, and the possible application of the Pentagon's pilot program to use hackers to probe the Pentagon's networks for vulnerabilities.

The pilot program was called Hack The Pentagon, and it's been very successful. In the few weeks that the program ran, the Pentagon collected 138 previously undiscovered vulnerabilities. Since then, the Pentagon has expanded the program, and GSA has announced an effort to launch a similar program.

A little over a week ago, Senator Portman and I, along with others on this committee, introduced the Hack DHS Act. That bill would instruct DHS to hold a pilot program to allow hackers to probe DHS's systems for vulnerabilities and report them to DHS.

In return, DHS would pay the hackers a small sum of money for each vulnerability they discover and report. As my friend Senator Harris said, we will fight hackers with hackers.

So, as you can see, a lot has happened since you were last here. At the last hearing, you promised to look into whether the Pentagon's pilot program would be a fit for DHS. So I'm just asking you today that you take a hard look at this bill.

There's also been a similar bill introduced today in the House by Representatives Lieu and Taylor. And so would you just commit to taking a hard look at those bills and seeing what the department thinks of them?

KELLY: Senator, absolutely will, and probably will not wait to see if this law is -- passes.

HASSAN: OK. Thank you.

Lastly, I just wanted -- I don't want to reiterate -- I guess I have two more points.

I don't want to reiterate everything Senator Peters said, but I -- I will just let you know, as -- as a former governor, who is in a state with lots of volunteer first responder forces, part-time police
departments and ongoing efforts to keep our state -- and do our part for our country's national security -- safe too, the elimination or severe cuts to critical state aid and grant programs for everything from airport security to other kinds of security efforts to fight homegrown terrorism -- you have to train ongoing. You need ongoing resources.

We have an enemy who's evolving. And the -- the notion that, just because we've made improvements since 9/11, we can -- we can absorb this kind of drastic cut, I think, is just a really false notion.

And I would tell you that, having talked with my homegrown -- homeland security people in New Hampshire about the myriad of threats we're facing, The cuts here are really troubling.

And lastly, if I may, Mr. Chair, I just would encourage -- and maybe we could talk off-line about the president's opioid commission. I understand that the first interim report is due shortly. We just haven't heard anything about it. I know you're on the commission, and I'd love to talk later about that.

KELLY: Well and on that, if I could just have a minute, Mr. Chairman, to respond. Myself, Rex Tillerson -- you may or may not have seen us with the Mexicans, a couple weeks ago -- they're on board with -- with our attempts to not only safeguard the southwest border, their northern border, but also get at the demand problem.

I know Secretary Tillerson, Secretary Price, myself and the head of ONDCP, who I've spoken to and I -- I -- I'd like to think changed his attitude to -- to what his job is going forward. We'll get together and put some real energy behind the demand reduction, to include, obviously, the opioids.

But I think a big part of it -- I think you will agree, I think we spoke about this -- is this overmedicated society that we suffer from in the United States that just suggests to people, all I got to do is put something up their nose, in their mouth, or in their arm to solve all their problems.

HAASSAN: And -- and one of the things that's going to be really important, and really concerning, obviously, is the administration's support for eliminating things like Medicaid expansion and -- and requirements that insurance companies treat addiction, which gets at the overmedication and the overprescribing issues. So I look forward to talking with you more about it.

Thank you.

JOHNSON: Thank you, Senator Hassan.

I -- I will, again, just point out, based on the baseline budget, 2004, those $36.5 million (ph) -- had it grown by inflation, would be about $48 billion. Instead, it's about $70 billion.
JOHNSON: So $22 billion more growth in spending for this department because of those evolving threats. So, I just want to point out what the reality is in terms of the -- the increase in spending over the last whatever that is, 13 years.

MCCASKILL: And if I may -- and I appreciate that, Mr. Chair. My concern is that we are only as strong as our weakest link...

(CROSSTALK)

JOHNSON: Well, yeah, we don't want to be penny-wise and pound-foolish, but we have dramatic increase of resources for this department.

Senator Paul?

PAUL: Secretary Kelly, thanks for your testimony.

The last time you were here, we talked about U.S. citizens coming across the border and being threatened with non-entry or detention if they did divulge the contents of their phone -- all of the contents of their phone. And your response was, "I just don't believe we're doing it."

So we asked some questions in writing and we're still waiting on the response. It's been about six weeks or so.

But I thought I'd list for you a couple of the public episodes of this happening.

This year, a NASA engineer and a U.S. citizen was pulled aside after coming back from Chile. They demanded the PIN for his phone and they handed him a form that explained how CBP had the right to copy the contents of his phone, all the contents of his phone. He recalled that the form indicated that his participation in the search was mandatory and it threatened detention and/or seizure if he did not comply.

The phone, ironically, was already a government phone, it was a NASA phone that we were wanting to search.

Two citizens were stopped on return from Canada. NBC did an investigation of 25 different cases of U.S. citizens being told to turn over the phones, unlock them or provide passwords. A U.S. citizen was taken off of a flight in L.A., handcuffed and released after a Homeland Security agent looked through his phone for 15 minutes. A U.S. citizen journalist was also had their phone taken.

So I guess my question is, is your answer still, "I just don't believe we're doing it"?

KELLY: My answer is, we don't do it routinely unless there's a reason why, so that's a change.

We do it whether they're citizens or noncitizens coming in, I think it's -- of the -- of the million or so people are coming in the country, about half of one percent is checked.
Now, typically the officer -- and always according to the law.

Now typically the officers who are -- who are engaged in the front-line defense at the ports of entry, in their questioning of individuals for whatever has tipped them off, will cause them to have certain conversations, go down certain avenues of -- of not interrogation, but again, the conversation, in the event of some indicator that perhaps the individual is returning from, you know, sex tourism or something like that. We do catch a fair number of people in that regard.

But again, Senator, very seldom done and always for a reason and always within the law.

PAUL: So the answer now is not, "I just don't believe we're doing it." It's, "We are doing it and not -- not that often"?

KELLY: Right.

PAUL: The policy they're being threatened with, though, is detention. How long will they be detained if they don't give the PIN to their phone?

KELLY: It's a relatively short period of time. They generally call secondary with a -- with a -- our -- our -- you know, these follow-up questions and what -- once a decision might be made to put them into some legal justice system, then that's the -- that's the...

(CROSSTALK)

PAUL: But you -- but to you it's -- it's still -- you're just fine with a policy that arbitrarily takes someone's phone, says you can't come back into your own country?

KELLY: Not arbitrarily. There's a reason why they do it, Senator.

PAUL: Well, no, the thing is it is arbitrarily unless there are rules as to how you do it. What are the rules? In our country, if you want to look at my phone...

KELLY: There are rules...

PAUL: ... you -- you call a judge, in my country. You know, so this wouldn't necessarily be American jurisprudence if you're just saying, "We might have some internal rules." Have you published what your rules are?

KELLY: At the ports of entry, whether they're a citizen or a noncitizen, the officers have procedures to follow, but certainly (inaudible) checked baggage and in this case look into electronics.

There are procedures, whether they're published or not or specific enough to publish I don't know, but I can certainly get back to you.
PAUL: We'd like to see that. We'd also like to see the form that threatens them with detention and/or seizure if they don't comply.

KELLY: Sure.

PAUL: I can tell you I'm not happy with the policy and I wish it were different. And we have actually introduced legislation to try to stop you from doing this and to make you go to a court the way we do in our country. Typically, we go to a court and you ask a judge and you have to present evidence, you have to specify an individual, and you have to have a reason for doing it...

(CROSSTALK)

PAUL: Searching someone's phone is not the same as searching someone's luggage.

KELLY: Would that law -- that law also prohibit us from looking in the, you know, bags and things like that?

PAUL: No, and I think there's a difference. And I think that that's the whole point here is that looking at someone's -- in someone's luggage for an immediate threat to a -- you know, to the country, to the people, to the plane, et cetera, I think we've decided that that's within the scope of -- of your jurisdiction.

But looking at someone's phone is a much more personal and much more extensive look into their life. And we just don't think you should be -- you know, it -- it, sort of, horrifies us to think that you couldn't come back in your country, you know? People are now talking, there are whole people giving you advice to not take your phone abroad because when you come back home, your country won't let you come home unless you let them look at your entire life.

That doesn't seem like a fair tradeoff to be able to travel or for safety. And I think there is a point at which we give up so much of our liberty to travel that, you know, has it been worth it, you know, really? I mean, we can live in a secure state if we -- if we clamp down and we have no freedom to travel, you know, and we give up all of our privacy to travel. I just don't think that's necessary.

And I think there can also be two different standards, frankly. I think there can be one standard for somebody who's coming for the first time from Afghanistan who's got one name and no background. I'm with you all, and we need to do more scrutiny on people coming to our country.

But if an American citizen leaves and comes back, I think, for goodness sakes, they ought to still be protected by the Bill of Rights when they come home.

JOHNSON: Senator Hoeven?

HOEVEN: Thank you, Mr. Chairman.

Thank you, Mr. Secretary, for being here and for your good and very important work.
Where are we -- or where are you, I guess, in terms of this extreme vetting process, as far as having the procedures in place that you want, and particularly as regards to the six countries included in the president's E.O.?

KELLY: I'm sorry, sir. Where are you...

HOEVEN: Where are you in the process of establishing your extreme vetting procedures the way you want to have them set up, and particularly as regards to the E.O. countries?

KELLY: Because again of -- of my not wanting to get crosswise with the courts in any law, we've been pretty -- we've been very reserved in that.

I will tell you that, you know, it's -- there's two aspects of this; some of it I control, some of it the State Department controls.

The State Department has recently issued a number of additional questions, as an example, that their consular officers will ask those that want to visit the United States on visas. That's a little bit of an easier thing, because typically those people are coming out of countries -- well, they would present the passport, as an example.

