

THE IMPACTS OF TEMPORARY PROTECTED STATUS

HEARING

BEFORE THE

SUBCOMMITTEE ON IMMIGRATION INTEGRITY,
SECURITY, AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

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THE IMPACTS OF TEMPORARY PROTECTED STATUS

Wednesday, December 17, 2025

HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON IMMIGRATION INTEGRITY, SECURITY,
AND ENFORCEMENT

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to notice, at 2 p.m., in Room 2141, Rayburn House Office Building, the Hon. Tom McClintock [Chair of the Subcommittee] presiding.

Members present: Representatives McClintock, Biggs, Tiffany, Roy, Van Drew, Hunt, Grothman, Knott, Onder, Gill, Jayapal, Scanlon, Ross, Garcia, Crockett, and Lofgren.

Mr. MCCLINTOCK. The Subcommittee will come to order. Without objection the Chair is authorized to declare a recess at any time. We welcome everyone to today's hearing on Temporary Protected Status.

I will now recognize myself for an opening statement. The Subcommittee meets today to consider the Temporary Protected Status Program, its abuse by the Biden Administration, its effect on American communities, and what reforms are required to prevent such abuse in the future. Our Nation has just suffered the largest illegal mass migration in history.

Aided abetted and encouraged by the Biden Administration and its allies in Congress. This Subcommittee has documented the cost to our country. Hospitals overrun with illegals demanding care, food pantries, and homeless shelters overwhelmed, classrooms packed with non-English speaking students, rampant child sex, and labor trafficking.

Hundreds of thousands of Americans dead from fentanyl overdoses, suppressed wages for working families, 160 billion dollars in welfare costs to support this population. Worst of all, the introduction of the most violent criminal gangs and cartels in the world into our communities. President Trump reversed these ruinous policies by simply enforcing our existing immigration laws.

Illegal border crossings immediately plunged more than 95 percent. The largest illegal mass migration in history is now followed by the largest legal deportation in history, although it is being ob-

structed by vicious and often violent street mobs incited and encouraged by some of our Democratic colleagues.

One aspect of this nightmare was the abuse of the so called Temporary Protected Status Program under the Biden Administration that proved Ronald Reagan's maxim that there is nothing more permanent on this earth than a temporary government program. TPS was intended to provide temporary residency to aliens who were legally in our country when a disaster befell their own.

An earthquake, a hurricane, and a civil war that temporarily prevented their safe return. It was never intended to encourage illegal entry by aliens fleeing in such conditions. Its nature is in the first word to describe it is "temporary." The law gives the administration broad latitude not only to extend such Temporary Protected Status when circumstances required, but also to withdraw that status when those circumstances change.

Along the way Temporary Protected Status became Permanent Protected Status. For example, such status was extended to citizens in El Salvador after a series of earthquakes in 2001 and never withdrawn. It was extended to citizens of Honduras after Hurricane Mitch struck that country in 1998 and never withdrawn. Even the Democratic witness admits that many TPS beneficiaries have been here ten or even 20 years.

Worst, most of the TPS beneficiaries under Biden did not enter the country legally only to find themselves stranded by unfortunate events, but rather they entered the country illegally to claim such status or were rewarded for their illegal entry by attaining such status. These abuses followed the TPS Program to balloon from roughly 410,000 when Biden took office, to nearly 1.5 million on the day that he left office.

As the number of aliens with TPS skyrocketed, American communities such as Logansport, Indiana, Springfield, Ohio, and Charleroi, Pennsylvania, cried out for help. These American communities struggled as large influxes of these foreign nationals arrived in their neighborhoods, most of whom had entered the country illegally.

These aliens compete with Americans for housing, medical care, education, emergency services, law enforcement services, and other social services. New burdens on communities already strained to the breaking point include linguistic and cultural barriers in schools, forcing American students to learn at the pace of those students who are still learning English.

Alarming numbers of car crashes involving foreign nationals who in many cases do not carry the requisite insurance so that the victim can be made whole. Increased numbers of emergency calls, the reintroduction of diseases previously eradicated from the United States, and much more. We will hear from one of those communities in a few minutes.

The Trump Administration has heeded the cries of the American people. Since taking office, the President has moved to withdraw TPS status for foreign nationals whose conditions no longer warrant such status. In other cases, the Trump Administration has determined that these TPS designations are simply not in our country's national interest.

These findings have terminated designations in all but five of the 17 countries previously designated. The purpose of today's hearing is to hear the real-world impact of these abuses on American towns, and to identify what changes need to be made to ensure that no future President can abuse this program as did Joe Biden. I look forward to hearing from our witnesses.

I now yield to the Ranking Member for her opening statement.

Ms. JAYAPAL. Thank you, Mr. Chair, for holding this hearing on an issue that goes to the core of who we are as a country, Temporary Protected Status, or TPS. I want to recognize that we have a number of people here in the room who hold Temporary Protected Status, I want to welcome you all to this hearing, I am glad you are here, I am glad you are with us.

This program, established by Congress in 1990, provides people who are already in the United States a safe haven when their home countries are devastated by armed conflict, natural disaster, or other extraordinary conditions. TPS is built on the simple idea that we as a country should not force people back to deadly and life-threatening conditions.

This is a principle that has guided both Republican and Democratic Administrations for years. Today, the Trump Administration is dismantling this longstanding commitment. They are ending TPS for countries where conditions are still extraordinarily dangerous, countries like Haiti, Venezuela, and South Sudan.

All of which the Department of State currently lists under level four, do not travel advisories because of the dangerous and unstable conditions there. Let us be honest about what this means, when TPS is terminated for these countries, we are forcing people to return to real and imminent harm.

The actions by Secretary Noem will lead to people's deaths, that goes against everything that this country is supposed to stand for, as well as our own laws, and I am sad to see us go down this path, but I can't say that I am surprised. This is all part of this administration's mass deportation agenda, which is wreaking havoc on this country.

Heavily armed, masked men are terrorizing communities all across America under the guise of immigration enforcement. They are snatching people of all immigration statuses on the street and refusing to even identify themselves. Even U.S. citizens have not been spared. There are too many reports of U.S. citizens being wrongfully detained, and often times with violent force.

Just last week a U.S. citizen in Minnesota was tackled by a masked agent running full speed. He was put in a choke hold and dragged into the agent's vehicle, despite repeatedly telling the agents that he was a U.S. citizen, and that he had proof of citizenship on his phone, he was held for several hours and driven to a facility miles away before finally being released and told to walk back in the snow.

This comes as Homeland Security Investigations has said in court filings that the Trump Administration does not consider REAL IDs to be reliable proof of lawful status. I am not sure how any of us anywhere in the country are supposed to feel safe from being kidnaped and disappeared off the streets. The Trump Administration's relentless attack on TPS is only making things worse.

TPS recipients aren't outsiders in our communities, they live in our neighborhoods, raise their families here, and help keep local economies running. Nearly 600,000 U.S. citizens, including more than 260,000 U.S. citizen children live in households with TPS recipients. TPS has also allowed hundreds of thousands of people to work legally, often in industries that are already experiencing severe labor shortages.

These are folks working in construction, hospitality, food processing, manufacturing, the kinds of jobs that keep our economy running, and that many businesses are struggling to fill. They pay taxes, support local businesses, and contribute billions of dollars to our economy every single year.

In all, TPS holders contribute about 21 billion dollars annually to the U.S. economy, and they pay 5.2 billion dollars in combined Federal, payroll, State, and local taxes. They also contribute about 690 million dollars annually to Social Security. Many TPS holders have lived in the United States for years, often decades, living in 12–18 month renewal increments.

As such, they are among the most frequently vetted immigrants in the country. They have followed our laws, paid their taxes, and demonstrated their commitment to this country. Instead of stripping them of legal status and sending them back to dangerous conditions, we should be providing them with a path to long term stability. This is why when Democrats were in the Majority, we passed H.R. 6, the American Dream and Promise Act on a bipartisan basis I might add, in the 116th and 117th Congress.

That legislation would have provided a path to citizenship for individuals who currently had or were eligible for TPS. The Trump Administration loves to claim that it is only going after the quote "Worst of the worst." We know that this is a lie. Many of my colleagues on the other side of the aisle used to say that they love legal immigration.

They have been silent as this administration has done everything it can to end legal immigration, including decimating TPS, and throwing the lawful status of over a million people into limbo. We should be using our time to work toward an immigration system that is modernized, fair, and in line with the needs of our families and our economy.

Attacking legal immigration is not just morally wrong, it actually makes no sense. Thank you, and I look forward to hearing from our witnesses.

I yield back.

Mr. BIGGS. [Presiding.] The gentlelady yields back. Without objection, all other opening statements will be included in the record.

We will now introduce today's witnesses. We begin with Mr. James Rogers, who is Senior Counsel at America First Legal Foundation, where he litigates in a number of areas including border security, election integrity, parental rights, and administrative and constitutional law.

Before joining America First Legal he served as a Senior Litigation Counsel at the Solicitor General's Office of the Arizona Attorney General's Office, as a foreign service officer at the U.S. Department of State, and as a commercial litigation partner at Osborn Maledon. Mr. Rogers earned his JD from Harvard Law School, and

an LLM in international law from the University of Cambridge, and a BA with honors from Brigham Young University.

Mr. George Fishman is a Senior Legal Fellow at the Center for Immigration Studies. During the first Trump Administration, Mr. Fishman served as Deputy General Counsel for the Department of Homeland Security, and acting Chief Counsel for U.S. Citizenship and Immigration Services. Prior to that Mr. Fishman served for two decades as the Republican Chief Counsel for this Subcommittee, shepherding through Congress countless conservative immigration related pieces of legislation.

He earned a JD from the University of Michigan Law School, and a BA in economics and philosophy from the University of Illinois at Urbana-Champaign. Mr. Fishman, welcome back to the Committee. Mr. James Williams has been the General President of the International Union of Painters and Allied Trades since 2021. Mr. Williams has served in various positions within the organization, including leadership roles, since beginning his career with the union in 1998.

Mr. Larry Celaschi—did I say that right, sir? Has served as Councilman for the Borough of Charleroi, Pennsylvania, for more—did I say that right, Charleroi? Charleroi, Pennsylvania, for more than a decade. In addition to his public service, Mr. Celaschi worked for 20 years as an insurance agent before retiring in 2024.

He is also a college sports announcer, a professional musician, what is your instrument? Drummer, OK, very good, and a DJ. Mr. Celaschi attended California University of Pennsylvania, where he earned a BA in economics. We welcome our witnesses, and we thank each of you for joining us today. I will begin by swearing you in.

Would you please rise and raise your right hand? Do each of you swear or affirm under penalty of perjury that the testimony you are about to give is true and correct to the best of your knowledge, information, and belief, so help you God? Let the record reflect that the witnesses have answered in the affirmative, you may be seated, thank you.

I want you to know that your written testimony has been entered into the record in its entirety. Accordingly, we ask that you summarize your testimony in five minutes. When you are nearing that five minutes, when ten or 15 seconds are left, you are going to hear this, and then when you are done you are going to hear this.

Then at some point we will—I don't know what we will do next, but would ask you to keep it to the 5-minutes if you can, and we encourage you very much. Also, remind you when it is your turn, please turn on your microphones so we can all hear you. Thank you.

We will begin now with Mr. Rogers for five minutes.

