

# Wishing for Disaster

## Even Humanitarian Temporary Protections Suffer Under Anti-Immigration Fury

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WASHINGTON -- Who says that the millions of foreign nationals working in this country illegally don't have options to normalize their immigration status? For one, they can hope that comprehensive immigration reform will be resurrected sometime after the inauguration of a new president in 2009. Or perhaps they can hope for hurricanes, earthquakes or strife to change their fortunes -- for the better.

The reason is a normalization procedure in current immigration law known as Temporary Protected Status. Under TPS, the federal government can grant a temporary work permit to foreign nationals, even if they are here illegally, should their homelands be hit with conflict or natural disaster.

Since the program's inception in 1990, nationals from 16 countries have received Temporary Protected Status. Salvadorans represent the biggest group of beneficiaries -- about 230,000 -- and were granted the status after two earthquakes in 2001 killed more than 1,100 people and caused more than \$3 billion in damages. Then come Hondurans (78,000) and Nicaraguans (4,000) who were granted TPS after Hurricane Mitch devastated their countries in 1998. Others covered by TPS include immigrants from Liberia, Somalia, Sudan and Burundi.

But TPS doesn't always apply across the board. Some of the deadliest natural disasters in recent years, including the 2004 Indian Ocean tsunami that killed more than 200,000 people in 12 nations, the 2005 earthquake in Pakistan that killed 80,000 and tropical storms and hurricanes that killed or displaced thousands in Haiti and Guatemala, did not lead to protected status for immigrants from those countries.

In each case, the Bush administration rejected requests -- either from the countries affected or by members of Congress -- to apply the immigration status provision. In fact, there have been no new designations under TPS for more than six years.

As Guatemalan Ambassador Guillermo Castillo told me this week, the reason is simple -- "the political impetus in this country no longer exists" for TPS. Castillo said he was told last year by administration officials that Guatemala's request was being denied because it might have adversely affected immigration reform legislation being debated at the time. Today it is clear that just like comprehensive reform, even a humanitarian immigration measure for a relatively small number of people is falling victim to anti-illegal-immigration forces.

Critics of Temporary Protected Status say that despite its name, the measure is not temporary and that once beneficiaries receive it, they are given extensions indefinitely. This week, TPS for Salvadorans was extended for 18 more months; in May, it was extended for Hondurans and Nicaraguans.

In a letter last month to Homeland Security Secretary Michael Chertoff, Rep. Tom Tancredo of Colorado, a Republican presidential candidate, called TPS "a tool to provide amnesty on a temporary installment plan."

Tancredo is concerned now that 3,500 Liberians will be granted another extension by the end of next month, when their TPS is set to expire. If Tancredo has his way, the Liberians, who initially received protected status in 1991 and whose country is only now recovering from a 14-year civil war, will see their status changed from legal to illegal overnight. Tancredo demanded that Chertoff "hold firm."

TPS critics do have a point -- 16 years, as in the case of the Liberians, is not exactly temporary. What's more, a system that keeps people guessing about their legal status for 16 years is cruel. Those under TPS are also in a legal limbo that does not give them a chance to become permanent residents, no matter how long and how much they've contributed to their host country.

Even so, this is all the opportunity thousands of immigrants have at becoming legal and they are deeply grateful for it. Now they may also be the last lucky few, simply because their home countries were hit by disaster at the right political time.

The U.S. immigration system is not only broken but absurd. So when the rational minds in this city, of which there should still be some, begin thinking again about the need to handle this mess, they should at least realize that there is one class of workers -- workers who have been legal for years, have been vetted several times, have paid taxes, have been contributing to their home and host countries -- who should be told, once and for all, that they are welcome to stay.