And -- and there's always been certain questions in place that they would ask. Now there'll be some additional questions about where they've lived and -- and, you know, it could be access to their electronic devices, but that's outside the country.

In the case of -- of refugees, I think the senator knows that in many, many cases, the refugees that we deal with have no paperwork that we can rely on, they have no passports, and we have to take their word for it.

The U.N., as hard as they try -- and obviously (ph) I think the last time I was here, one of the recent hearings talked about my interaction with the -- with the U.N. -- they're in the same position we are, although they're not in the position of allowing people to come to a given country. They themselves, as they do their initial refugee screening -- they don't do screening; they do refugee registration. What's your name? Where you from? All of that taken on -- on faith -- good faith. And then it comes to us.

In the past we have I think exercised entirely too much good faith and I think the -- the things that we are looking at is, "OK, if you don't have a passport, you have no proof of who you are, then we need to know some additional facts and figures about you. Well, who's your -- who's your -- how did you support yourself in a given country? Do you have -- do you have any way to prove that you work for a living, so that we can kind of prove who you are? What village are you at? Can you give us points of contact in a given country that we can call?" That kind of thing.

But in many, many cases, many of these refugees don't have any of that. So it'd be very, very hard for me in good faith to then move them into the United States to -- to establish, you know, a home here.
But we are -- I believe what will give us an advantage is when we start to deal with them on their social media accounts, their telephone registrations, that kind of thing.

HOEVEN: What about the visa waiver countries?

You mentioned earlier that as we inflict defeat on ISIS in the Middle East, that there are individuals who've been in the Middle East and returning to other Western European and other countries, with which we have visa waiver in place. What -- what procedures -- extra procedures, precautions are you taking to protect them from coming to the United States?

KELLY: Well, as I -- as I think the senator knows, there are 38 visa waiver countries. As you might imagine, I know you realize this, they're countries that have more or less what we have. They have a working relationship with the United States, to say the least. They have a U.S. embassy locally to handle our affairs and look out for us.

They have kind of an FBI and an intelligence community, and all the rest, with databases that allow us to tap into what they do. That's getting better, by the way, and I've got commitments from many countries around the world because of the laptop ban that we implemented in 10 airports about mid-March.

But the point is, we're in pretty good shape in those. We're in very good shape in those countries. We have confidence in their -- in their systems and now they interact with our systems. Not every country, though, say in Europe, is a visa-waiver country, because some of them have not got, even though they're, you know, Western countries, first world, they don't have what we think they need. So we set the bar very high. And they have in most countries, certainly 38 have met that bar.

But that said, again the long pole in the tent is, as Jim Comey would say, the database is only good if you're on it. And not to get into it. I don't want to be too open about this in an open hearing, but some of the more recent terrorists in England or U.K. may not have been on any of those lists. So that had they decided to come here, you're exactly right. Had they...

HOEVEN: Answer my question.

KELLY: ... had they come to the United States, they would have certainly been able to buy a ticket and fly to the United States. Now, they're baggage and everything would have been subject to the normal protocol. So my sense would be that, you know, they wouldn't be getting on the airplane with a bomb or something like that if they got here, hopefully. And if they got here and were trying to do something about that, (inaudible) know that. But if they got here, then it would possibly be problematic.

But the point is there's a certain point where I don't think we can -- we either have a visa waiver program or not. And I can tell you that 38 countries that are on it, are committed to it. We're all committed to making it better. Right now, I'm comfortable with where we are on it.

HOEVEN: But clearly, we have to react to events and take out sure precautions. Right?
KELLY: We do.

HOEVEN: In regard to Senator Hassan's comments regarding the northern border, one of the best tools you have, and you and I have talked about this both at Homeland Committee Appropriations, as well as this committee, is the unmanned aerial systems, UAS.

Kevin McAleenan, your acting CBP director, who by the way is absolutely fantastic, was out in Grand Forks. We have 900 miles of border responsibility, all different kind of terrain, all the way from Lake Superior, all the way throughout most of Montana. The UAS is a great tool.

You're co-located in the Grand Forks Air Force Base. We're looking at new facilities. We're working with him. I would ask for your strong support for him in that effort. And also, with the technology park we have there at the Grand Forks Air Force Base, it is really a unique opportunity to develop that UAS tool, which helps you on the northern border and the southern border.

So again, I want to commend him and comment him to you, and ask for your support for his good efforts. That's a tool that can really address some of the concerns that she raised.

KELLY: Senator, I agree with you. Thanks for the comments about Kevin. He is really a first-round draft choice.

HOEVEN: He's an all-star.

KELLY: I can't wait to get him confirmed.

HOEVEN: I agree.

KELLY: Hopefully, the Senate will confirm him.

HOEVEN: Thank you for all you're doing.

JOHNSON: Senator Harris?

HARRIS: Thank you.

Secretary Kelly, as a followup to Senator Tester's question, you mentioned that you have, in your career, had back-channel conversations with foreign governments. Is that correct?

KELLY: People I could rely on to pass information to foreign leaders.

HARRIS: And was that in your current capacity as a member of the president's Cabinet?

KELLY: That was in my capacity when I was in uniform.

HARRIS: And did you ever initiate...
KELLY: I wouldn't (ph) hesitate to do it now.

HARRIS: And did you initiate any of those conversations such that you initiated that they would take place inside the embassy of a foreign government?

KELLY: I have gone to embassies both in my current assignment, as well as in past assignments, or met with members of the diplomatic corps from other countries.

HARRIS: Have you initiated back-channel conversations to occur...

(CROSSTALK)

KELLY: Can I finish what I was saying?

HARRIS: ... inside of those embassies as opposed to attending a cocktail party?

KELLY: I have had -- I've had conversations with members of foreign -- foreign diplomats in various places, and talked to them about my perception of what they could do better in response to things that the United States government would like to see them do.

HARRIS: Thank you.

Secretary Kelly, included in the president's budget is a provision that says, quote, "the secretary of homeland security may condition a grant or cooperative agreement awarded by the Department of Homeland Security to a state or political subdivision of a state for a purpose related to immigration, national security, law enforcement or preventing, preparing for or protecting against or responding to acts of terrorism."

Specifically, the budget authorizes the secretary to condition grants on compliance with any lawful request by DHS to detain an alien for a period not to exceed 48 hours. Are you familiar with that?

KELLY: I'm fairly familiar with it, yes.

HARRIS: I'm sorry?

KELLY: Fairly familiar with it, yes.

HARRIS: Grants that are subject to new conditions would include the urban area security initiative, a DHS grant that provided California last year with $124 million to help urban areas prevent, mitigate and respond to acts of terrorism. This grant supports more than 100 incorporated jurisdictions in 12 counties in the Bay Area of California alone. It supports them to buy equipment, enhance systems and conduct training so that localities can prevent, mitigate and respond to acts of terrorism.

Are you aware of that?
KELLY: That's a good thing.

HARRIS: Another DHS grant is the State Homeland Security Grant Program that provided California $60.2 million last year to support state, local and tribal efforts to prevent terrorism and to prepare the nation for threats and hazards that pose the greatest risk to security in the United States.

Is that correct?

KELLY: I wish I had the same document I could read from as you do.

HARRIS: Are you familiar with this grant program in your department?

KELLY: I'm familiar with the grant program.

HARRIS: And are you aware that there are a number of federal courts that have imposed civil liability on local governments for complying with ICE detainer orders that were not supported by probable cause?

Can you answer the question?

KELLY: Am I aware of that?

HARRIS: Yes.

KELLY: I am.

HARRIS: And in order, then, to comply with the 48-hour ICE detainer made with no probable cause, wouldn't that force the jurisdiction to choose whether to comply with the federal court ruling or forfeit vital public safety funds that are administered by your department?

KELLY: I'm not a lawyer, but I think that federal law is federal law, as state law is state law. And if, you know, we have a different view of the impact of some of the state rulings. But...

(CROSSTALK)

HARRIS: Well, imagine, sir, if you will, that you were a local law enforcement leader presented with a choice of either complying with federal law that means that you may expose your department in your jurisdiction to civil liability, or forfeiting DHS funds that are designed and intended to help you fight terrorism at a local level. Wouldn't you agree that puts those law enforcement leaders in an -- it's almost a Hobson's choice -- a Hobson's choice? What -- how are they supposed to choose?

KELLY: Well, Senator, had you not cut me off, I would have said the same thing you just said. Probably not as eloquently, but I'd have said the same thing you said. I appreciate the fix they're in. I appreciate that they get their legal advice from the state and locals. And below the radar, we
work with every police and sheriff department in this country to the degree that they can and are comfortable with.

HARRIS: Secretary Kelly, what do you mean "below the radar"? They have two choices, and they are accountable...

(CROSSTALK)

HARRIS: Excuse me, sir.

They are accountable to their jurisdiction, to the bodies that may have appointed or elected them. And they have to make choices. What do you mean "below the radar"?

KELLY: We talk to them on the telephone. And...

HARRIS: And what are you instructing them to do when presented with those two choices?

KELLY: ... and we tell them to whatever they can do within the law, the interpretation, we're willing to work with them. So...

HARRIS: So are you aware that there are local law enforcement...

(CROSSTALK)

KELLY: Let me at least finish once before you interrupt me?

HARRIS: Sir, with all due respect...

KELLY: With all due respect, Senator.

HARRIS: Are you instructing local law enforcement leaders that they can overlook at DHS detainer request so they're not exposed to criminal liability?

KELLY: We talk to them about whatever they're comfortable with, whatever they think they can do within the interpretation of their local attorneys general, as an example, or local lawyers...

HARRIS: So when they're...

(CROSSTALK)

KELLY: Would you let me finish once?

HARRIS: Excuse me? I'm asking the questions.

KELLY: But I'm trying to answer the questions.
HARRIS: When they are -- when they tell you, as I know local police officers -- police chiefs are being told, that it would expose their municipality to civil liability if they comply with the detainer requests, are you telling them that you will not withhold the DHS federal funding that they rely on?