STATEMENT OF JAMES ROGERS

Mr. ROGERS. Mr. Chair, Ranking Member Jayapal, and the Members of the Subcommittee, thank you for the invitation to testify. I have been an attorney since 2009, and a significant part of my practice for years has been immigration law and border security. I also bring six years' experience as a foreign service officer, including two years as a consular officer conducting visa interviews, and

two years as an attorney advisor in the State Department's legal office.

TPS was supposed to be a limited humanitarian program for foreign nationals facing armed conflict, natural disasters, or extraordinary emergencies. That humanitarian intent has been twisted into permanent amnesty. The program fails at every measure of its original purpose. It is not temporary, Somalia has held TPS since 1991, longer than some sitting Members of Congress have been alive.

It is not protective, TPS recipients remain decades after the triggering events fade. It is not humanitarian, the evidence shows economic motivations dominate amongst beneficiaries, with TPS serving as cover for economic migration. It is not limited; entire countries receive blanket designations despite localized crises.

It is not lawfully administered, Congress explicitly barred judicial review of TPS determinations, yet courts intervene repeatedly to block lawful terminations. It is not fiscally responsible, TPS recipients like illegal aliens generally are predominantly low skilled, and impose net costs on tax payers.

Now, let me unpack some of those points a little more. First, TPS is a backdoor amnesty mechanism. TPS country designations can only last up to 18 months, after which DHS must decide to extend or terminate. DHS has invented, with no statutory basis, a practice of redesignation.

Whereby it extends eligibility to allow aliens who entered after the original crisis. For Somalia the cutoff moved from 1991–2012, granting amnesty to 21 years' worth of illegal entrants. Haiti's cutoff extended from 2010–2023. This creates direct incentives for illegal immigration.

After Venezuela received TPS in 2021, and was redesignated in 2023, encounters with Venezuelan nationals topped 300,000 each in fiscal years 2023–2024. Since Haiti's 2021 redesignation, CBP encountered roughly half a million Haitians illegally crossing our borders. Each redesignation signals that illegal entry will be eventually rewarded.

UCLA research shows TPS holders average 20 years of residence, with two-thirds having children here. They are not temporary visitors, but permanent settlers.

Second, TPS designations are pretextual and over broad. TPS requires that aliens cannot safely return to their home country because of war, natural disaster, or extraordinary and temporary conditions.

Yet, at the same time the State Department has continued to issue temporary visas to citizens of TPS countries. That is incoherent. Nonimmigrant visa applicants must prove intent to return home. If conditions truly prevent safe return, how can consular officers credibly issue visas? Either conditions are not uniformly dangerous, undermining TPS' rationale, or State Department consular officers are illegally issuing visas.

Designations are also geographically overbroad. El Salvador received TPS for localized earthquakes, yet the designation covered all Salvadorans. The same happened with Haiti's earthquake at Port-au-Prince. The statute permits designating part of a foreign

State, but DHS never uses that authority, resulting in blanket coverage far exceeding humanitarian need.

Third, judges have usurped executive authority. Congress was clear, the statute specifically says there is no judicial review, that is a quote, “No judicial review” of the secretary’s TPS designations or terminations. Courts have repeatedly blocked Trump Administration TPS terminations, including for Haiti, Honduras, Nepal, Nicaragua, and Venezuela.

Demanding extraordinary justification, and scrutinizing terminations for more strictly than extensions. This one way ratchet means that TPS only grows, never contracts.

Fourth, TPS imposes net fiscal costs. TPS recipients like illegal immigrants generally are predominantly low skilled. Research shows the average illegal immigrant creates a lifetime net fiscal drain of 87,000–110,000 per person even accounting for taxes paid.

With 1.3 million TPS recipients, that represents 113–143 billion dollars in total net costs. In conclusion, TPS functions as permanent amnesty that undermines the rule of law, burdens taxpayers, and signals worldwide that illegal entry pays. At minimum Congress should restrict eligibility to legally admitted aliens.

Eliminate the catch all extraordinary conditions category, prohibit redesignations, require that designations be geographically limited, set firm time limits, and prevent courts from blocking lawful terminations. Better yet, abolish TPS entirely. Unless reformed or eliminated, TPS will continue undercutting immigration law, and burdening Americans while providing minimal genuine humanitarian protection. Thank you.

[The prepared statement of Mr. Rogers follows:]



**Testimony of James Rogers
Senior Counsel
America First Legal Foundation**

Before the
House Judiciary Committee,
Subcommittee on Immigration Integrity, Security, and Enforcement

“The Impacts of Temporary Protected Status”

December 17, 2025

Chairman McClintock, Ranking Member Jayapal, and Members of the Subcommittee on Immigration Integrity, Security, and Enforcement: Thank you for the invitation to testify on this critical topic.

My expertise on our country’s immigration system is multi-faceted. From 2015 to 2021, I served our country as a Foreign Service Officer at the Department of State. From 2017 to 2019, I served as a Consular Officer conducting visa interviews in Brazil. I then spent two years—from 2019 to 2021—as an attorney advisor in the Office of the Assistant Legal Advisor for Consular Affairs. Since leaving the State Department and returning to the practice of law, a significant part of my practice has been litigating border security and immigration cases.

In my career, I have seen shocking abuses of our nation’s immigration laws and rampant exploitation of our immigration system. Temporary Protected Status (TPS) is a microcosm that illustrates many of the problems with our current system. Congress adopted the TPS statute intending to create a limited humanitarian program allowing aliens in the United States who are from countries facing armed conflict, natural disaster, or other extraordinary conditions to temporarily remain in the United States. However, it has evolved into a mechanism for circumventing immigration law, imposing fiscal burdens on taxpayers, and granting de facto amnesty to illegal aliens. The program fails every measure of its original purpose:

- It is not temporary: TPS designations persist for decades, with Somalia being under TPS since 1991, which is longer than some members of Congress have been alive.
- It is not protective: Recipients remain in the United States long after the effects of the triggering humanitarian event have faded, putting the lie to claims of the need for protection.
- It is not humanitarian: Economic motivations dominate, with most participants remaining in the United States not because they need humanitarian relief but because they are actually economic migrants who take jobs from American workers and exploit our nation's public benefits programs.
- It is not limited: Entire countries are designated for TPS even though most triggering events are highly localized and do not cause widespread disruptions in the entire country.
- It is not lawfully administered: Congress specifically empowered the Secretary of Homeland Security to "determine[] ... that a foreign state (or part of such foreign state) no longer continues to meet the conditions for [TPS] designation" and to "terminate the designation."¹ Congress further established that "[t]here is no judicial review of any determination of the [Secretary of Homeland Security] with respect to the designation, or termination or extension of a designation, of a foreign state under this subsection."² However, activist judges have violated Constitutional separation of powers and intervened anyway, over and over blocking Secretaries of Homeland Security from exercising their statutory powers to terminate TPS designations.
- It is not fiscally responsible: The low-skilled populations who most take advantage of TPS impose net costs on taxpayers.

I. TPS circumvents immigration law requirements and constitutes a backdoor amnesty of illegal aliens that encourages more illegal immigration.

TPS often operates as a circumvention mechanism that allows foreign nationals to remain indefinitely in the United States despite lacking

¹ 8 U.S.C. § 1254a(b)(3)(B)

² 8 U.S.C. § 1254a(b)(5)(A)

proper immigration status. “Originally, the [TPS] program was intended to provide temporary humanitarian relief from deportation in emergency situations. However, since its inception, TPS has been turned into a back-door amnesty program that shields illegal aliens from deportation for years—regardless of the situation in the aliens’ home countries.”³

The statutory language establishing TPS describes it as providing “temporary”⁴ relief, yet the program has become anything but temporary. The most egregious example is Somalia, which received TPS designation in September 1991⁵ and has maintained that status continuously for more than 34 years. El Salvador has been designated under TPS for over 24 years, since 2001.⁶

The TPS statute only allows a TPS designation to last for a maximum of 18 months, after which DHS must determine whether to extend or terminate the designation.⁷ DHS has frequently abused its authority to extend. When DHS “redesignates” a country for TPS, it has often extended TPS eligibility to additional aliens who entered the United States after the original designation date. However, nothing in the TPS statute authorizes the extension of the TPS eligibility date, which amounts to creating new categories of protected aliens through administrative fiat without congressional authorization. This creates fresh incentives for illegal immigration by signaling that those who successfully evade border security may eventually qualify for work authorization and protection from deportation.

For example, after the January 12, 2010 Haiti earthquake, the original TPS designation for Haiti applied to Haitians who had been “‘continuously physically present’ in the United States since January 21, 2010 and [had] ‘continuously resided’” in the United States since January 12, 2010.⁸ This cutoff date for continuous residence was later extended by a year to January 12, 2011, making eligible those who entered illegally during the

³ FEDERATION FOR AMERICAN IMMIGRATION REFORM, *Temporary Protected Status Exploited as Amnesty* (Feb. 2025), <https://perma.cc/P6EY-UAKE>.

⁴ See 8 U.S.C. § 1254a (using the word “temporary” 34 times)

⁵ *Designation of Nationals of Somalia for Temporary Protected Status*, 56 Fed. Reg. 46,804 (Sep. 16, 1991).

⁶ *Designation of El Salvador Under Temporary Protected Status Program*, 66 Fed. Reg. 14,214 (Mar. 9, 2001).

⁷ 8 U.S.C. § 1254a(b)(2)-(3).

⁸ *Designation of Haiti for Temporary Protected Status*, 75 Fed. Reg. 3,476 (Jan. 21, 2010).

year following the disaster.⁹ In August 2021, Secretary Mayorkas granted a wholly new TPS designation for Haiti based on “a deteriorating political crisis, violence, and a staggering increase in human rights abuses,” which covered Haitians who had “resided in the United States since July 29, 2021.”¹⁰ On January 2023, Secretary Mayorkas extended the date, making eligible for TPS any Haitians “who have been continuously residing in the United States since November 6, 2022,” thereby granting de facto amnesty to more than a years’ worth of illegal aliens from Haiti since the new designation, and more than a decade’s worth since the original designation.¹¹ For Somalia, the cutoff date was moved from September 16, 1991¹² to May 1, 2012¹³—extending the cutoff by nearly 21 years, effectively awarding amnesty to aliens who had illegally entered the United States from Somalia during those 21 years. For Syria, the cutoff advanced from March 29, 2012¹⁴ to January 24, 2024¹⁵—giving amnesty to nearly 12 years’ worth of illegal aliens from Syria. Venezuela received a TPS designation on March 8, 2021, and the 2023 redesignation extended the cutoff date to July 31, 2023,¹⁶ which expanded eligibility to hundreds of thousands of illegal aliens who had arrived in the intervening time.¹⁷

TPS designations and redesignations incentivize illegal border crossings. Extensions of cutoff dates create a powerful incentive for aliens from TPS countries to illegally immigrate to the United States and remain, in

⁹ *Extension and Redesignation of Haiti for Temporary Protected Status*, 76 Fed. Reg. 29,000 (May 19, 2011).

¹⁰ *Designation of Haiti for Temporary Protected Status*, 86 Fed. Reg. 41,863 (Aug. 3, 2021).

¹¹ *Extension and Redesignation of Haiti for Temporary Protected Status*, 88 Fed. Reg. 5,022 (Jan. 26, 2023).

¹² *Designation of Nationals of Somalia for Temporary Protected Status*, 56 Fed. Reg. 46,804 (Sep. 16, 1991).

¹³ *Extension and Redesignation of Somalia for Temporary Protected Status*, 77 Fed. Reg. 25,723 (May 1, 2012).

¹⁴ *Designation of Syrian Arab Republic for Temporary Protected Status*, 77 Fed. Reg. 19,026 (Mar. 29, 2012).

¹⁵ *Extension and Redesignation of Syria for Temporary Protected Status*, 89 Fed. Reg. 5,562 (Jan. 29, 2024).

¹⁶ *Extension and Redesignation of Venezuela for Temporary Protected Status*, 88 Fed. Reg. 68,130 (Oct. 3, 2023).

¹⁷ *Designation of Venezuela for Temporary Protected Status and Implementation of Employment Authorization for Venezuelans Covered by Deferred Enforced Departure*, 86 Fed. Reg. 13,574 (Mar. 9, 2021).

hopes that they will be covered by an eventual date extension. Each extension signals to potential migrants that TPS will never actually end, encouraging additional illegal immigration from designated countries.

The actual numbers demonstrate this. For example, “the consistent abuse of TPS by the Biden administration has encouraged a spike in illegal immigration from Venezuela. Since the country was first designated for TPS protections in March 2021, encounters of Venezuelan nationals have precipitously risen, with both Fiscal Year (FY) 2023 and 2024 encounters topping 300,000.”¹⁸ Similarly, for Haiti: “These constant extensions and redesignations of TPS for Haitians correspond with increased numbers of Haitian nationals attempting to enter the country unlawfully. Since the Biden administration designated Haiti for TPS in August 2021, roughly 500,000 Haitians have been encountered by Customs and Border Protection (CBP) at our borders.”¹⁹

TPS recipients do not act like temporary sojourners. Rather, they demonstrate settlement patterns typical of permanent immigrants. Research from UCLA found that, on average, “TPS holders have resided in the United States for at least 20 years and two-thirds have a U.S-born child.”²⁰ These are not temporary evacuees waiting for conditions to improve so they can return to their home countries. To the contrary, these are permanent settlers using TPS as a substitute for lawful permanent residence.

II. TPS designations are overbroad and often fail to comply with statutory standards.

Its defenders often present TPS as a narrowly tailored emergency tool, but its actual administration reveals deep structural contradictions. TPS is reserved for specific circumstances in which a country is so dangerous or so overwhelmed that its nationals cannot safely return, yet at the same time the United States routinely treats those same countries as safe enough for the routine issuance of temporary U.S. visas to their citizens.

¹⁸ FEDERATION FOR AMERICAN IMMIGRATION REFORM, *Temporary Protected Status Exploited as Amnesty* (Feb. 2025), <https://perma.cc/P6EY-UAKE>.

¹⁹ *Id.*

²⁰ Cecilia Menjivar, *Temporary Protected Status for Central American Immigrants*, UCLA LATINO POLICY & POLITICS INITIATIVE (Aug. 2020), <https://perma.cc/7FFZ-BKZB>.

This tension is compounded by DHS's practice of granting TPS on a blanket, nationwide basis—even when the triggering event was geographically limited and not throughout the country. Moreover, by applying an extra-statutory “redesignation” policy, executive action steadily expands the pool of beneficiaries beyond those actually present when the original crisis occurred, thereby violating the statute and Congressional intent.

A glaring contradiction exposes the pretextual nature of many TPS designations: the U.S. government continues to issue non-immigrant visas to nationals of TPS countries even while claiming conditions are too dangerous for returns. Non-immigrant visa applicants must demonstrate to consular officers that they intend to return to their home country after temporary U.S. travel.²¹ However, a TPS designation requires that “the return of aliens who are nationals of that state ... would pose a serious threat to their personal safety [because of armed conflict],” “the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state [because of natural disaster],” or that “extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.” 8 U.S.C. § 1254a(b)(1).

If conditions truly prevent safe return—the statutory predicate for TPS—how can consular officers simultaneously determine that visa applicants will return home as required? At the same time DHS has been issuing or extending TPS designations, the State Department has been processing visa applications for nationals of the same countries. This suggests either that: (a) conditions are not uniformly dangerous enough to prevent safe return, or (b) the government is knowingly issuing visas to applicants who cannot credibly demonstrate they will return home—a violation of immigration law. Either scenario undermines the rationale for maintaining TPS designations. This administrative incoherence suggests that TPS designations are driven by political considerations rather than objective safety assessments.

While the above contradictions could possibly be explained if TPS designations were narrowly applied, they are not. Instead, designations are overbroad. They apply to all nationals of a country regardless of whether they are from regions actually affected by the precipitating event. When El Salvador received TPS in 2001, it was due to earthquakes that

²¹ 8 U.S.C. § 1184(b); *see also, e.g.*, 8 U.S.C. § 1101(a)(15)(B).

affected specific regions. Yet the designation covered all Salvadorans in the United States, including those whose home regions were unaffected. Similarly, Hurricane Mitch in 1998 prompted TPS for Honduras and Nicaragua, but the hurricane's damage was concentrated in specific areas. The 2010 Haiti earthquake devastated Port-au-Prince but left other regions of the country largely unscathed. Yet TPS covered all Haitians regardless of their area of origin. Genuine localized disasters should not trigger nationwide immigration relief. The statute allows for a TPS designation to cover only "part of [a] foreign state,"²² however, TPS designations have almost universally failed to impose any such limits, resulting in blanket protections that far exceed any conceivable humanitarian need.

This overbreadth creates obvious opportunities for abuse. Nationals who were not affected by the disaster, or who left their country years before the event occurred, receive the same protections as those genuinely displaced. It makes little sense for TPS designations to grant blanket relief without distinguishing between those who are actually threatened and those seeking economic or other opportunity.

Additionally, DHS's practice of "redesignation" has no basis in the statute. The law authorizes the Secretary to "designate" countries and to "extend" designations, but "redesignation"—which makes eligible nationals who arrived after the original designation—appears nowhere in the statutory text. This is executive branch innovation, not congressional authorization. "The notion that the government could, without statutory authority, 're-designate' a country by simply using the original emergency—for the purpose of giving work authorization and protection from deportation to people who were not in the U.S. at the time of the first designation—is outrageous."²³

Furthermore, TPS's primary use by illegal aliens contradicts the original intent of the statute. The legislative context indicates Congress initially intended TPS for persons legally present in the United States who could not return home due to emergencies. The statute does not prohibit illegal aliens from applying, but it appears Congress contemplated protecting tourists, students, and temporary workers—not illegal border crossers.

²² 8 U.S.C. § 1254a(b)(1).

²³ FEDERATION FOR AMERICAN IMMIGRATION REFORM, *Temporary Protected Status Exploited as Amnesty* (Feb. 2025), <https://perma.cc/P6EY-UAKE>.

A country qualifies for a TPS designation in three circumstances: 1) armed conflict; 2) natural disaster; or 3) “extraordinary and temporary conditions in the foreign state.”²⁴ DHS has frequently abused the “extraordinary and temporary conditions” category to confer TPS designations on countries lacking any specific justification. In fact, this category has become an unlimited avenue for the Secretary of Homeland Security to designate countries based on policy preferences rather than statutory criteria.

III. Judicial overreach has usurped executive authority over TPS.

Federal judges have repeatedly blocked DHS attempts to terminate TPS designations, usurping the executive branch’s statutory authority over immigration matters. The Administrative Procedure Act (APA) has become a weapon for preventing TPS termination, regardless of improved country conditions or statutory requirements.

The TPS statute requires the Secretary of Homeland Security to review country conditions “[a]t least 60 days before” expiration of the TPS designation and publish termination or extension determinations in the Federal Register.²⁵ Terminations cannot take effect earlier than 60 days after notice publication. These requirements exist to ensure deliberate, evidence-based decision-making. Furthermore, Congress has specifically commanded that “[t]here is no judicial review of any determination of the [Secretary of Homeland Security] with respect to the designation, or termination or extension of a designation, of a foreign state under this subsection.”²⁶

Yet courts have reviewed the Trump Administration’s TPS determinations anyway, demanding far more than the statute requires for terminations while permitting extensions with minimal scrutiny.

Federal courts have been flooded with lawsuits from immigrant advocacy groups and civil-rights organizations challenging every major Trump-era effort to terminate TPS for specific countries such as Haiti, Honduras, Nepal, Nicaragua, and Venezuela. Notwithstanding the TPS statute’s clear command that there shall be no judicial review of TPS determinations, courts ignore statutory language, granting relief based on

²⁴ 8 U.S.C.A. § 1254a(b)(1).

²⁵ 8 U.S.C. § 1254a(b)(3).

²⁶ 8 U.S.C. § 1254a(b)(5).

litigants' arguments that the Department of Homeland Security's country-conditions reviews and terminations violated the APA.

As a result, TPS terminations announced by the Trump administration have often been stalled for extended periods, with courts requiring do-over reviews and additional explanations that extended status far beyond the original termination dates. In practice, this litigation transformed what the statute describes as a discretionary, time-limited protection into a status that is extremely difficult to unwind once granted, because any attempt to end or narrow TPS now faces immediate challenges alleging procedural defects, inadequate reasoning, or improper motives under the APA and constitutional law.

Courts have imposed stringent procedural requirements that effectively prevent TPS termination. Judges demand extensive evidence that conditions have improved, apply deferential review to designation decisions but strict scrutiny to terminations, and seize upon any procedural irregularity to block implementation. This approach inverts the statutory scheme. TPS was never intended to create permanent expectations. The statute explicitly states that the Secretary "may" grant TPS and that designations last for limited periods. Yet courts now treat long-term extensions as creating vested rights that cannot be disturbed without extraordinary justification.

IV. TPS beneficiaries impose net fiscal burdens on American taxpayers.

TPS beneficiaries impose significant net fiscal burdens because, similar to the trends for illegal aliens in general, they tend to have low levels of education and are usually employed in low-skilled jobs.²⁷ The fiscal impact of TPS thus mirrors that of illegal immigration generally due to the

²⁷ Cecilia Menjivar, *Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants*, CENTER FOR MIGRATION RESEARCH, THE UNIVERSITY OF KANSAS (May 2017), <https://perma.cc/HK8K-GP58> ("The general educational levels for TPS holders are also similar to those of undocumented immigrants; in 2009, 47% of undocumented immigrant adults ages 25-64 had less than a high school education, compared to 8% of U.S.-born residents of the same age"); Jesús Vilero, Brendan Warshauer, and Youran Wu, *550,000 Workers Lose Status by End of 2025: Potential Impact by State and Industry*, PENN WHARTON UNIVERSITY OF PENN.

low educational profile of recipients. Research on illegal immigration—the population from which most TPS recipients are drawn—shows that illegal immigrants “are a net fiscal drain on public budgets” because “[t]hey receive more in benefits from the system than they pay into it.”²⁸

A 2017 study found that, using net-present-value methods, the average illegal immigrant creates a lifetime net fiscal drain on the United States taxpayer of about \$87,000 to \$110,000, depending on whether U.S.-born descendants are included.²⁹ As of March 31, 2025, there were 1.3 million TPS recipients in the United States.³⁰ That means the total net fiscal drain impact of TPS recipients is between \$113.1 billion and \$143 billion. These estimates *include* the fiscal impact of the taxes that TPS beneficiaries pay. This is because even though most of them work, they work in low-paying, low-skill jobs, and are therefore a net drain on the American people.

V. Conclusion

TPS has become a case study in how well-intentioned statutes can be twisted and abused beyond recognition. Rather than offering narrowly tailored, temporary relief in genuine emergencies, it now functions as a rolling, quasi-permanent status that undermines the rule of law, burdens taxpayers, and signals to the world that illegal entry will eventually be rewarded.