KELLY: OK. Before I start to answer, will you let me finish?

HARRIS: If it's responsive to the question, of course.

KELLY: We talk to them on the phone and tell them whatever they're comfortable with, whatever they can do within the interpretation of their local lawyers or legal advisers, we'll work with them.

HARRIS: So, are you willing to, then, not withhold federal funding when police chiefs tell you that they cannot comply with the detainer request because they've been told by their lawyer that they will expose their jurisdiction or their department to civil liability?

KELLY: I'm willing to work with them in any way I can within the law -- federal and local law. Yeah, whatever they're comfortable with. I don't make threats to people, Senator.

HARRIS: Thank you. And my time...

(CROSSTALK)

JOHNSON: By -- by the way, there's actually a very simple fix for this predicament, and it's a huge predicament. Let's pass a law to give those local law enforcement officials liability protection against those civil suits. there's part of Pat Toomey's sanctuary city law that could clear up this whole difference.

So there's actually a pretty simple fix here, which I would certainly support.

HARRIS: Well, and -- and I would support...

JOHNSON: Senator...

HARRIS: ... any fix that would not withhold funding for local law enforcement to meet the demands that they face around combating terrorism in their local jurisdictions.

JOHNSON: Great. So, this could be a bipartisan solution here. Let's provide that...

(CROSSTALK)

JOHNSON: ... civil -- that civil liability protection against those civil suits so local law enforcement aren't caught between a rock and a hard place, in a very difficult situation. So, let's -- let's work on that together. I'd appreciate that.
I'm sure Secretary Kelly would enjoy working with us on that as well.

Senator Carper?

CARPER: Thanks, Mr. Secretary. Thank you for -- for joining today. It's good to see you.

I -- when I first heard the -- the -- the words "St. Elizabeths," I thought why would we spend that much money on a -- of -- of creating a campus, if you will a home -- a consolidated home for the Department of Homeland Security.

And over time, I became convinced that one of the better -- one of the ways to actually enable the leadership of this department to manage their department and to improve their performance, and frankly improve the morale of the employees is to actually pursue and implement the -- the plan to create this campus.

When Jeh Johnson became the secretary, he had same kind of misgivings that I originally had about the -- the proposal. Could you just take a moment and tell us where you're -- you've had a chance to -- to -- to get a feel for this, and how your department is just so far flung.

KELLY: Right.

CARPER: And what -- what do you think we ought to do? And how does the -- the administration's budget actually take us in that -- in that direction, or not?

KELLY: Well -- well, the Senate -- you know, Senator, that we are -- and I -- I can't count the number of locations around the city, various -- various parts -- every part of Homeland Security is just spread out over all of hell's half-acre here.

To -- to bring all, or most of it, or some of it together over at St. Elizabeths makes a lot of sense, just from the point of view of -- of time management. I mean, first -- and money. We -- we spend a huge amount of money renting, you know, choice downtown real estate here in the city. We could avoid much of that.

I think the -- the -- we would realize, if and when St. Elizabeths opened, billions of dollars of savings over five or 10 years. But the other issue is time management. I mean, it takes me half an hour to get from where I -- my -- I sit most of the time to meet with CBP (ph) or ICE, whatever. And then if -- obviously, you know, half an hour to get back.

Sometimes I do that two, three times a day. It kills either my time management or their time management. I do the best I can not to inconvenience the people that work for me. But it would be an advantage to be more or less in one place.

St. Elizabeths seems to be the -- the locale. And over -- but frankly, as I looked -- as I've gotten smart on that particular location, there are some -- some worker issues that we -- we need to sort out, and we can do that in terms of transportation, access to Metro, that kind of thing.
But overall, it would be a -- a cost savings, as well as a time savings, if we were to consolidate much of the headquarters effort in one location, St. Elizabeths.

CARPER: There are -- there are two pieces of funding. One is for GSA and the other is for the Department of Homeland Security. I think one is for infrastructure and one is for -- if you go (ph) for a fit-out.

And one of them is -- I think the GSA piece is funded in the '18 budget. The DHS funding is -- is not there. So, I'd like to follow up with you on that, and certainly talk with our appropriators, some of whom are on this committee, I believe.

KELLY: Yes, sir.

CARPER: I want to go back down to the -- the southern -- the southern border. We see some substantial increases in funding for CBP, for ICE, money for detention centers, money for a wall.

The -- there's also money for what I call force multipliers. And I'm a big believer in force multipliers. I'm not a big believer that -- that we need a 2,000-mile wall.

There are some places where a wall makes sense. But the -- the idea of investing in these force multipliers that are -- have been demonstrated be effective is -- is good.

You and I have talked often about root causes, and the -- the root causes of why the people continue to come from Honduras, Guatemala, El Salvador has -- has lots to do with our insatiable demand for drugs. The drugs are trafficked through those countries. They come to us. We send them money and guns.

And we set up something called the Alliance for Prosperity a couple of years ago. Actually, the - - those three countries set it up, and we came in. And -- and as you know well -- you were there at the creation, to -- to try to emulate what was accomplished -- what's been accomplished in Colombia.

And do you have a -- a sense for how things are going in those three countries with respect to the -- the goals that they set themselves on the Alliance for Prosperity?

KELLY: A -- a great question and -- and, really, a great story. Not perfect, but a great story.

Based on the confidence that the Congress and the previous administration put into the three northern tier countries in helping them out, recognizing that, first and foremost, they have a problem, much of it is generated by -- by our drug -- you know, insatiable appetite for drugs -- that those countries are nearly failed states, much as Colombia was 20 years ago, and isn't today.

So, the miracle can happen. I mean, Colombia did it. And frankly, at the time, Plan Colombia was put together by the United States Congress with a lot of resistance in other places.
And -- and, as you know, I think Senator put some American money -- I think 4 cents on the dollar. But ultimately, there's a miracle that's happened in Colombia. So, when people say it -- tell me it can't happen in Central America, I tell them to look at Colombia.

So, that said, the Alliance for Prosperity, the three countries putting their own money into it, and then through the Congress, the Obama administration, Senator -- Senator -- Vice President Biden was a huge help in this, as -- as you know, got some additional U.S. funding put against it, you know, controlled in -- in the right way.

So, what's happened in -- in Central America since we worked on -- on -- on Alliance for Prosperity? Violence is down. You know, Honduras, El Salvador, Guatemala used to be the three most dangerous countries on the planet -- more dangerous, frankly, than Afghanistan and Iraq was at the time.

They have cut their murder rates by either a third or more. Still horrific, but cut it a third or more, all with human rights in mind, all with the rule of law in mind. They have a long way to go. But their economies are starting to grow. They've gotten their arms around the corruption.

Four or five years ago, when I took SOUTHCOM, everything was going in the wrong direction on Colombia, just -- or -- or in Central America. I just read a report this morning where they've either stabilized, not getting worse, or getting better. That's huge.

I think, you know, in -- in addition to my outreach, back channel communications, in some respects, to the -- the leadership down there through religious organizations and NGOs, so that I don't make it official, but they know where I'm -- I am and where I'm going on these issues, we have also asked them to -- ask their -- their citizens to not waste the money and head north, do not get on that terribly dangerous network that I've described before, stay where they are, because if they come here, this is no longer an illegal-legal-friendly environment. It is a very legal (ph) alien.

And, as the senator knows, 1.1 million people a year. But it is no longer a friendly environment for illegal aliens. Don't waste your money. Don't go on the dangerous network.

What we're doing, we've put together, frankly -- the DHS has been the energy behind it, although it's not my job. We've passed it off to the State Department.

So next week, in Miami, we're bringing together as cosponsors of -- of a conference on the northern countries -- northern tier countries -- Mexico -- great country, great partner -- and the United States cosponsoring.

We've got observers coming in. Canada, I think Spain, certainly Costa Rica, Panama, Colombia, maybe Peru, for due day (ph) conference. That conference will be led by the vice president. I'll be there. Senator -- or Secretaries Tillerson as well as home -- Commerce and Treasury will be there.
The point is, the first day, we'll bring together investors to do the best we can to stimulate what's going on in -- in those three countries economically. And then the next day will be security issues, trying to get at the human trafficking and the drug trafficking.

I mean, just last week, I was down in Haiti meeting with the new leadership there on another issue. Suggested that maybe the Haitian president come on board for one of those days, or at least do a cameo-type appearance.

So, what we're trying to do is help them solve their problems at home, economically. We've already helped them solve the security -- not solved -- helped them go in the right direction on security. And with a little luck and a little -- with a little luck, we might actually be able to help them.

But if we don't reduce the drug demand in the United States for heroin, cocaine and methamphetamine, this is all a complete waste of time.

CARPER: Yeah. I may say (ph) to my -- to my colleagues, the secretary said I asked a great question. I thought he gave a great answer. And -- and I think you've made the case for continued support for the Alliance for Prosperity.

Though -- though -- just like in Colombia, the lion's share of the responsibility rests on these three countries. We didn't just say to Colombia, "We're going to come in and solve your problems." We said, "You solve them. You can do it, and we can help."

And we said the same thing with these three countries. And you made the case for one. I'm (ph) delighted to hear about the some (ph) -- I don't believe our schedules allow us to go and participate unfortunately, but my thoughts and prayers will be with you and on your efforts in this regard.

Thanks so much.

JOHNSON: Thanks, Senator Carper.

Just a moment of clarification. You mentioned 2,000 miles. So there's no confusion, this budget is literally requesting 74 miles of fencing, 60 new miles of fencing, 14 replacement in San Diego sector. I was just down there. It's amazing how many holes have been cut into that San Diego wall and been repaired. And the 60 new miles, 32 miles of that is in Rio Grande sector, new wall and 28 is part of a levy system.

So again, just so we're talking about 74 miles over 1,700 to 2,000 mile -- I think that's a pretty reasonable request.