Reform is essential. The best solution is for Congress to abolish TPS entirely. At the very least, Congress can and should make the following changes to the TPS statute:

- Restrict TPS eligibility to legally admitted aliens;
- Eliminate the catch-all “extraordinary and temporary conditions” category;
- Explicitly prohibit redesignations;

SYLVANIA BUDGET MODEL (Nov. 19, 2025) <https://perma.cc/EWZ7-BG7U> (“an estimated 38.9% of TPS holders have less than a high school education, the share is only 10.7% among U.S.-born individuals and 24.8% among non-TPS foreign-born groups”).

²⁸ Steven A. Camarota, *The Cost of Illegal Immigration*, NATIONAL AFFAIRS (June 17, 2024) <https://perma.cc/44JR-C6UP>. The 2017 report showed a cost of between \$65,000 to \$82,000. The figures cited here have been adjusted for inflation.

²⁹ Steven A. Camarota, *Deportation vs. the Cost of Letting Illegal Immigrants Stay*, CENTER FOR IMMIGRATION STUDIES (Aug. 2017), <https://perma.cc/H69J-URMG>.

³⁰ JILL H. WILSON, CONG. RSCH. SERV., RS20844, TEMPORARY PROTECTED STATUS AND DEFERRED ENFORCED DEPARTURE (2025).

- Require that designations be limited to specific geographic areas within a county and not made on a country-wide basis;
- Set firm time limits on designations that cannot be renewed; and
- To prevent courts from substituting their policy views for the judgments of politically accountable officials, forbid any district or circuit court from issuing any form of injunctive, declaratory, or vacatur relief related to the Secretary's decisions to designate, redesignate, or terminate TPS for a country.

Unless TPS is abolished, or without these reforms, TPS will continue to undermine our immigration system and burden American taxpayers while providing minimal genuine humanitarian protection.

Mr. BIGGS. Thank you. The Chair now recognizes Mr. Fishman for his five minutes.

STATEMENT OF GEORGE FISHMAN

Mr. FISHMAN. Mr. Biggs, Ranking Member Jayapal, I am honored to have the opportunity to testify before you, the Members of the Subcommittee. Who said you can never go home again? I began working for the Subcommittee in 1995, became Chief Republican Counsel in 1998, and served in that capacity until 2018.

While on the Committee I worked under four extraordinary Chairs, and I worked with extraordinary colleagues, none more so than Andrea Loving. As the Ninth Circuit has explained beginning in 1980, Congress introduced a series of bills to address its concerns with extended voluntary departure.

To provide a more formal and orderly mechanism for group based grants of humanitarian protection, eventually culminating in the 1990 enactment of Temporary Protected Status. Extended voluntary departure is blanket immigration relief for all members of a national group. The former Chair of this Subcommittee, Romano Mazzoli, in 1988 described it as having only the shakiest of legislative foundations without any statutory criteria.

Congress created TPS for three reasons.

First, to provide immigration relief to many thousands of illegal aliens from El Salvador.

Second, in the words of Judiciary Committee Ranking Member, Ranking Republican at the time, Hamilton Fish, because there was then no clear statutory relief available providing temporary protection for reasons unrelated to persecution.

Third, because as Subcommittee Chair at the time Bruce Morrison said,

The Executive Branch had created EVD out of whole cloth, and there ought to be a statutory structure.

At a 1999 hearing of this Subcommittee on this subject, Chair Lamar Smith said,

The question is not whether TPS should be granted, in many instances it should be. The question is whether it is really temporary, and to what extent TPS invites fraud.

That is the lens through which I view TPS. Congressional advocates at the time were careful to emphasize that TPS would be (1) convey a purely temporary status, and (2) require beneficiaries to leave once their country's designation was terminated. House Democrat Whip William Gray said,

We are not asking that they be allowed to live indefinitely in the country.

Chair Mazzoli said,

The aliens must return home unless TPS status is extended.

That beneficiaries will be identified so that when they can safely return home, we can enforce the laws with respect to them.

Representative Joe Moakley said,

I have heard it said that if we enact TPS, the people covered will stay here forever.

Assured people, assured members that I am certain that many if not most dream of the day that they can return to the land

where they were born, and that a substantial majority will return voluntarily, and this bill provides a mechanism to ensure this result. In fact, the Judiciary Committee report criticized EVD in contrast to Temporary Protected Status, because quote,

INS cannot effectuate the deportation of aliens whose EVD status has expired.

At the Subcommittee's 1999 hearing, my colleague Mark Krikorian testified that,

TPS would simply be a lie if it were used as a backdoor to permanent immigration.

Predicted that few if any Hondurans or Nicaraguans currently covered by TPS will ever depart voluntarily or be removed.

These fears were certainly prescient. Last year the Pew Research Center concluded that some TPS beneficiaries have lived in the U.S. for two decades or more. In fact, under the law, periodically following a TPS designation, the DHS shall determine whether the conditions for such designation continue to be met.

If it determines that a country no longer continues to meet the conditions for designation, the DHS shall terminate the designation. Otherwise, the DHS shall extend the designation. The Biden Administration's extension of El Salvador's designation earlier this year demonstrates why a country can remain designated for so long.

The DHS did not believe that present day adverse conditions have to bear any relationship to the original qualifying event such as a quarter century old earthquake. The DHS did believe that nonoptimal climactic conditions were sufficient even with no expectation of change in anyone's lifetime.

In fact, Leon Rodriguez, the Obama Administration's USCIS director said that,

Intervening factors were relevant regardless of whether they had any connection to the event that formed the basis for the original designation.

TPS needs to be reformed, and I thank you for the privilege of testifying.

[The prepared statement of Mr. Fishman follows:]

The Impacts of Temporary Protected Status

Hearing Before the Subcommittee on Immigration Integrity, Security, and Enforcement House Judiciary Committee

**Testimony of George Fishman
Senior Legal Fellow, Center for Immigration Studies**

December 17, 2025

Chairman McClintock and Ranking Member Jayapal, I am honored to have the opportunity to testify before you and the other Members of the Subcommittee today. This is a homecoming for me. I began working on the Subcommittee in 1995, became Chief Republican Counsel in 1998, and served in that capacity until 2018, when I left to serve as a deputy general counsel at the Department of Homeland Security. While on the Committee, I worked for extraordinary public servants. I have wonderful memories of Subcommittee Chairmen/Ranking Members Lamar Smith, George Gekas, John Hostettler, Steve King, Elton Gallegly, Trey Gowdy and Raúl Labrador, and Committee Chairmen/Ranking Members Henry J. Hyde, F. James Sensenbrenner, Jr., Lamar Smith and Bob Goodlatte. And I have wonderful memories of working together with my extraordinary colleague Andrea Loving for many years.

From Extended Voluntary Departure to Temporary Protected Status

As the Ninth Circuit put it, “[b]eginning in 1980, Congress introduced a series of bills to address its concerns with [Extended Voluntary Departure] EVD and to provide a ‘more formal and orderly mechanism’ for group-based grants of humanitarian protection. . . . eventually culminat[ing] in the 1990 enactment of the TPS statute”.¹

¹ *Ramos v. Wolf*, 975 F.3d 872, 879 (9th Cir. 2000) (quoting H.R. Rep. No. 100-627, at 4 (1988)), available at <https://cdn.ca9.uscourts.gov/datastore/opinions/2020/09/14/18-16981.pdf>.

What was EVD? In 1989, the House Judiciary Committee's explained that:

[The Immigration and Naturalization Service] INS has provided, under certain conditions, discretionary relief from deportation so that aliens who have not been legally admitted to the U.S. may remain in this country. . . . Currently, three such discretionary procedures are used by INS to provide relief from deportation. One of the procedures . . . extended voluntary departure (EVD)—has not been formally defined and appears to be evolving. EVD is the only form of relief characterized by INS as specifically and solely for blanket relief for all members of a national group. The discretionary procedures are generally developed and used to provide relief the Administration feels is appropriate but which would not be explicitly available under the statute. Blanket relief from deportation for a national group is not provided under statute.²

The Committee noted that:

The U.S. Government's position is that all EVD decisions require a balance of judgment regarding foreign policy, humanitarian, and immigration concerns (statement of Hon. Elliott Abrams, before Judiciary Subcommittee on Immigration, Refugees and International Law, Apr. 12, 1984). During William French Smith's tenure as Attorney General, he stated, "It is inaccurate . . . to assure that there exists any specific criterion or criteria, such as the occurrence of violence or political instability, by which grants of extended voluntary departure are determined" (letter from Hon. William French Smith to U.S. House of Representatives, July 19, 1983). The Bush Administration's position is that the granting of EVD is a suspension of enforcement of the immigration laws against a particular group of individuals and, thus, is an exercise of the discretion of the Attorney General.³

A year earlier, the Committee explained:

According to INS Commissioner Alan C. Nelson, the authority to grant EVD is based on section 242(b) of the Immigration and Nationality Act. (8 U.S.C. 1252(b)). This section of the law authorizes the Attorney General, in his discretion, to forego the institution of deportation proceedings "in the case of any alien who admits to belonging to a class of aliens who are deportable . . . if such alien voluntarily departs from the United States at his own expense This provision, which constitutes the sole statutory authority upon which EVD is based, clearly does not directly authorize deferring the deportation of an entire nationality of aliens and arguably speaks to the method of deportation (voluntarily versus involuntarily) rather than whether deportation should occur at all.⁴

² H.R. Rep. No. 101-244, Part 1, 7-8 (1989).

³ *Id.* at 8.

⁴ H.R. Rep. No. 100-627, at 7 (1988).

In 1988, Romano Mazzoli (D-Ky.), Chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees, and International Law, set forth on the House floor four main concerns regarding EVD:

[First, EVD] has only the shakiest of legislative foundations, and indeed is arguably outside the scope of current law. Second, the process by which EVD grants are made, extended, or terminated is without guidelines. There exists no statutory criteria to guide the administration in its actions. Third, EVD decisions are neither publicized nor accompanied by an explanation as to why they were made. . . . Fourth, neither statutes nor regulations describe the rights and responsibilities of individuals who are in EVD status. What documents are issued to such individuals? Are they allowed to work in the United States? Can they travel abroad? Are they entitled to welfare benefits? Answers to these and similar questions are difficult, if not impossible, to find.⁵

In 1989, U.S. Representative Bill Richardson (D-N.M.) noted on the House floor that "The United States has suspended the deportation of illegal immigrants from specific countries some 14 times during the past 25 years. In fact, in the last 29 years only 2 months have gone by during which there was not at least one group of aliens in the United States under EVD status."⁶

Congress created Temporary Protected Status (TPS) as part of the Immigration Act of 1990⁷ for three reasons.

The primary reason was apparently to provide immigration relief to illegal aliens from El Salvador. During House floor consideration of the Immigration Act of 1990's conference report, U.S. Representative Bruce Morrison (D-Conn.), author of the House version (H.R. 4300) and Chairman of the House Judiciary Committee's Subcommittee on Immigration, Refugees, and International Law, stated:

⁵ 134 Cong. Rec. 28603 (Oct. 5, 1988), available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1988-pt20/pdf/GPO-CRECB-1988-pt20-1-2.pdf>.

⁶ 135 Cong. Rec. 25837 (Oct. 25, 1989), available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1989-pt18/pdf/GPO-CRECB-1989-pt18-7-1.pdf>.

⁷ Pub. L. No. 101-649, §§ 302-03 of title III (1990), available at <https://www.congress.gov/101/statute/STATUTE-104/STATUTE-104-Pg4978.pdf>.

The House Rules Committee's report on H. Res 484, providing for the consideration of H.R. 4300, made U.S. Representative Joe Moakley's (D-Mass.) amendment adding a new section on "Temporary Protected Status for Nationals of El Salvador, Lebanon, Liberia, and Kuwait, and other Designated Foreign States" self-executing. H.R. Rep. No. 101-786 (1990).

The Conference Report to S. 358, the "Immigration Act of 1990" (the House having inserted the text of H.R. 4300 into S. 358 during House floor consideration of the latter bill) explained that:

The House amendment created a new "temporary protected status" with work authorization for aliens in the U.S. who are nationals of countries subject to armed conflict, natural disaster, or other extraordinary and temporary conditions. It specified that certain nationals of El Salvador, Lebanon, Liberia, and Kuwait be granted temporary protected status for three years. The Senate bill contained no comparable provision.

The Conference substitute provides for the establishment of the House's temporary protected status program, but requires the Attorney General to provide such status only to Salvadorans and only for a period of 18 months.

H.R. Rep. No. 100-955, at 127 (1990).

[T]hanks to the work of the chairman of the Rules Committee [Joe Moakly (D-Mass.)], a battle that he has fought since the early 1980's has been won. Those who fled the violence and death in El Salvador will not be sent home because of temporary protected status that they are given, and beyond that the rules are put in place for [TPS] for other nationals such as the Chinese and the Liberians and the Kuwaitis and the Lebanese who might need this protection now, and other nationalities who might need that protection in the future.”⁸

The second reason was, as Hamilton Fish (R-N.Y.), Ranking Member of the House Judiciary Committee, stated during House floor consideration of TPS legislation (H.R. 45) in 1989, to “fill[] an important gap in our immigration and refugee laws by making temporary protected status available to certain persons who cannot safely return home because of armed conflict, natural disaster, or ‘extraordinary and temporary conditions.’”⁹ As Rep. Fish explained, “[T]here is no clear statutory relief available to the individual who needs temporary protection for reasons unrelated to persecution. . . . The threat to human life posed by war or natural disaster can be as great-or even greater-than the risk to life posed by the threat of persecution.”¹⁰ Rep. Morrison stated during the floor debate on H.R. 45 that “some individuals need to be here temporarily for their own protection, not because they will individually be subject to persecution because they are a member of a particular group, politically, religiously or socially, but because their country is torn by war or because the situation in their country in terms of national disaster requires that protection.”¹¹ Morrison added during House floor consideration of H.R. 4300 that “[t]his provision . . . establishes a standard rule to be applied in future cases in other countries.”¹²

The third reason was, as Rep. Morrison stated during floor consideration of H.R. 45, that the Executive Branch “created [EVD] out of whole cloth”, purportedly as “a matter of prosecutorial discretion”.¹³ He concluded that “[This] is an inadequate basis for this kind of [TPS]. There ought to be a statutory structure. This bill creates that kind of statutory structure.”¹⁴ Rep. Richardson stated elaborated during House floor consideration of H.R. 45:

[One of t]he two strongest arguments in favor of this bill [is] that it is going to establish an orderly, systematic procedure for providing [TPS] . . . because we need to replace the current ad hoc, haphazard regulations and procedures that exist today The current bureaucratic procedure is not only arbitrary but it is so discretionary that aliens currently under temporary stays are never certain that they are truly protected. It is unclear what the aliens’ rights are, how the Justice Department determines what countries merit EVD status or how long they will be able to stay.¹⁵

⁸ 136 Cong. Rec. 36839 (Oct. 27, 1990), available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1990-pt25/pdf/GPO-CRECB-1990-pt25-1-2.pdf>.

⁹ 135 Cong. Rec. 25836 (Oct. 25, 1989).

¹⁰ 135 Cong. Rec. 25837 (Oct. 25, 1989).

¹¹ 135 Cong. Rec. 25844 (Oct. 25, 1989).

¹² 136 Cong. Rec. 27131 (Oct. 2, 1990).

¹³ 135 Cong. Rec. 25844 (Oct. 25, 1989).

¹⁴ *Id.*

¹⁵ 135 Cong. Rec. 25837 (Oct. 25, 1989).

The TPS Promise: Temporary Means Temporary

Advocates for a statutory TPS program were careful to emphasize that it would convey a purely temporary status that would eventually expire, and additionally that once a country's TPS status was terminated, beneficiaries would have to leave the United States. For example, in 1988, Rep. Mazzoli stated during House floor consideration of a TPS bill (H.R. 4379) that “[i]t allows the Attorney General to establish cutoff dates after which the **alien must return home** unless [TPS] status is extended.”¹⁶

In 1989, during House floor consideration of H.R. 45, Rep. Moakley (the bill's author) stated:

I have heard it said that if we enact this bill, the people covered will stay here forever. Well, I don't know about all of you, but I have had long conversations with these exiles from China, Nicaragua, and El Salvador. Over the years, I've come to know these people very well. They are patriots; they love their countries; they cherish their heritage; they value their culture; and they believe in democracy. I am certain that **many, if not most, dreams of the day that they can return to the land where they were born**, with the hope of building a better life. And yes, the United States is a great country, and sure, some people who have come here in fear will hope to remain. But I believe **a substantial majority will return voluntarily and this bill provides a mechanism to ensure this result.**¹⁷

Additionally, during floor debate on H.R. 45:

- Rep. Morrison stated:

[The bill] will create humanitarian relief in an organized and fair way for three nationalities of individuals who are here in the United States and for whom there is no will to send them back, to deport them at this time, but **who are not to be admitted as permanent residents of the United States, but rather to be in this temporary status**, and be identified so that when a decision is made a few years down the road as to whether they can safely return home, we know who they are, we can direct them to return, and **we can enforce the laws with respect to them.**¹⁸
- Rep. Richardson stated that “[T]he bill . . . provide[s] . . . simply temporary protected status under very limited circumstances. The suspension of deportation is not the same as the granting of political asylum, because **the deferral of deportation is only temporary. The bill is not granting . . . aliens permanent resident status.**”¹⁹

¹⁶ 134 Cong. Rec. 28604 (Oct. 5, 1988) (emphasis added), available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1988-pt20/pdf/GPO-CRECB-1988-pt20-1-2.pdf>.

¹⁷ 135 Cong. Rec. 25845 (Oct. 25, 1989) (emphasis added).

¹⁸ 135 Cong. Rec. 25833 (Oct. 25, 1989) (emphasis added).

¹⁹ 135 Cong. Rec. 25837 (Oct. 25, 1989) (emphasis added).

- Rep. Fish stated that “Aliens who register . . . will become more identifiable. This is far better than the present situation where we do not know the identity or whereabouts of hundreds of thousands. **They will be more likely to leave the country if conditions at home improve and their temporary status terminates.**”²⁰

In 1989, the House Judiciary Committee’s report on a TPS bill (H.R. 2929) stated that:

[T]he Committee believe that the current temporary protected status (i.e., EVD) program is seriously flawed and in urgent need of reform. Some of the more glaring deficiencies in the present program [include] . . . **INS cannot effectuate the deportation of aliens whose EVD status has expired**, since it does not monitor those aliens’ whereabouts”.²¹

In 1990, Democrat Whip William Gray III (D-Pa.) stated during House floor consideration of H.R. 4300 that “[W]e are not asking that these people be given permanent resident status in this country. **We are not asking that they be allowed to live indefinitely in this country.** We are simply asking that they be spared detention and deportation until the war in their land subsides.”²²

The TPS Promise: The Extinction of Extended Voluntary Departure

Congress was clear that TPS was replacing the Executive Branch’s use of non-statutory class-based deportation relief/immigration benefit programs – TPS was to be the sole mechanism available. The Immigration Act of 1990 provided that:

Except as otherwise specifically provided, this section shall constitute the exclusive authority of the Attorney General under law to permit aliens who are or may become otherwise deportable or have been paroled into the United States to remain in the United States temporarily because of their particular nationality or region of foreign state of nationality.²³

For years, Congress had been sending this message quite clearly. In 1988, the Judiciary Committee’s report on H.R. 4379 stated that the bill “does not permit the Attorney General to craft a different safe haven program on the basis of any alleged prosecutorial discretion”,²⁴ and Rep. Mazzoli stated during House floor consideration that that bill “removes from the Attorney General his present powers to grant [EVD].”²⁵ And, in 1989, the Judiciary Committee’s report on H.R. 2929 stated that the bill “does not permit the Attorney General to craft a different safe haven

²⁰ 135 Cong. Rec. 25836-37 (Oct. 25, 1989) (emphasis added).

²¹ H.R. Rep. No. 101-245, at 12 (1989) (emphasis added).

²² 136 Cong. Rec. 27130 (Oct. 2, 1990) (emphasis added), available at <https://www.govinfo.gov/content/pkg/GPO-CRECB-1990-pt19/pdf/GPO-CRECB-1990-pt19-2-2.pdf>.

²³ Section 302(a) of Pub. L. No. 101-649 (now found at INA § 244(g) (8 U.S.C § 1254a(g)).

²⁴ H.R. Rep. No. 100-627, at 9 (1988).

²⁵ 134 Cong. Rec. 28604 (Oct. 5, 1988).

program for an entire class of people on the basis of any alleged prosecutorial discretion”²⁶ and Rep. Moakley used exactly the same words during House floor consideration of H.R. 45.²⁷

The TPS Reality: “There Is Nothing as Permanent as a Temporary Refugee”²⁸

At a March 4, 1999, hearing of the House Judiciary Committee’s Subcommittee on Immigration and Claims, Subcommittee Chairman Lamar Smith (R-Texas) stated that “The question is not whether TPS should be granted—in many instances it should be. The question is whether it is really temporary and to what extent TPS invites fraud.”²⁹ And my colleague Mark Krikorian, Executive Director of the Center for Immigration Studies, testified at the hearing that: “The fallout from Hurricane Mitch in Central America is precisely the kind of natural disaster TPS was intended to address. If the up to 90,000 Hondurans who received this status actually go home after their TPS expires, then it may well have served its purpose.”³⁰

At the hearing, Mr. Krikorian bluntly addressed whether they would ever go home:

Temporary protection would simply be a lie if it were used as a back door to permanent immigration or a fig leaf to cover political unwillingness to enforce the law.³¹

[I]f Congress or the Administration consider it advisable to grant an amnesty to illegal aliens from a certain country, simple honesty demands that the amnesty be called by its proper name.³²

He also predicted what the likely outcome of a new TPS program would be:

Experience suggests that the grant of TPS to Hondurans and Nicaraguans is unlikely to be any different [from past grants] and that they probably will end up remaining.³³

Few, if any, Hondurans or Nicaraguans currently covered by TPS will ever depart voluntarily or be removed.³⁴

²⁶ H.R. Rep. No. 101-245 at 14.

²⁷ 135 Cong. Rec. 25847 (Oct. 25, 1989).

²⁸ In 1999, Mark Krikorian testified before the House Judiciary Committee that “[i]t is clear that every previous large grant of temporary status has resulted in amnesty, confirming the truism that there is nothing as permanent as a temporary refugee”. See *Designations of Temporary Protected Status and Fraud in Prior Amnesty Programs: Hearing Before the Subcomm. on Immigration and Claims of the House Comm. on the Judiciary*, 106th Cong. at 69 (1999), available at https://commdocs.house.gov/committees/judiciary/hju59871.000/hju59871_0.HTM.

²⁹ *Id.* at 9.

³⁰ *Id.* at 69.

³¹ *Id.*

³² *Id.* at 77.