Senator Heitkamp.

HEITKAMP: Thank you, Mr. Chairman. And again, welcome, Mr. Secretary.
Of course you know what my question's going to be. How soon are we going to see the Northern Border Report as mandated by federal law.

KELLY: I'll get back to you today. I don't know but let me take it -- all seriousness. Let me take it for the record. I'm sorry.

HEITKAMP: OK. If -- obviously we had hoped we would see it in June. I think we have some reason to believe it's going to be delayed, but it makes my broader point, which is we need a strategic plan in terms of border security, and one thing that we hear about is fencing, and I've spent a lot of time on the southern border. I believe that barriers can be enormously effective, as they have been in the San Diego area.

But again, we know that most drugs -- at lest the previous administration would tell us that most of the drugs that we're talking about are coming through the points of entry, and not walking across the border in remote locations.

What additional strategies do you have to do additional screenings? Where's the investment in more personnel, more screenings, more technology at the points of entry?

KELLY: (OFF-MIKE)

I'm sorry. In a sense, that's part of the border strategy. There's no doubt -- and I'm a -- I know a lot about this from my last job in particular, but there's no doubt that heroin, methamphetamine and cocaine primarily come through the border in vehicles, primarily. Marijuana is...

HEITKAMP: Yes.

KELLY: ... in some cases humped around through the desert, but for the most part, the three big killers in the United States come in, and what I've -- if we -- if Kevin McAleenan, just a tremendous professional and dedicated -- my hopes is that the Senate confirms him -- and -- but he's already in a role that makes him very, very valuable.

I've asked him to look at the technology after next, in terms of looking into -- looking into vehicles, tractor trailers, things like that to look at the voids as they're called so we can decide which vehicles get searched, broken down, and to increase the number vehicles. The other way to do that -- we already do it in Canada, we're doing it in Mexico, and that is to work across the border, where -- with the Mexicans or the Canadians in terms of facilitating movement of transportation, looking at vehicles before they're locked and sealed on the way north.

So this -- it's a multifaceted approach, but if I could -- and I'll just end with, but if we're trying to do this on our border, we've kind of already lost. The place to take the tonnages out are working with the Mexicans, which we are, to help them locate the heroin, the poppy fields, which they can destroy, working with the Mexicans to identify and we are -- and they are destroying the methamphetamine labs...
HEITKAMP: And just to raise a concern there, we obviously have in the past had pretty good relationships with the country of Mexico. We saw in a regional election, the ruling party coming very close, and in fact not getting a majority. The last thing we need is to not have strong and great relations with the country of Mexico, and so I just ask you and urge you, given your experience in the region, to encourage this administration to look at the entire relationship, whether it's a trade relationship, whether it's a border security relationship or whether it's just respectful talk. That does us no good. I want to just...

KELLY: I work it every day.

HEITKAMP: I want to cover a couple quick points. I have beekeepers who can't get -- I don't know what happened there -- I didn't do it, though.

KELLY: No, you didn't.

HEITKAMP: Secretary, I didn't hurt your shoulder.

I have beekeepers who can't get seasonal workers in, and it just seems like the delays are getting longer and longer for the H-2B visas and the H-2A visas, and seasonal workers can't wait.

How long do you think is a proper timeframe to get an answer on whether we can get workers in the country, and what are you doing to, you know, meet the requirements of the law, but to expedite especially for seasonal A workers.

KELLY: The A workers -- you know, I know we already have large numbers that come in and have been coming in over the years, but looking on the B side -- H-2B, working with labor. This is all about -- in the current administration, this is all about American jobs versus people that come in and do the work.

HEITKAMP: Yes. Except I have doctors who can't get in. You know, if the administration wants to send me beekeepers and doctors, and a whole list of Americans who want those jobs we'll be glad to do that in my state, but we've got to recognize that in the meantime, especially as it relates to physicians, it's extraordinarily difficult to recruit physicians to my state. And we have seasonal workers who we can't -- I mean, obviously we would love to hire locally, but that is becoming increasingly impossible, and so I'll probably submit a question for the record.

Finally, because I'm running out of time and I want to get enough of this in, if you look at local border enforcement, the critical component in states like ours is not just technology, as Senator Hoeven talked about, but it's having a strategy and plan, and that strategy and plan has to involve local law enforcement.

You have Border Patrol in North Dakota that when they are patrolling the border they aren't in (ph) in radio contact with your people back in your points of entry, back where Border Patrol would muster and deploy.
So, we know that we have to have that back-up. One thing that concerns me and it goes to the FEMA grants, it goes to this idea that we can cut grant programs and still provide those services -- Stone Garden's been an enormously successful program. Really concerned about reductions in the commitments to local law enforcements not just for border security, but for safety of the personal who are on the border.

So, I would ask you to play -- please pay close attention to this budget as it relates to working with local law enforcement, local first responders.

They are force multipliers, and without those resources, they're going to have to cut back on resources, and that reduces our readiness. I don't think there's any doubt about it. OK.

KELLY: I will.

HEITKAMP: Thank you, Mr. Secretary.

KELLY: Senator Heitkamp, I would ask you to take a look at my state-based temporary visa program; I think would solve an awful lot of that problem right there.

And just kind of a comment to majority staff, minority staff as well as the secretary, we should really have an alert for witnesses to be prepared to answer questions on the northern border. I think...

(LAUGHTER)

(CROSSTALK)

JOHNSON: Yes, but there's not much of the northern boarder that isn't represented on this committee, so that's always (ph) an issue.

KELLY: That's why I love appearing before this committee.

(LAUGHTER)

JOHNSON: Senator Lankford.

LANKFORD: So, my northern border's Kansas, and we've had our moments but we're getting along just fine.

So, let me talk to you about a couple of other things as well. One is, you and I have spoken, even in fact in the past two weeks about Real ID, and some of the extensions in the process and the decision making on that.

At the time we talked before, I said, hey, the deadline's coming up, June 6th. For that, we were going to try to get back to it quickly. There's been a delay on this. So there's several issues that are pending out there for states like mine and others that are working for the Real ID process.
For those we -- our legislatures past issues with Real ID, working through the implementation and such, that's been fairly automatic that if you're making progress and your working through implementation then those extensions are coming.

It seems to have delayed this time, to literally the very last second, and then we're still waiting to be able to determine what's the decision making factor on that. So help me understand a little bit better so we can take that back.

KELLY: Sure. The first thing I'd say, I had a lengthy meeting earlier this week, yesterday, on this because, actually today was the day that normally I would have made the decision to extend or not.

Now, I think the senator knows the -- I think it's the 22nd of July, before anything would stop.

LANKFORD: Right.

KELLY: So, I have a little bit of time and I've sent my staff back to kind of take a harder look at where -- as you know, most states are either compliant or getting (inaudible) towards compliant. In fact, there's really only one state that is kind of not going to -- I believe, if all the promises are met, will not make it.

But I've asked my folks to go back and start looking at some of the states that are -- that are -- have not been as active as they maybe should have been over the last 12 years to -- to implement.

They've been in contact with these states, the governors, the attorneys general, the -- whoever's in charge of this kind of -- if we have, for the most part, commitments from the states to really get at this issue. But I've asked them to just go back one more time, if need be, talk to the states about -- about the extension of what it means.

Bottom line, in that meeting, they told me, "Secretary, three -- three months ago, we had states that weren't even paying attention to this, that were getting dangerously close to not being able to implement before the deadline.

"They've all got the message," they said, "Mr. Secretary, and with the exception with one state, they are -- they are all in there, doing the right thing, getting close to it."

So my -- my sense is -- I know I will make a decision next week, likely that will extend for six months, until October, and then we'll take a hard look then. But the good news is, with a lot of pushing and shoving and gnashing of teeth, over the last 10 -- 10 years or so, most states are on board, and I believe all but one will be compliant.

LANKFORD: So let me -- let me give you a couple of -- just inside pieces on this. When you talk about -- we've got a little bit of time until, basically, late July, let's say that, at some point, DHS comes out and says, "Nope, that driver's license is not going to be extended." Then that means everyone has to get to a passport, which, in the summertime, takes six weeks minimum...
KELLY: Right.

LANKFORD: ... to be able to do.

Plus you've got to contact people. And let's just start with a military base or a federal courthouse, and to be able to tell everyone coming to a federal courthouse, you're going to have to have something different -- you're going to have to get a passport.

Well, first, you've got to identify who's coming to the federal courthouse, and be able to contact those folks and give them six weeks of leave time to get their paperwork to be able to do it. We're out of time.

Once you get to a June the 6th time period to know that deadline's really coming up, if drivers that are doing deliveries, if people that are refreshing the convenience store in a federal building, if people that are bring groceries into the facility onto a military base, if they've got to all have a - - some sort of other passport or something, that's going to take a long time to be able to get geared up.

So the earlier those waivers can be released, the less anxiety it is in all of those locations. Because all of them are currently spinning up, in each of those states, to try to figure out how we're going to accommodate around this, just to be able to get supplies and equipment brought in, or people coming in to apply for a job, onto a military base as a civilian -- can't even come and do that without an escort to be able to do it, so that -- that will be a big issue.

The hiring process we've talked about before, for CBP -- any progress on that of late? Because we're still talking 460 days for hiring, and the polygraph issues -- have there been any changes since you and I spoke in the last...

(CROSSTALK)

KELLY: Yes, Senator. A couple things, one on the polygraph issue. You know, we'll continue to polygraph, but there are other ways to polygraph.

I didn't realize this, but Kevin McAleenan, who's the designate, hopefully will one day be confirmed for the Directorship of CBP, has told me that there are other techniques, other questions, things like that, that still maintain the -- the vetting process, but are faster.

There are other parts of the federal government, to -- not to -- not to mention the state and local, that have polygraph -- that are a lot less...

LANKFORD: Right. So they've got a fail rate in the 30s...

KELLY: Right.