³³ *Id.* at 70.

³⁴ *Id.* at 77.

Mr. Krikorian was not the only one with such concerns. In 1987, Assistant Attorney General John Bolton stated in explaining the George H.W. Bush administration's opposition to H.R. 2922 that:

[T]his bill will hamper enforcement of our immigration laws because of the anticipated accumulation of an enormous backlog of cases. We see great difficulty in controlling and enforcing departure of aliens who have received deferred departure relief. It is the experience of the Department of Justice (DOJ) that aliens with EVD maintain residence here and ultimately fail to voluntarily depart, causing substantial increased costs to the government to effect their removal. Although the bill only applies to those aliens in the United States on a specific date, it will be impossible to preclude later entrants who assert a prior entry date, thus hampering our efforts to control illegal entry along the southern borders.³⁵

These fears were certainly prescient. Last year, Mohamad Moslimani, writing for the Pew Research Center, concluded that:

Some current TPS beneficiaries have lived in the U.S. for two decades or more. For example, those from Honduras and Nicaragua have been eligible because of damage from Hurricane Mitch in 1998, provided they have been living in the U.S. since Dec. 30 of that year. And current protections for immigrants from El Salvador apply to those who have lived in the U.S. since Feb. 13, 2001, following a series of earthquakes that killed more than a thousand people and inflicted widespread damage there.³⁶

The Wharton School at the University of Pennsylvania's Penn Wharton Business Model has provided a graphic demonstration.³⁷

³⁵ Letter from John Bolton, Assistant Attorney General, DOJ, to Peter Rodino, Chairman, House Judiciary Committee (Oct. 28, 1987), reproduced in H.R. Rep. No. 100-627 at 10.

³⁶ Mohamad Moslimani, Pew Research Center, *How Temporary Protected Status has Expanded under the Biden Administration*, Mar. 29, 2024, available at <https://www.pewresearch.org/short-reads/2024/03/29/how-temporary-protected-status-has-expanded-under-the-biden-administration/>.

³⁷ Jesús Villero, Brendan Warshauer, and Youran Wu, *550,000 Workers Lose Status by End of 2025: Potential Impact by State and Industry*, The Wharton School of Business, Univ. of Penn., Penn Wharton Business Model, Nov. 19, 2025, available at <https://budgetmodel.wharton.upenn.edu/issues/2025/11/19/demographic-and-labor-market-profile-of-tps-beneficiaries>.

Figure 2. TPS holders by country over time

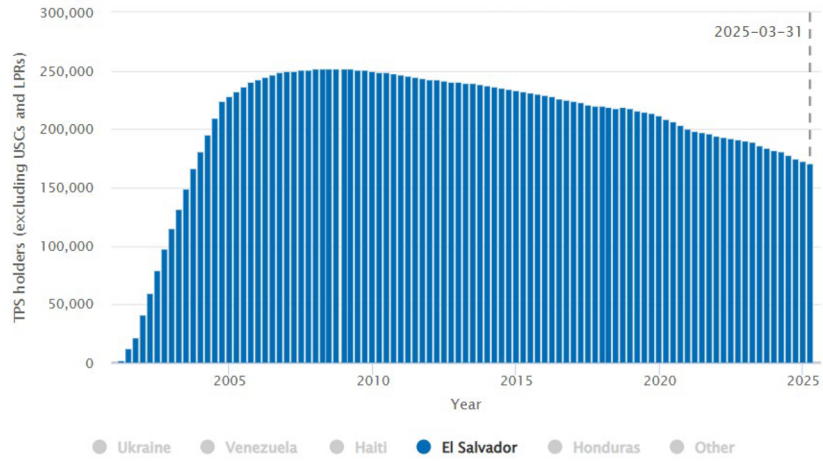
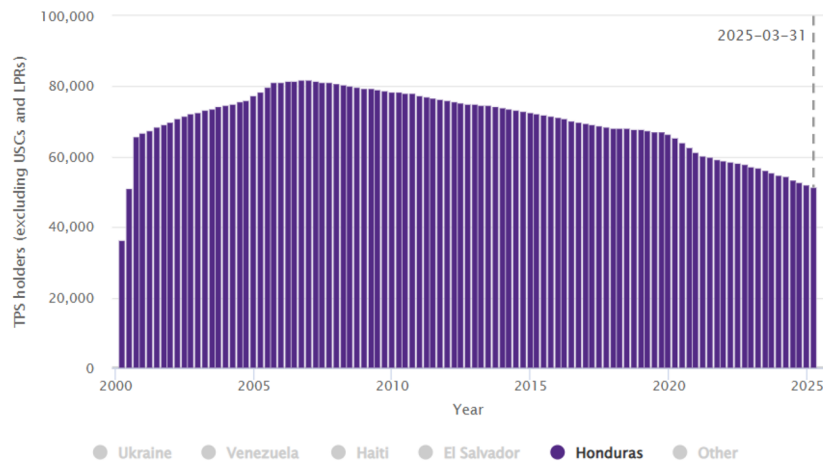


Figure 2. TPS holders by country over time



As to the promised voluntary departure or forced removal of aliens following the termination of their TPS status, an exchange at the Judiciary Committee's 1999 hearing between Chairman Smith and Paul Virtue, the INS's General Counsel, is instructive:

[Rep. Smith] What figures do you have to show how many individuals who received temporary protective status actually voluntarily departed when they were supposed to? . . . voluntarily left when the TPS period, typically 18 months, had expired?

[Mr. Virtue] We have no information on that.

[Rep. Smith] Do you have any information on the number of individuals the INS has sought out and deported after their TPS had expired?

[Mr. Virtue] We don't track our removals on the basis of whether the person had applied for and been granted [TPS].

[Rep. Smith] In other words, you have no idea what happens to the individuals who were granted TPS?... [Y]ou don't know how many leave when they are supposed to, nor do you deport anybody or [have] any record of deporting anybody after the time has lapsed?

[Mr. Virtue] We haven't tracked those removals either in terms of voluntarily removals or required removals in terms of tracking them, relating that to the temporary status.³⁸

I would tend to doubt that DHS would be in a position to give a different answer today.

Elisa Massomino, Director, Lawyers Committee for Human Rights, even went so far as to suggest at the hearing that "The United States should consider building in incentives to encourage return and assist in overcoming the fears and uncertainties that may prevent TPS beneficiaries from returning home. For example, the United States may be able . . . to provide financial assistance to returnees to ease reintegration."³⁹

The Reality: Extended Voluntary Departure/ Deferred Enforced Departure

At the Judiciary Committee's 1999 hearing, Mark Krikorian testified that "[b]efore the existence of the current TPS system, people from a number of countries in Latin America, Eastern Europe, Africa and Southeast Asia were granted [EVD]".⁴⁰ However, when the TPS status of almost 200,000 illegal aliens from El Salvador expired in 1992, "the administration still choose not to deport them and simply reverted to the old practice of EVD, though with the purely cosmetic

³⁸ *Designations of Temporary Protected Status and Fraud in Prior Amnesty Programs* at 52-53.

³⁹ *Id.* at 113 (written statement).

⁴⁰ *Designations of Temporary Protected Status and Fraud in Prior Amnesty Programs* at 68.

change of changing the name of this ad hoc status from [EVD] to deferred enforced departure [DED]”.⁴¹ Three decades later, little has changed despite the availability of TPS. This August, the Congressional Research Service (CRS) noted the Executive Branch’s most recent grants of DED to Liberians (2017), Palestinians (2024), Lebanese (2024), and residents of Hong Kong (2025).⁴²

Despite Congress’s creation of TPS and its command to the contrary in the Immigration Act of 1990, EVD/DED is alive and well.

On What Basis May TPS Be Terminated or Extended?

The TPS statute (§ 244 of the Immigration and Nationality Act (INA)) provides that:⁴³

- Periodic review

At least 60 days before end of the initial period of designation, and any extended period of designation, of a foreign state (or part thereof) under this section **the [Secretary of Homeland Security]**, after consultation with appropriate agencies of the Government, **shall review the conditions in the foreign state** (or part of such foreign state) **for which a designation is in effect . . . and shall determine whether the conditions for such designation . . . continue to be met. . . .**

- Termination of designation

If the [Secretary] determines . . . that a foreign state (or part of such foreign state) **no longer continues to meet the conditions for designation . . . , the [Secretary] shall terminate** the designation

- Extension of designation

If the [Secretary] does not determine . . . that a foreign state (or part of such foreign state) no longer meets the conditions for designation . . . , the period of designation of the foreign state is extended for an additional period of 6 months (or, in the discretion of the Attorney General, a period of 12 or 18 months).

The Biden administration’s extension of El Salvador’s TPS designation earlier this year amply demonstrates why a country can remain designated a quarter century after the event (in this case, an earthquake) that precipitated its initial designation⁴⁴ – 1) DHS did not believe that the adverse

⁴¹ *Id.*

⁴² Jill Wilson, Analyst in Immigration Policy, CRS, *Temporary Protected Status and Deferred Enforced Departure*, at 9 (table 2), Aug. 28, 2025, available at <https://www.congress.gov/crs-products/RS20844>.

⁴³ INA § 244(b)(3) (8 U.S.C. § 1254a(b)(3)) (emphasis added), available at <https://www.govinfo.gov/content/pkg/USCODE-2024-title8/pdf/USCODE-2024-title8-chap12-subchapII-partV-sec1254a.pdf>.

⁴⁴ INA § 244(b)(1) provides that:

conditions in the country had to bear any relation to the original precipitating event, and 2) DHS believed that non-optimal climactic conditions (with no expectation of reversal over a human lifespan) were sufficient to justify an extension. DHS explained that:

[T]he Secretary has determined that an 18-month TPS extension is warranted because the conditions supporting El Salvador's 2001 designation for TPS on the basis of environmental disaster remain.

Geological and weather events, including significant storms and heavy rainfall in 2023 and 2024, have continued to affect El Salvador, including some of the areas most heavily impacted by the 2001 earthquakes. In addition, a significant percentage of El Salvador's population continues to lack access to adequate clean water and lives in conditions similar to those described in previous TPS designations for El Salvador. While progress has been made in repairing physical damage caused by the 2001 earthquakes, subsequent environmental disasters, infrastructure challenges, continued climate risks, a weak macroeconomic environment, and food insecurity underscore that the country conditions underlying the original designation continue to significantly disrupt living conditions in El Salvador.