(CROSSTALK)
LANKFORD: ... so it would be as (ph) in the high 60s.

KELLY: My daughter works for the FBI. She said her polygraph was a fairly pleasant experience. Took an hour and 10 minutes. They asked all the right questions, and she was out of there. By contrast, six, seven hours. So I just, when I came in, said, let's take a look at...

LANKFORD: That -- that could be the first time I've ever heard anyone say that polygraph was a fairly pleasant experience.

KELLY: ... right. Yes.

LANKFORD: So I (ph)...

KELLY: I love it.

LANKFORD: ... yes. So let me ask about the entry-exit program. Is everything still on schedule for that? We've spoken about that before.

KELLY: Well, it's like anything. The -- the entry at the airports are doing well...

(CROSSTALK)

LANKFORD: Right. It's the exit.

KELLY: ... working hard and -- and entry at the ports of entry. But the exit is -- it's not a bridge too far, but it will -- it will take some time, effort -- but we're working toward it.

LANKFORD: So the pilot is on track. I guess what I'm trying to figure out is, by the end of next year, we're trying to implement that as a -- nationwide. Are we on track, at this point, to be able to implement that at airports nationwide? We still have a long way to go on vehicles and -- and other -- other entry-exit points. But...

KELLY: Airports, I think I'm comfortable with saying yes.

LANKFORD: ... OK.

So there -- there was an announcement made by DHS on temporary protected status for Haitians, to extend it for six months, but it basically raised the red flag for them and said, "Hey, this is it." The situation has changed in Haiti that demanded the temporary protected status years ago -- may or may not be there.

What I want to ask you is is this a -- an alert for the Hondurans, for Salvadoreans, for everybody on temporary protected status, that DHS is going to look at the situation that started temporary protected status, and ask if that situation has changed?
KELLY: Senator, it's an alert. But, that said, for whatever reason, once someone goes on this status, they -- traditionally or historically, they just automatically renew it.

LANKFORD: Right.

KELLY: The Central Americans have been on -- some of the Central Americans have been on status over 20 years, and they were put on status because of a hurricane that happened over 20 years ago.

I can tell you that things are going better in Central America, much, much better over the last 20 years, in many ways better. But, no one's ever looked at it. And I think that's something -- we have to do that. It's the law. In Honduras -- not Honduras -- Haiti, seven years ago.

And -- and the program is for a specific event. In -- in Haiti, it was the earthquake. Yes, Haiti had horrible conditions before the earthquake, and those conditions aren't much better after the earthquake. But the earthquake was why TPS was -- was granted and -- and that's how I have to look at it.

Now, that said, and I don't want to get too far out in front here and -- and I certainly wouldn't suggest anything hard to the -- to the Congress, but they're both -- we don't know. Two to four hundred thousand people in the United States are on TPS, vast majority of them behaving themselves, vast majority of them have clearly got jobs and all the rest of it.

They are here more or less legally. A lot of them weren't, but they were given TPS, so I'd make the assumption they're here legally. That may be -- we may think -- you may think that a solution to this would be to look at them and say, "OK, how many of them do we know are here?" and -- and use that against the 1.1 million legal migrants with a -- with a -- with a way towards citizenship. That may be a way to solve it.

I can -- I can look at the Haitian situation, say seven years is a long time, but it's not so long that some of them -- all of them might be able to go back. Twenty years, it's kind of hard. But I'd like to see this solved in another way. But according to the law, I don't have the ability to solve it.

But the word is "temporary," and I -- I think those that have been in my -- in my position over the years have simply automatically extended it. So the six months -- and I was down in Haiti last week, spoke with the leadership.

I said, "During the six months, you, Haiti, need to start thinking about travel documents and how you're going to bring these people," who, by the way, are generally better educated, entrepreneurial, would be, I think, a boost to the Haitian economy in -- in -- in social function.

And by the same token, those that have been allowed to the United States -- to remain in the United States under TPS should start thinking about going back to their homeland unless they -- and if they feel as though -- and I said this in Miami right after the Haitian trip -- many of them, at this point, probably have different immigration status anyway, in the sense that they've
married local men and women or whatever, so they need to go down and get -- consult with an immigration expert to find out if they have status.

But at the end of it, the word is "temporary" unless we change that -- unless you change that -- to "permanent," somehow.

LANKFORD: Got it. Thank you.

Thank you, Mr. Chairman.

JOHNSON: Senator Daines.

DAINES: Thank you, Mr. Chairman.

Secretary Kelly, it's good to see you again.

Montana recently passed a law, and it's been signed by our governor, for Real ID that I think is going to bring us a solution to the dilemma we faced, by the way. We still need an extension to get it put in place.

But we will offer Montanans two IDs. You can get a Real ID- compliant driver's license, or one that's not, and pay a premium for the Real ID-compliant. But I think we have a path going forward.

We'll need an extension just so (ph) we get this system implemented, but the governor has signed the bill. I think we finally have a path forward with the impasse we've had here for, certainly, quite some time.

I got to say something here, Secretary Kelly. This chart you shared, showing the reduction in apprehensions across the southwest border, I think, is one of the most under-told stories in the country at the moment.

To think that we have seen a nearly 70 percent drop in illegal southern border crossings under your first few months of leadership, and it was accomplished by sending a message to the world, and particularly down south, that the United States would enforce its laws.

DAINES: Thank you, as we are a nation of law and not a nation of men, that you have led with President Trump, and I think we need to get this message out more. I -- I've spoken to a lot of my friends and constituents back in Montana, and that message needs to get out. So congratulations.

And as we have seen these horrific attacks in London, there's breaking news now of a crazed man in Notre Dame Cathedral here in the last few hours.

Who knows if it's a terrorist attack or not, but the point is it's -- it's -- it seems like we're 24/7 breaking news with these horrific attacks around the world, we've seen in London our homeland
security will remain our top priority and challenge, and I look forward to continue to work with you to ensure you have the resources to keep our nation safe.

Secretary Kelly, we've discussed the impact of methamphetamines coming from the south of the border on Montana's families. In fact, about one-third of the children in the Montana foster care system are there because of parental meth use. And most of that meth we believe is coming from Mexico.

Recently, Senator Peters joined me in introducing the Child Protection Family Support Act. It's going to help these children. But we also need to continue to fight against the flow of drugs. I know CBP is requesting an additional $2.9 billion. What will this mean for the interdiction of meth at the border?

KELLY: I hate to say this, probably a drop in the bucket -- necessary. And you and I have talked about this, Senator, and made a few comments since this hearing. It's really we've got to take a much more holistic approach to this, demand reduction, rehabilitation. Certainly law enforcement plays a role in the homeland. The southwest border plays a role.

Our partnership with Mexico -- and here I think it gets more and more important. Our partnership with Mexico, to use the example of heroin and meth as you -- as you say. They're cooperative with us. Just recently, within the last 60 days, they destroyed two massive methamphetamine labs.

And by the way, the reason the -- the production of meth has migrated so heavily towards Mexico -- and this is the balloon effect we talk about -- when we do something that's effective, the cartels figure out a way to get around it. And it's a cat and mouse game that never ends. Right now it's the southern border. As I mentioned earlier, tomorrow could be the southern border or containers, depending on how effective we are.

So the United States Congress passed legislation, I don't know, 10 years ago, something like that, and restricted the -- the precursor chemicals, the availability of the precursor chemicals to make meth. Up until that point, meth was made in a million little, you know, places in the United States and tiny little laboratories. And I use the term loosely, there.

We -- we -- two things, we reduced -- the Congress reduced the availability of the precursors, and the cartels, as they have become more and more successful and sophisticated said, "OK, well if the United -- they're (ph) responding to a market, the United States wants to try to kill themselves with methamphetamine, heck, we can do it for them."

And so that's why it's migrated, again, congressional action in terms of restricting the precursors, and then simply the cartels taking it up and marketing it. So that's -- that's primarily, in my view, the solution to the problem.

Working with Mexico, yes, the southwest border for sure, and increasing the amount of take we take there. Yes, you know, internal U.S. law enforcement.
But you know sir, senator, it really is all about demand reduction. We will always have addicts. Studies tell you that you know, there's -- any population, ours included, there's certain people predisposed to being addicted to something. But an awful lot of these people, from my personal experience as a kid, an awful lot of people start doing drugs because it's cool, there's no argument against it, and suddenly they're -- they're hooked on something, fill in the blanks, and they can't get away from it.

We have solved -- not solved, I've appeared in this hearing a year ago, April and talked about this issue of how we have managed to convince people over the years, seatbelts, smoking, a lot of different things. You never get to zero, but we could do a lot better.

The president has -- has got DHS, State, HHS in the lead, ONDCP. So if we could get a comprehensive drug demand strategy put together that just -- it's not law enforcement, it's Hollywood, it's professional sports, college sports, the president of the United States, the Senate, everyone out there, the influencers, we can solve this problem. Or reduce this problem significantly.

But back to your original question, we need the money but it's a holistic thing and it's not just a CBP guy on the border.

DAINES: You know, Senator Portman and I and a couple others were over in Beijing just a couple months ago, working on getting U.S. beef into China was one of our missions. We were talking to North Korea as well. But Senator Portman brought up the issue with the Chinese government to stop the flow of fentanyl and carfentanil, which you can buy on the dark web. Oftentimes it comes out of China. So I -- this holistic approach is certainly the right approach, and I'll continue to work with you on that.

I want to shift gears -- we're running out of time -- and talk cyber. As the budget request, reflects cyber is a national priority. The request has increased, and (inaudible) the protection programs directorate will help meet the current cyber threats, but we need to also stay ahead of these emerging threats that we see everywhere.

Back in February, in fact, they introduced a bill, Support for Rapid Innovation Act, which provided the science and technology directorate, direction and authority to leverage limited resources within the -- with the private sector and academia to research and develop the next generation cyber-protection capabilities.

Despite the proposed cuts, Secretary Kelly, how will the S&T continue to support cyber R&D in fiscal '18?

KELLY: Sir, first of all, I'd like to just say a couple of words about the effort right now. On the morning that the -- the malware was unleashed on -- on Europe, and I went to the White House situation room, and as we watched that worm its way around the world, infecting hundreds of thousands of systems.
And we had FBI, DHS, and -- well, everybody, we had already made -- we, when it first started, we, DHS, had made notification to those private and public entities that we deal with constantly and said, something's up, you know, put the word out, put the alert out.

Other parts, including DHS, started to do the forensics on the thing, what is it, what's it doing, what's it made up of, where'd it come from. And I'm very proud to say that -- that everyone in the room was constantly deferring to, "What's next? What do we do next?" This includes NSA with DHS. Not -- not that DHS professionals did it all, but we were the central focus of it.

And I am very proud to say that -- that through the efforts of my predecessors and the United States Congress and others, that malware came to the United States but was constrained to a handful of systems and contained within those systems. It's as if it never came across the ocean, so to speak, and we helped nations overseas contain it.

That said, we need to get better because the threat is -- is changing, morphing, and this administration, to put it on the back, and certainly my Department of Homeland Security have focused on increasing the protections better than they are now, particularly as we interact, and we do heavily interact, with private entities, Microsoft, people like that. Is it one team, one fight, and can only get better.

DAINES: Thank you, Secretary Kelly. And I just want to thank you again for when the president asked you to serve in this capacity, that you said yes. I'm just grateful for your leadership and -- and the early results you're already seeing because of your leadership. Thank you.

KELLY: Thank you, sir.

JOHNSON: Senator Daines, I've just got a couple of closing questions for Secretary Kelly. First of all, I am concerned about funding for the Coast Guard, I was -- when I'm going through this I've asked staff you know, how much I was hoping Department of Defense made up a fair amount of funding too but they really contributed only about $1.5 billion per year.

So you take a look since 2009, the funding for the coast -- or the budget was about $9.6 billion. Now it's about $10.6 billion. It gained a 10 percent increase, but with the kind of threats we're facing, can you give me any kind of comfort that that's adequate?

KELLY: I can't.

I think the Coast Guard, first of all, is just an amazing organization. I really came into my view when I was in Southern Command. I mean I had seen them sprinkled around the world in the Persian Gulf, places like that, but it really came into my view in Southern Command about how good they are.

You know, obviously they're one of the five military services, small, and in my opinion, in exactly the right place, DHS. But the myriad of missions that they execute and the authorities they have are just -- make them value added to say the least.
But it's not big enough. I mean they're -- the biggest problem with the Coast Guard -- I think, the commandant was sitting right here, he would be pat me on the back. I say we need to recapitalize.

They have, you know, they have brand -- some brand new cutters coming on, national security cutters, valuable, essential, but so much of the Coast Guard is so old that it just limps along, and I think we have a plan. I'd love to add to that plan, but I think we have a plan.

And all of this is not to mention, we've got to, got to, got to get involved in the Arctic more than we are. We have some -- a couple of broken-down old icebreakers. We're looking to buy six -- three heavy, three medium -- to work up there in the northern reaches. We've -- we've got to be up there, not to contest anyone's claims, but to simply work up there. Particularly, as -- as importantly work in terms of the environmental protection of that precious, you know, international asset.

So -- but it's not big enough...

JOHNSON: Well, let's work together with Senator Boozman, his subcommittee. Let's see what we can do on that. Because I'm -- I share your concern.

I -- I was just in Bratislava. And your former -- your predecessor, Secretary Chertoff, was there. Gave a speech, and he -- he talked about the impact that the visa waiver program had when they were able to expand it to some of these nations.

You know, I am highly concerned. I'm also chairman of the European subcommittee of foreign relations, and I'm concerned about destabilizing nature of Russia, their pervasive disinformation propaganda campaign. And if we ignore Central and Southeastern Europe, we have a -- you know, there's a real concern -- those nations don't join the West.

And Secretary Chertoff made a very powerful comment about how that visa waiver program was sort of the -- the stamp that -- that really did solidify the fact that these nations that -- that were granted the visa waiver were going to remain in the West and stay western-facing.

I personally think the visa waiver program enhanced our security. It's not -- you know, there are risks associated with it, but the safeguards put in place to qualify -- it just seems like such a political heavy lift right now.

Secretary Chertoff certainly offered every ounce of help he could have. Can you just kind of comment on -- on your viewpoint of the visa waiver program in expansion? Because, let's face it, every one of those nations wants it.

KELLY: Yes sir, Senator, I'd love to extend it to everybody. You know, we -- we've set the bar very, very high, and, countries that meet that -- that standard, welcome aboard.

There are -- and I share your concern with the -- with the -- with the Eastern European countries. And I've -- as -- as kind of a sidebar comment, when I was in -- working in Mons, Belgium,
years ago, as a colonel, the -- after the wall fell, the enthusiasm of all of those countries -- they --
failing all over themselves, "How do we get into NATO? How do we become observers? How
do we" -- that's been cooled a little bit, for whatever reason. Well, you and I both know the
reason.

So, I think -- anything we can do to expand it. The good news is, there's a lot of countries out
there that are trying to get up to our level of security and satisfy us. And there are some countries
that are close, some countries that are not so close.

JOHNSON: We -- we should kind of review some of those metrics. Are they realistic? You
know, can we -- can we look at those and still maintain the kind of security we're looking for? So
I'd like to work with you. I mean, it's kind of a long-term project.

And just finally, because I think -- I think some people may -- may view this with skepticism.
But I -- I was just assuming, truthfully, that even with this injunction in place, the Department
was to be able to move forward with the vetting process and -- and really reviewing that.

And -- and you've said that -- that, no, that injunction really has inhibited your -- your efforts. I
think the ranking member may want to jump into this.

But can you explain in greater detail how that injunction is hampering your efforts in moving
forward in terms of, you know, how do we properly vet refugees and -- and other people coming
in from those countries?

KELLY: Yes, sir.

Just being as conservative as -- as we can be, so that I (ph) don't -- and -- and frankly, with due
respect to the -- to Congress, I get an awful lot of phone calls, and an awful lot of ugly phone
calls, about how I'm not following some law. I learned very early on, if there's a perception that
we're not executing the law, then -- then a lot of people get agitated and call.

That said, we have moved forward, as I mentioned a -- a little earlier -- the State Department,
some enhanced questions and -- and -- and et cetera in terms of the normal visa process. In my
case, looking very, very hard.

And some of this is -- is, by the way, a cultural change, whether it's my people as CSIS or -- or
the consular people, we -- we are changing the culture -- culture to reflect the reality of -- of
security.

That is to say, rather than the idea being bringing as many refugees as you can to meet some
number set by the last administration, or bring in, you know, as many visas as you can, we
actually, now, are changing the culture to say, "Look, if you want to come to America, you
convince me you are who you are and you're coming here for a period of time, and then you'll go
home, and you won't do anything wrong when you're here."
Or -- you know, in the case of refugees, same thing. Get a -- I -- I know you're a refugee, but you got to prove to me who you are and that you will come to the United States for all the right reasons. And if this -- and then ultimately, if you stay, then you'll assimilate into our society.

So -- but -- but the kind of things I think -- the studies worldwide, and the studies throughout the regions, about what's the best way to do this -- I think I'm restricted in that. But it doesn't mean...

(CROSSTALK)

KELLY: ... we're not thinking about it.

JOHNSON: From my standpoint, I don't want to feel (ph) you constrained. I don't want you restricted.

Maybe -- maybe Senator McCaskill is the same way, and maybe we can, you know, at least lend that support from two U.S. Senators.

MCCASKILL: Yeah, I -- and I've looked briefly at the decisions, Secretary, and I don't -- I don't see -- I know the State Department's moving forward in terms of trying to prepare a report. And so, clearly, their lawyers are not seeing what your lawyers are seeing.

So -- and specifically, in a couple of the orders, it's clear that you're not restricted in terms of moving forward, which -- with -- with what I think your job is, regardless of -- of requests by the executive to pause.

I mean, really, what this appeal is about is whether or not he has the right, under the executive order, to say certain people cannot come here during a period of time that you are preparing underlying policies.

I -- I can't imagine anybody is going to argue with you about the fact that you should be preparing policies that will keep this country safe. And I -- you know, we've now been paused. I mean, there's been plenty of time that was envisioned in the executive orders for those policies to be done.

So, I -- I -- I would love further conversation with your lawyers that are telling you that you can't begin to, you know, give us more clarity about what the extra vetting is going to be.

JOHNSON: So, let -- let's -- let's look on a bipartisan basis, working...

MCCASKILL: Yeah.

JOHNSON: ... with the department, and make sure that they're not restrained so they can move forward...

(CROSSTALK)
MCCASKILL: Yeah. We'd be glad to work with you on that.

KELLY: At the risk of running through too much of a list here, we are doing some things. The examples I would give you is enhanced automated screening by USIS, enhanced interviews, enhanced biometrics integration, enhanced data collection. So, we are doing something.

MCCASKILL: That's great.

KELLY: And I could go on if you want. But there are more things here.

MCCASKILL: Yeah, we can follow up together.

JOHNSON: So, let's -- let's -- let's work together on this...

(CROSSTALK)

KELLY: So we haven't stopped. We're just being very -- as I say, very, very cautious about not getting out in front of the courts that -- you know, I don't (ph) genuflect to them every day.

MCCASKILL: Well, it would -- if you've -- if you've done it, then the -- the whole case is moot.

KELLY: Right.

MCCASKILL: And we could -- you know, the president could move on and tweet about something else.

(LAUGHTER)

JOHNSON: So, again, -- let -- let's -- great committee, bipartisanship -- let's -- let's work together...

(CROSSTALK)

JOHNSON: ... and -- and make sure that you can do your job.