Environmental Considerations El Salvador continues to experience significant climate and geological events, including in regions that were severely impacted in the 2001 earthquakes. Parts of El Salvador are located in Central America's "Dry Corridor," an area that experiences dangerously long periods of drought alternating with periods of significant rainfall that negatively impact the livelihoods and food security of its inhabitants. The Atlantic hurricane season . . . frequently impacts El Salvador and results in significant flooding as well as the destruction of crops and infrastructure.[] In addition to climate events, El Salvador is prone to significant geological events, such as earthquakes and volcanic eruptions. The United Nations International Organization for Migration reports that the "recurrent shocks are

The [Secretary of Homeland Security], after consultation with appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if—

- (A) the [Secretary] finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;
- (B) the [Secretary] finds that—
 - (i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,
 - (ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and
 - (iii) the foreign state officially has requested designation under this subparagraph;
 or
- (C) the [Secretary] finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

becoming more intense; in the last seven years, storms and hurricanes have increased both in number and destructive force.” In January 2023, Salvadoran authorities reported a series of 219 earthquakes, which caused at least 20 landslides in El Salvador in the span of 24 hours. In June 2024, increased humidity off the Pacific coast of El Salvador led to exceptionally heavy and persistent rainfall, resulting in multiple landslides and flooding. The landslides affected homes and roads, causing 1,542 families (more than 4,000 people) to be evacuated. Among the areas most impacted by heavy rains were regions that were significantly impacted by the 2001 earthquakes While those areas were some of the most heavily affected, there was disastrous flooding throughout the entire country. The rains resulted in volatile conditions causing infrastructure damage and ultimately led to nationwide “red alerts,” warnings issued in response to dangerous weather conditions, and a declaration of a national state of emergency.⁴⁵

Consequently, these “extreme weather events . . . impact [El Salvador’s] ability to meet certain basic needs, like access to water and food, for impacted Salvadorans.”⁴⁶

Clearly, such climatic conditions could be cited in perpetuity as a basis for “Temporary” Protected Status, despite the fact that El Salvador “was initially designated for TPS on the basis of environmental disaster, following two separate massive earthquakes in 2001 that resulted in a substantial disruption of living conditions”.⁴⁷ What of the statutory requirements that the disruption of living conditions be “**temporary**” and that the country be “unable, **temporarily**, to handle adequately the return to the state of aliens who are nationals”?⁴⁸

Further, it is surprising to learn that, according to the United Nations’ World Tourism Organization (UN Tourism) Tourism Statistics Database⁴⁹ and Data Dashboard,⁵⁰ that in 2024, 3,187,000 international tourists visited El Salvador and stayed for at least one night, while there were 3,956,800 total visits (representing a 129% increase over 2016).⁵¹ El Salvador can handle millions of foreign tourists a year but is “still unable to handle adequately the return to the state of aliens who are nationals”?

The meaning of a country “continu[ing] to meet the conditions for designation” is crucial – for if a country does not continue to meet the conditions, the Secretary of Homeland Security **must** terminate its designation during a periodic review. In the case of El Salvador, does it mean that the

⁴⁵ Extension of the Designation of El Salvador for Temporary Protected Status, 90 Fed. Reg. 5953, 5955 (Jan. 17, 2025) (footnotes omitted), available at <https://www.govinfo.gov/content/pkg/FR-2025-01-17/pdf/2025-00626.pdf>.

⁴⁶ *Id.*

⁴⁷ *Id.* at 5954 (footnote omitted).

⁴⁸ See n.52.

⁴⁹ UN Tourism, Tourism Statistics Database, Tourism Statistics -- Inbound Tourism: Arrivals, <https://www.untourism.int/tourism-statistics/tourism-statistics-database> (last visited Dec. 14, 2025).

⁵⁰ UN Tourism, Dashboard, <https://www.untourism.int/tourism-data/un-tourism-tourism-dashboard> (last visited Dec. 14, 2025).

⁵¹ In 2022, 1,494,000 international tourists visited Guatemala and stayed at least one night, while there were 1,844,700 total visits (a 6% decrease from 2016). In 2022, 844,000 international tourists visited Honduras and stayed at least one night, while there were 1,911,000 total visits (equivalent to 2016). In 2022, 817,900 international tourists visited Nicaragua and stayed at least one night, while there were 932,700 total visits (a 45% decrease from 2016). See n.57-58.

2001 earthquake still must be causing substantial, but temporary, disruption of living conditions a quarter century later or does it mean that any subsequent “environmental disaster” can be causing the requisite disruption? Or does it mean whatever the Secretary in her discretion determines that it to mean?

Ramos v. Wolf

In 2000, the Ninth Circuit concluded in *Ramos v. Wolf*⁵² that:

Nothing in the language of the TPS statute requires the Secretary to consider intervening events prior to terminating TPS, or to explain her failure to do so. In fact, the statute is entirely silent as to the specific types of events or factors the Secretary must consider in reaching her TPS determinations. As far as the TPS statute is concerned, the decision whether to consider intervening events when making TPS determinations appears to be fully within the Secretary’s discretion.⁵³

[T]he statute [does not] set forth or define the “conditions in the foreign state” that the Secretary must consider in her periodic review, or how she should weigh these conditions. . . . [T]he Secretary’s discretion to consider and weigh various conditions in a foreign country in reaching her TPS determinations is not only broad, but unreviewable. In other words, the statute not only sets forth very few legal parameters on what the Secretary must consider in designating, extending, or terminating TPS for a foreign country, but also expressly bars judicial review over these determinations.⁵⁴

The court concluded that:

As far as the TPS statute is concerned, the decision whether to consider intervening events when making TPS determinations appears to be fully within the Secretary’s discretion. Thus, even presuming that DHS adopted a new practice of refusing to consider intervening events, as Plaintiffs allege, the TPS statute provides no legal basis to challenge such an action.⁵⁵

The Ninth Circuit noted that:

The district court compared the TPS designation notices issued by prior administrations with the ones issued under the Trump administration, and also relied heavily on testimony and decision memoranda from Leon Rodriguez, a former U.S. Citizenship and Immigration Services (USCIS) director, regarding past policy and practices.

⁵² See n.1.

⁵³ 975 F.3d at 893.

⁵⁴ *Id.* at 891.

⁵⁵ *Id.* at 893.

(fn) Rodriguez stated in a declaration that, both before and during his tenure at USCIS, there was no agency policy or practice that precluded “consideration of the full range of current country conditions” in assessing whether a TPS designation should be terminated or extended. “Rather, USCIS had broad discretion to consider current conditions in the subject country. Intervening factors arising after a country’s original TPS designation, such as subsequent natural disasters, issues of governance, housing, health care, poverty, crime, general security, and other humanitarian considerations were considered relevant to determining whether a country continued to meet the conditions for continuing TPS designation. **This was true regardless of whether those intervening factors had any connection to the event that formed the basis for the original designation or to the country’s recovery from that originating event.**”⁵⁶

The dissent by Judge Morgan Brenda Christen explained that:

The complaint [in the case] alleges that although “no relevant statute or regulation has changed in the intervening decades,” DHS now [during President Trump’s first term] takes the position that intervening events cannot be considered. According to the complaint, the Secretaries adopted a novel interpretation of the TPS statute, and concluded that they lacked the statutory authority to consider intervening events. This change was adopted “without a formal announcement to disclose its rationale for making a dramatic change to a decades-old policy.”⁵⁷

The central allegation in plaintiffs’ [Administrative Procedure Act] APA claim is that DHS arbitrarily changed a practice that had been followed by several administrations.⁵⁸

The complaint unmistakably asserts that “Defendants’ sudden and unexplained departure from decades of consistent interpretation and corresponding practice violates the [APA].”⁵⁹

Judge Christen wrote that “[o]n appeal, the government argues that it did not change its policy, practice, or interpretation of the TPS statute”⁶⁰ but that “[t]he complaint expressly alleges that the agency’s changed practice resulted from the Secretary’s re-interpretation of the TPS statute.”⁶¹

She then pointed out that:

⁵⁶ *Id.* at 884, 884 n.9.

⁵⁷ *Id.* at 908 (footnote omitted).

⁵⁸ *Id.* at 912.

⁵⁹ *Id.* at 914.

⁶⁰ *Id.* at 920.

⁶¹ *Id.* at 914.

The cornerstone of th[e majority's] argument is [its] assumption that the TPS statute grants the Secretary unbridled discretion to decide whether to consider intervening events. But a key allegation in the complaint is that both Secretary Kelly and Secretary Nielsen testified before Congress that the TPS statute did not allow them that discretion. . . . [T]he district court cited additional evidence that strongly suggests Acting Secretary Duke had the same understanding regarding the scope of her statutory authority.⁶²

Indeed, despite Secretary Kelly's testimony that he did not have the discretion to consider intervening events, it is uncontested that he considered them when he extended Haiti's designation in 2017.⁶³

There is no real room for debate that the agency changed its practice. Former Secretary Kelly, former Acting Secretary Duke, and former Secretary Nielsen all said as much. In January 2018, Secretary Nielsen testified before the Senate Judiciary Committee and described the administration's process for making TPS decisions:

- “We did not talk generally about the country conditions, and I want to be very clear on this. The law does not allow me to look at the country conditions of a country, writ large.”
- The TPS statute “requires me to look very specifically as to whether the country conditions originating from the original designation continue to exist.”
- Referring specifically to El Salvador, Secretary Nielsen stated, “[W]e didn't dispute the country conditions are difficult . . . , unfortunately, the law requires me, if I cannot say that the conditions emanating from the earthquakes still exist, regardless of other systemic conditions, I must terminate TPS.”

Secretary Nielsen also testified in April 2018 before the House Appropriations Subcommittee on Homeland Security. . . . stat[ing]:

- “[T]he law really restricts my ability to extend TPS. The law says that if the effects of the originating event, so that's a causation issue, do not continue to exist, then the [S]ecretary of Homeland Security must terminate.”

In 2017, before Elaine Duke became Acting Secretary, Secretary Kelly testified to a similar understanding of the scope of his authority pursuant to the TPS statute, explaining that TPS is granted “for a specific event,” such as the 2010 earthquake in Haiti, and the law required that he look only at whether the original condition

⁶² *Id.* at 914-15.

⁶³ *Id.* at 915 n.7.

warranting the TPS designation had abated. Kelly testified that it was admittedly hard to remove people who had relied on TPS for twenty years, “[b]ut according to the law, I don’t have the ability to solve it.” Later, in an email to then-White House Chief of Staff Kelly, Acting Secretary Duke made clear that she understood the agency’s practice had changed. Acting Secretary Duke wrote that her decision to terminate the TPS designation for Nicaragua reflected “a strong break with past practice” that “will send a clear signal that TPS in general is coming to a close.”⁶⁴

Judge Christen concluded that “the government’s position on appeal is in significant tension with the majority’s view that the statute grants the Secretary unfettered discretion to consider or not consider intervening events”⁶⁵ and that “[t]he district court’s review of the record compellingly supports the plaintiffs’ contention that DHS changed its policy in the way plaintiffs’ complaint describes”.⁶⁶

It seems likely that DHS in President Trump’s first term did change its interpretation of the meaning of “continu[ing] to meet the conditions for designation”. However, I believe DHS’s revised interpretation to be the correct one. It makes absolutely no sense to read the TPS statute as requiring DHS to extend (potentially indefinitely) a country’s TPS designation based on intervening factors “regardless of whether those intervening factors had any connection to the event that formed the basis for the original designation or to the country’s recovery from that originating event” (in the words of Leon Rodriguez).

For, as the Ninth Circuit pointed out in *Ramos*:

[W]hen it comes to designating a country for TPS, the Secretary “may” do so if she finds that the country has been stricken by a natural disaster, armed conflict, or other “extraordinary and temporary conditions in the foreign state.” . . . The word “may” indicates that, even if the Secretary finds one of these three requisite criteria is met, she retains the discretion not to designate a country for TPS. . . . [T]o the extent the TPS statute places constraints on the Secretary’s discretion, it does so in favor of limiting unwarranted designations or extensions of TPS.⁶⁷

The statute provides that “[i]f the [Secretary] does not determine . . . that a foreign state . . . no longer meets the conditions for designation”, then “the period of designation of the foreign state is extended”.⁶⁸ Thus, requiring consideration of intervening factors “regardless of whether [they] had any connection to the event that formed the basis for the original designation or to the country’s recovery from that originating event” in essence means that a Secretary must continue to extend a country’s designation despite the fact that the TPS statute is built around the precept that the Secretary “may designate any foreign state”. Again, this makes no sense. As the Supreme Court concluded in *United States v. Boisdore’s Heirs* back in 1850, “[i]n expounding a statute, we

⁶⁴ *Id.* at 920.