Again, Secretary Kelly, I think, for -- from every member of this committee, thank you for your service. It's -- it's not a job I envy. But thank you for doing it, and to all the members of your staff and -- and the Department.

This hearing record will remain open for 15 days, until June 21st at 5 p.m., for the submission of statements and questions for the record. This hearing's adjourned.

Thanks.

END
## Countries Currently Designated for TPS

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<tr>
<th>Designated Country</th>
<th>Most Recent Designation Date</th>
<th>Current Expiration Date</th>
<th>Current Re-Registration Period</th>
<th>Current Initial Registration Period</th>
<th>Employment Authorization Document (EAD) Automatically Extended Through</th>
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<td>March 9, 2001</td>
<td>March 9, 2018</td>
<td>July 8, 2016 - Sept. 6, 2016</td>
<td>N/A</td>
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<td>N/A</td>
<td>Jan. 18, 2018, but only if you re-register and request a new EAD</td>
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Sorry – Got wrapped up in something else earlier.

David L. Cloe  
Director, Latin America/Caribbean Affairs  
DHS Office of Policy

From: Petyo, Briana  
Sent: Thursday, July 27, 2017 10:48 AM  
To: Cloe, David  
Cc: Batla, Traci  
; St. John, Jillian  

Subject: RE: S1/S2 trips

Thank you! If you had the choice, would you do a South America swing or Central America swing first?

From: Cloe, David  
Sent: Thursday, July 27, 2017 9:59 AM  
To: Petyo, Briana
Friendly reminder that I need the list of prioritized trips for your region by later this morning.

Thanks!

Briana
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<td>Cop: David</td>
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**Sent Date:** 2017/07/27 14:51:54
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<td>CC:</td>
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**Subject:** RE: S1/S2 trips  
**Date:** 2017/07/27 15:06:30  
**Priority:** Normal  
**Type:** Note

Yup. Just wanted your rec to include when discussing with Nealon
It's with A/AS PRM Henshaw, A/DIR USCIS McCament and PDAS Merten – now that I think about it, Eric may not be a good candidate because of the level of people calling in. Correct?

Thank you,

Starr
DHS Headquarters, Office of Policy (desk)

Who's the meeting with again? Fo?

Francis isn't able to cover – how about Eric Johnson?

Thank you,

Starr
DHS Headquarters, Office of Policy (desk)
From: Petyo, Briana
Sent: Thursday, April 27, 2017 8:04 AM
To: Lewis, Starr (CTR)
Subject: Re: Pre-Brief on Haiti TPS

Makes sense. Ask Francis to cover

From: Lewis, Starr (CTR)
Sent: Thursday, April 27, 2017 08:02 AM Eastern Standard Time
To: Petyo, Briana
Subject: Pre-Brief on Haiti TPS

Hi Briana,

Mr. Dougherty will be in the sedan on a touch point call with CBP & ICE from 11-11:45, would it be possible to see if Francis Cissna could dial into the Haiti TPS 11:45 pre-brief?

Thank you,
Starr

Starr Lewis
Executive Assistant
Border, Immigration & Trade
DHS Headquarters - Office of Policy

cid:880222112@17032010-2B38

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I’ll ask for them to provide Mr. Dougherty with back-brief this afternoon – there really isn’t any time prior to the actual call tomorrow.

Thank you,

Starr
DHS Headquarters, Office of Policy

From: Petyo, Briana
Sent: Thursday, April 27, 2017 8:49 AM
To: Lewis, Starr (CTR)
Subject: Re: Pre-Brief on Haiti TPS

Yeah beyond Francis we don’t have anyone who could take. Can it be rescheduled?
The Honorable Rex Tillerson
Secretary of State
Washington, DC 20520

Dear Mr. Secretary:
From: David L. Cloe
Director, Latin America/Caribbean Affairs
DHS Office of Policy

To: David, Kathryn E
Prelogar, Brandon B

Cc: King, Matthew
Dougherty, Michael
Cuevas, Lequann
Petyo, Briana
Nealson, James

Subject: Call with Haitian Ambassador on TPS

Sent: Tuesday, July 18, 2017 12:53 PM

David,

DHS-001-659-000983
Kathryn

**Kathryn Anderson**  
Deputy Chief, International and Humanitarian Affairs Division  
Office of Policy and Strategy, U.S. Citizenship and Immigration Services  
Department of Homeland Security

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<th>Cuevas, Lequann &lt;b&gt;(6)</th>
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**Sent Date:** 2017/07/18 13:24:27
E - I can fill you in. The below release was put together w input from policy and Gene.

We don't normally clear all press releases through the front office.

From: Neumann, Elizabeth
Sent: Tuesday, May 30, 2017 5:10:03 PM
To: Chang, Aaron; Hamilton, Gene; Peto, Briana
Cc: Lapan, David; Hoffman, Jonathan
Subject: RE: SECRETARY KELLY'S UPCOMING TRIP TO HAITI

Gene and I are in mtg with S1 - foreign Delegation.

Adding Jonathan and Dave.

I did not see the release before it was sent. Not sure why the topic was added. Think this may be an error.

Dave / Jonathan - help on where your info came from?

From: Chang, Aaron
Sent: Tuesday, May 30, 2017 5:05:22 PM
To: Neumann, Elizabeth; Hamilton, Gene; Peto, Briana
Subject: FW: SECRETARY KELLY'S UPCOMING TRIP TO HAITI

Alcon,
Aaron Chang
Director of Scheduling and Advance and Chief of Protocol
U.S. Department of Homeland Security

From: Hall, Lydia S (Port-Au-Prince) [mailto:]
Sent: Tuesday, May 30, 2017 4:25 PM
To: Chang, Aaron
Subject: FW: SECRETARY KELLY’S UPCOMING TRIP TO HAITI

Hi Aaron,

(b)(5)
Press Release

May 30, 2017
Contact: DHS Press Office, (202) 282-8010

SECRETARY KELLY’S UPCOMING TRIP TO HAITI

WASHINGTON – On Wednesday, May 31, Secretary of Homeland Security John Kelly will travel to Haiti where he will meet with President Jovenel Moïse and other senior government officials to discuss international cooperation and issues related to repatriation, as well as efforts to build Haiti’s maritime law enforcement capacity, and to encourage cooperation between the Dominican Republic and Haiti’s nascent border security unit.

###
DHS-001-659-000988

Unsubscribe

Office of Public Affairs · 202-282-8010 · mediaquery@hq.dhs.gov

Sender: Hoffman, Jonathan [b](6)
[b](6)

Recipient: "Neumann, Elizabeth" [b](6)
[b](6);
"Chang, Aaron" [b](6)
[b](6);
"Hamilton, Gene" [b](6)
[b](6);
"Peto, Briana" [b](6)
[b](6);
"Japa, David" [b](6)
[b](6)

Sent Date: 2017/05/30 17:24:06
Page 2 of 2

Withheld pursuant to exemption
(R)(5)

of the Freedom of Information and Privacy Act
Yes. Thanks

From: [REDACTED]
Sent: Friday, June 23, 2017 11:33 AM
To: Petyo, Briana
Subject: FW: FOIA Records Search Request 2017-HQFO-00783; SUSPENSE June 06, 2017

Hello Briana,

Meant to check with you after the response below does this mean PLCY 's response is complete?

Just checking as if so I will close out the search tasker.

Thx,

[REDACTED]
Government Information Specialist
Privacy Office
U.S. Department of Homeland Security
Main: 1.866.431.0486
Fax: (202) 343-4011
Visit our FOIA website
Great thx!

Government Information Specialist
Privacy Office
U.S. Department of Homeland Security
Main: 1.866.431.0486
Direct:
Fax: (202) 343-4011
Visit our FOIA website
Briana –

Making sure this is on your radar. Please see message below and advise if a response is necessary.

Best regards,

Social Science Analyst
Office of Policy, Executive Secretariat
U.S. Department of Homeland Security

From: Pley Exec Sec
Sent: Wednesday, May 31, 2017 11:03 AM
To: Petyo, Briana
Cc: Pley Exec Sec

Subject: [for your guidance] [Handle as Appropriate] WF #1144344 - Marc J. Cohen, Ph.D. re: Writes regarding Haiti and requests meeting with Secretary Kelly while Secretary visits Haiti.

Briana –
Based on [b](6) message below, please let PLCY Exec Sec know if PLCY is in a position to respond to this letter, if this falls to another Component, or if no response is necessary.

Best regards,

Grant Blanton
Social Science Analyst
Office of Policy, Executive Secretariat
U.S. Department of Homeland Security

From: Cloe, David
Sent: Wednesday, May 31, 2017 10:58 AM
To: Pley Exec Sec [b](6) Giska, Sara [b](6)
Cc: PLCY-BIT Tasking [b](6)
Subject: RE: [Handle as Appropriate] WF #1144344 - Marc J. Cohen, Ph.D. re: Writes regarding Haiti and requests meeting with Secretary Kelly while Secretary visits Haiti.

[b](6) - The letter consists of a series of recommendations for S1 tied to his visit to Haiti, which occurs today. The underlying theme is that S1 should continue extending TPS for the Haitians who qualify.

Normally I would say we should not respond if for no other reason that the trip is settled and S1 won’t be able to do any of the things recommended in the letter.

However, I am aware that S1 has met with/spoken to a fair number of people who support TPS extension(s) for Haiti, although Policy played no part in those conversations. But with those interactions in mind, and the extensive list of individuals/organizations at the bottom of the letter, it’s possible S1 has been in contact with some of these organizations. And – he may want to reach out to this group following his trip and report on what he said and did, depending on a number of factors.

David L. Cloe
DHS Office of Policy for Latin America/Caribbean

From: Pley Exec Sec
Sent: Wednesday, May 31, 2017 9:54 AM
To: Americas [b](6)
Cc: Pley Exec Sec <b>(6)

PLCY-BIT Tasking <PLCY-

Subject: [Handle as Appropriate] WF #1144344 - Marc J. Cohen, Ph.D. re: Writes regarding Haiti and requests meeting with Secretary Kelly while Secretary visits Haiti.

Good morning BIT/Americas,

Please review the attached incoming correspondence and advise **by 3pm today (5/31)** if a response is necessary.

Best regards,

Social Science Analyst
Office of Policy, Executive Secretariat
U.S. Department of Homeland Security

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Sent Date: 2017/06/02 15:48:12
I think what we should do is draft a letter that says thank you for your thoughtful input, my trip was short so difficult to meet and see all the places etc etc but I want to highlight x, y, and z I talked about with the President, UN etc and that can basically be cribbed from the read out of the meetings.
Here’s my take...

- Meeting should be short – no more than 15-20 minutes.
- We highly recommend the meeting take place at VPOTUS’ hotel, either in the evening on the 15th, or morning on the 16th. We do not recommend it occur at SOUTHCOM, even on the margins of the PSCA conference.
- If I’m reading Elizabeth’s comments correctly, the main reason S1 offered to set-up the meeting with VPOTUS was to reinforce what S1 told the Haitian President (Moise) during his visit to the island on May 31st, namely...
  - DHS has the responsibility for deciding whether or not a country qualifies for TPS, no one else.
  - TPS is meant to be a temporary measure, not a permanent parole policy. We’ve recently ended TPS for a couple of African countries, based on the fact that the threat from the zika virus in those countries had passed.
  - S1 decided to extend TPS for qualifying Haitians for six months because he recognizes the administration of President Moise has only been in office for a few months, and wants to support the new president’s plans to entice Haitians living abroad to return the island, using their skills and capital to invest in Haiti and help create jobs.
    - Important to note that conditions in Haiti have improved recently, and the UN has decided to downgrade their presence on the island as a result of this improvement.
  - S1 has strongly encouraged Haitian officials to begin planning now for the return of Haitians who currently reside in the U.S. with temporary protected status.
  - DHS is willing to support our counterpart agencies in Haiti, to include the Haitian Coast Guard and a nascent border security force within the National Police. Other elements with the U.S. Government, from USAID to SOUTHCOM, are also willing to help improve security, governance, and prosperity on the island.
- So those would be the general points that S1 would emphasize, and want Vice President Pence to stress as well.

David L. Cloe
DHS Office of Policy for Latin America/Caribbean
From: Petyo, Briana  
Sent: Tuesday, June 6, 2017 6:08 PM  
To: Cloe, David  
Cc: King, Matthew; Batla, Traci  
Subject: RE: Follow up from S1’s trip to Haiti

E asked me to send our thoughts tonight. They are going to talk to VPOTUS early tomorrow so I think we just need to tell them the scope of what it is I think and then she wants to offer to hand it off to their folks.

From: Cloe, David  
Sent: Tuesday, June 6, 2017 5:42 PM  
To: Petyo, Briana  
Cc: King, Matthew; Batla, Traci  
Subject: FW: Follow up from S1’s trip to Haiti

FYSA...

David L. Cloe  
DHS Office of Policy for Latin America/Caribbean

From: Neumann, Elizabeth  
Sent: Tuesday, June 6, 2017 5:41 PM  
To: Hall, Lydia S (Port-Au-Prince); Hamilton, Gene  
Cc: Chang, Aaron; Cloe, David; Shukan, Brian  
W (Port-au-Prince); Merten, Kenneth H  
Subject: RE: Follow up from S1’s trip to Haiti

Hi Lydia,

Thank you for your email and letting us know that President Moise is planning on coming to Miami for the Chamber of Commerce conference on the 16th. We are going to speak with VPOTUS’ staff tomorrow to make the request for the meeting on the 15th. I believe they are still working on their schedule for that day – so timing may be in flux. We will provide an update tomorrow and begin working the details.

Secure email – you can reach both Gene and me at the following email addresses:

Please put to our attention in the subject and first line of the email.

Best Regards,

Elizabeth

Elizabeth Neumann  
Deputy Chief of Staff
Hi All –

Thanks again for making last week’s visit such a success.

During the visit, S1 offered to President Moïse that if he were to come to Miami on the 15th, S1 would help arrange meetings for Moïse with VPOTUS and other cabinet level officials.

Moïse’s Chief of Staff just called me to say that Moïse is intending to take S1 up on the offer and will arrive in Miami on the 15th. He wanted to know how to go about setting up these meetings. Do you have any advice on how to proceed?

Lastly, I have drafted a cable on the S1 visit on the high side. Could I ask you to send me your classified emails so I can send to you for clearance?

Many thanks as always.

Best,
Lydia

Lydia S. Hall
Political Officer | U.S. Embassy Port-au-Prince
(mobile)

SBU
This email is UNCLASSIFIED.
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<td>&quot;king, Matthew&quot;</td>
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<td>&quot;baha, Traci&quot;</td>
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| Sent Date | 2017/06/06 19:20:21 |
| Deliver Date | 2017/06/06 19:20:22 |
This guy looooves to reach out to FO. They are asking us to make sure it all happens.
Guessing that's us connecting with Lydia and Aaron since they don't want it to be formal,
not a lot of people, nothing beyond TPS

From: Neumann, Elizabeth

Sent: Monday, June 12, 2017 2:09:20 PM

To: Petyo, Briana

Cc: Chang, Aaron

Subject: FW: Status of meeting between Vice-President Pence and Haiti's President

Briana,

Please facilitate next steps.
From: Neumann, Elizabeth  

Sent: Monday, June 12, 2017 1:54:02 PM  

To: Paul Altidor  

Subject: RE: Status of meeting between Vice-President Pence and Haiti's President  

Ambassador Altidor,  

Thank you for your email and call this morning. And thank you for your patience as we worked the details of the meeting. We are currently working for the meeting between Vice President Pence, President Moise, and Secretary Kelly to be on Thursday, June 15, at 4:15 pm at the Florida International University. The precise location on campus is being determined. We will provide more information soon - but wanted to get this to you asap as I know you are working travel arrangements for the President's trip.  

Best Regards,  

Elizabeth  

Elizabeth Neumann  

Deputy Chief of Staff  

U.S. Department of Homeland Security
From: Paul Altidor

Sent: Friday, June 09, 2017 6:10:05 PM

To: Neumann, Elizabeth

Subject: Status of meeting between Vice-President Pence and Haiti's President

Ms. Neumann:

This is Paul Altidor, the Haitian Ambassador of Haiti to the United States. I am reaching out to inquire about the status of the possible meeting between Vice-President Pence and Haiti’s President. Secretary John Kelly, during his most recent trip to Haiti, had offered to assist in arranging a meeting between President Moïse and Vice-President Pence in Miami next week.

I understand that you are working on it. Can you please provide me with some info on the status of this potential meeting as we are finalizing President Moïse's agenda for his upcoming trip to Miami? Is there a firm confirmation that the meeting will take place. If yes, what is the tentative date?

I thank you and look forward to hearing from you.

Please feel free to call me. I can be reached at [blank]

Regards,

Ambassador Altidor

Sent from my iPhone
Phew! Thank you!!!!

Matthew H. King
Deputy Assistant Secretary
Office of International Engagement
U.S. Department of Homeland Security

From: Petyo, Briana
Sent: Thursday, June 01, 2017 3:53 PM
To: King, Matthew; Cloe, David; Batla, Traci
Subject: RE: S1 invited Haitian President Moise to the conference

Were all good. I just got off phone with E. He is not invited to our Conference. This is tied to the Chamber conference and a possible separate introduction with VPOTUS. She’s also giving a heads up to State FO.

From: King, Matthew
Sent: Thursday, June 01, 2017 2:28 PM
To: Cloe, David; Batla, Traci
Cc: Petyo, Briana
Subject: RE: S1 invited Haitian President Moise to the conference

Matthew H. King
Deputy Assistant Secretary
Office of International Engagement
U.S. Department of Homeland Security
Of note, HACCOF = Haitian American Chamber of Commerce of Florida.

David L. Cloe
DHS Office of Policy for Latin America/Caribbean

Matthew H. King
Deputy Assistant Secretary
Office of International Engagement
U.S. Department of Homeland Security

Is this for real?
Official - SBU
UNCLASSIFIED
Official - SBU
UNCLASSIFIED

From: Sigmon, Eric B
Sent: Thursday, June 01, 2017 1:24 PM
To: Jacobson, Donald E; Perrin, Roy A; WHA-CEN Strategy Team
Subject: S1 invited Haitian President Moise to the conference

FYI - I am asking Traci if she’s aware this happened

Eric B. Sigmon
WHA/CEN

Official
UNCLASSIFIED

From: Bowers, Allyson M
Sent: Thursday, June 01, 2017 12:59 PM
To: Sigmon, Eric B
Subject: FW: Readout on Kelly Visit

FYSA – DHS Secretary Kelly visited Haiti for about 4 hours yesterday. During his meeting with Haitian President Jovenel Moise (referred to as “JM” below), Kelly invited Moise to the June Central American Economic Development Conference. And reportedly Moise said he will plan to attend.

This email is UNCLASSIFIED.

From: Brokenshire, Kent C
Sent: Thursday, June 01, 2017 11:45 AM
To: Haiti Office Collective
Subject: Readout on Kelly Visit

Colleagues:

Please see below Chargé Shukan’s notes on the Kelly visit to Haiti yesterday.

Kent

Official - SBU
UNCLASSIFIED
From: Shukan, Brian W (Port-au-Prince)
Sent: Thursday, June 01, 2017 11:35 AM
To: Brokenshire, Kent C
Subject: RE: Any Readout on Kelly Visit

Below are some notes from the Kelly-Moise bilat. Lydia is also working on a cable.
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BREAKFAST MEETING WITH SENATOR MARCO RUBIO (R-FL)
DATE TBD