⁶⁵ *Id.* at 921 n.10.

⁶⁶ *Id.* at 923.

⁶⁷ *Id.* at 890-91.

⁶⁸ Emphasis added.

must not be guided by a single sentence or member of a sentence, but look to the provisions of the whole law, and to its object and policy.”⁶⁹

Post-Ramos v. Wolf

As CRS explained, after the Ninth Circuit’s decision in *Ramos*:

[The plaintiffs] filed a petition for rehearing en banc (i.e., a petition requesting review of the panel’s decision by all active judges in the circuit). Subsequently, the Ninth Circuit panel stayed the litigation pending settlement discussions between the parties in light of the Biden Administration’s indication that it would review the TPS designation terminations. After a few years, those settlement efforts reportedly ended without agreement. . . . [O]n February 10, 2023, the Ninth Circuit granted the plaintiffs’ request to rehear the case . . . and vacated the panel’s decision.⁷⁰

Then, on June 13, 2023, DHS “announced the rescission of the prior Administration’s terminations of the [TPS] designations for El Salvador, Honduras, Nepal, and Nicaragua and the extension of TPS for these for countries for 18 months.”⁷¹

Interestingly, it is not clear whether DHS during President Trump’s second term is continuing to (correctly) assert that intervening factors may not be considered in extension decisions. Consider that:

- On November 25, 2025, DHS published a notice in the Federal Register stating that it was terminating TPS for Burma. “Burma continues to face humanitarian challenges due in part to continued military operations against armed resistance and the need for humanitarian assistance . . . [but] there have . . . been improvements in Burma’s governance and stability at the national and local levels” and “[b]ased on the Department’s review, the Secretary has determined that, while certain extraordinary and temporary conditions may remain, such conditions no longer hinder the safe return of aliens who are nationals of Burma to the country.”⁷²
- On November 25, 2025, DHS published a notice in the Federal Register stating that it was terminating TPS for South Sudan. “Based on the Department’s review, the Secretary has determined the situation in South Sudan no longer meets the criteria for an ongoing armed conflict that poses a serious threat to the personal safety of returning South Sudanese

⁶⁹ 49 U.S. 113, 122 (1850), available at <https://supreme.justia.com/cases/federal/us/49/113/>.

⁷⁰ Hillel Smith, Legislative Attorney, CRS, *Legal Sidebar: Termination of Temporary Protected Status for Certain Countries: Recent Litigation Developments*, at 3 (Mar. 8, 2023), available at <https://www.congress.gov/crs-product/LSB10541>; *Ramos v. Wolf*, No. 18-16981, slip op. at 1 (9th Cir. Feb. 10, 2023), available at <https://cdn.ca9.uscourts.gov/datastore/opinions/2023/02/10/18-16981.pdf>.

⁷¹ DHS, *DHS Rescinds Prior Administration’s Termination of Temporary Protected Status Designations for El Salvador, Honduras, Nepal, and Nicaragua*, June 13, 2023, available at <https://www.dhs.gov/archive/news/2023/06/13/dhs-rescinds-prior-administrations-termination-temporary-protected-status>.

⁷² Termination of the Designation of Burma (Myanmar) for Temporary Protected Status, 90 Fed. Reg. 53378, 53379-80 (Nov. 25, 2025), available at <https://www.govinfo.gov/content/pkg/FR-2025-11-25/pdf/2025-21069.pdf>.

nationals” and “regarding the extraordinary and temporary conditions, there have been improvements in South Sudan’s civil safety outlook, which would allow aliens to safely return to the country.”⁷³

- On December 15, 2025, DHS published a notice in the Federal Register stating that it was terminating TPS for Ethiopia. “Based on the Department’s review, the Secretary has determined the situation in Ethiopia no longer meets the criteria for an ongoing armed conflict that poses a serious threat to the personal safety of returning Ethiopian nationals” and “a review of the extraordinary and temporary conditions that gave rise to past designations such as internal displacement, food insecurity, and disease outbreaks are showing signs of improvement which would allow aliens to safely return to the country and live in the regions not affected by the conflict.”⁷⁴

Is DHS abandoning the view that intervening factors cannot be considered? I would certainly hope not.

Vetted or Unvettable?

As most alien beneficiaries of TPS status are illegally present, the question arises as to whether it is at all possible to adequately vet them for criminal and national security concerns. Keep in mind that, as the House Committee on Homeland Security’s 2024 report on H. Res. 863, the impeachment resolution against President Biden’s DHS Secretary Alejandro Mayorkas, stated:

Rodney Scott, Secretary Mayorkas’ first USBP Chief, has explained to Committee staff the limitations involved in “thoroughly” or “rigorously” vetting many foreign nationals:

The Secretary knows that when U.S. Border Patrol agents run those records checks, or ICE [U.S. Immigration and Customs Enforcement] or anybody else, on foreign nationals . . . it is only checking points of entry, well, it is only checking U.S. databases really, but it’s primarily only criminal offenses that have happened in the U.S.

On a limited basis, we will get information from . . . INTERPOL or we’ll have a connectivity to another nation, but we don’t have direct plug-ins to other nations’ criminal databases. And many of the nations these people are coming from, we know for a fact, don’t even have good criminal database records systems to pull from.

And, a lot of times, we have no idea even who the person is. So the fingerprints, that’s valid, but they can make up any name they want.

⁷³ Termination of the Designation of South Sudan for Temporary Protected Status, 90 Fed. Reg. 50484, 50485 (Nov. 6, 2025), available at <https://www.govinfo.gov/content/pkg/FR-2025-11-06/pdf/2025-19800.pdf>.

⁷⁴ Termination of the Designation of Ethiopia for Temporary Protected Status, 90 Fed. Reg. 58028, 58029-30 (Dec. 15, 2025), available at <https://www.govinfo.gov/content/pkg/FR-2025-12-15/pdf/2025-22746.pdf>.

In the perfect world, if an agent has any suspicion, then that agent has the ability to work through the State Department or the consulate's office, go to that country, ask a bunch of more questions. But when you're handling over a thousand arrests a day, let alone 10,000, the agents don't have time to do any of that.

This has all been briefed to . . . Secretary [Mayorkas]. He knows that vetting is a joke. It's literally a check-the-box. It's only people that have been in the U.S., committed a crime, and either left on their own or been deported. And we have no idea what any of these people did anywhere else in the world.⁷⁵

The report also presented testimony by Mr. Scott before the House Judiciary Committee:

When law enforcement officers at any level in the U.S. use a person's biographical and biometric information to run records checks, that freshly collected information is being compared to existing records in specific U.S. agency databases. It is extremely rare for any information about criminal acts committed by a foreign national outside the U.S. to be documented within these U.S. criminal history databases. When Secretary Mayorkas or any U.S. official asserts that aliens are properly vetted, they are really telling you that they checked U.S. databases to see if the alien had any known criminal history inside the U.S. or if the alien had been identified and placed in the Terrorist Screening Database or Data Set.

To ensure there is no confusion here, running records checks on any alien that has not been arrested by U.S. law enforcement in the past or is not currently known by U.S. intelligence is like looking for something on an empty hard drive. There is simply no data to compare it with. The alien could be a saint, or he/she could be a serial killer. There are a few ways to find out more about who the alien really is. One way is to request information from officials in the alien's home nation. At best, that is extremely time consuming and requires U.S. State Dept. support. In many cases this is not even an option due to a lack of diplomatic relations or a lack of capabilities in the other nation. Another way to solicit more information is for a skilled interviewer to conduct an in-depth face-to-face interview in the alien's native language.⁷⁶

⁷⁵ H.R. Rep. No. 118-372, book 1, at 107-08 (2024) (citing H. Comm. on Homeland Sec., Transcribed Interview with Rodney Scott, at 51–52, Jan. 22, 2024), available at <https://www.congress.gov/118/crpt/hrpt372/CRPT-118hrpt372-pt1.pdf>.

⁷⁶ *Id.* at 108 (2025) (citing *Terrorist Entry Through the Southwest Border: Hearing Before the Subcomm. on Immig'r Integrity, Sec., and Enf't of the H. Judiciary Comm.*, 118th Cong. (Sept. 14, 2023)).

Characteristics of TPS Beneficiaries

Penn Wharton Business Model has prepared an estimate of demographic characteristics of alien beneficiaries of TPS status.⁷⁷

Table 3. Demographic characteristics of TPS beneficiaries

	TPS	U.S. born	Foreign-born, non-TPS
Age	44.0	47.0	48.8
Age (standard deviation)	12.6	19.4	16.8
Female (%)	47.2	51.1	51.3
Hispanic (%)	77.8	12.5	44.1
Education: Less than high school (%)	38.9	10.7	24.8
Education: High school (%)	24.3	26.8	22.4
Education: Some college (%)	16.1	29.7	18.9
Education: College (%)	14.0	20.7	18.8
Education: Advanced degree (%)	6.7	12.1	15.0
Years of residence in the U.S.	17.7	N/A	25.1
Years of residence (standard deviation)	12.6	N/A	16.1
Does not speak English or does not do it well (%)	44.3	0.5	25.5

Recommendations

I would recommend that the Committee consider a modification of the TPS statute proposed in 2017 by Raúl Labrador (R-Idaho), then-Chairman of the House Judiciary Committee's Subcommittee on Immigration and Border Security, as part of his "Michael Davis, Jr. and Danny Oliver in Honor of State and Local Law Enforcement Act" (H.R. 2431).⁷⁸ The legislation would have required that Congress sign off on any extensions of TPS extensions by DHS:

⁷⁷ Jesús Villero, Brendan Warshauer, and Youran Wu.

⁷⁸ H.R. 2431, § 608 (115th Cong.), available at <https://www.congress.gov/115/bills/hr2431/BILLS-115hr2431ih.pdf>.

If the Secretary determines . . . that a foreign state . . . continues to meet the condition for designation . . . the Secretary . . . shall submit a recommendation to the Congress to extend the period of designation for not more than 18 months. The Secretary shall set forth the justification for the extension, including the humanitarian concerns, or how the extension otherwise is in the national interest. If, 90 days after the submission of the Secretary's recommendation, the President has not signed into law legislation passed by the House and the Senate extending the designation, the designation shall be terminated . . .

The Committee should also consider proposals to make illegal aliens ineligible for TPS status (thus, limiting such status to temporary visa holders whose authorized period of stay would otherwise expire during adverse events in their home countries). For example, in 2002, U.S. Rep. George Gekas (R-Pa.), Chairman of the House Judiciary Committee's Subcommittee on Immigration, Border Security, and Claims, included such a provision in his "Securing America's Future through Enforcement Reform Act of 2002" (H.R. 5013).⁷⁹

⁷⁹ H.R. 5013, § 901 (107th Cong.), available at <https://www.congress.gov/107/bills/hr5013/BILLS-107hr5013ih.pdf>

Mr. BIGGS. Thank you, Mr. Fishman, thank you. The Chair now recognizes Mr. Williams for his five-minute testimony.

STATEMENT OF JIMMY WILLIAMS, Jr.

Mr. WILLIAMS. Good afternoon, Mr. Biggs, and Ranking Member Jayapal. As stated, my name is Jimmy Williams, I serve as the General President of the International Union of Painters and Allied Trades. I look forward to being able to talk about the positive impact that TPS recipients have had both in our industry, in our union, and in our communities.

Our union is made up of over 140,000 men and women across the United States and Canada, who work largely in the finishing trades industries. I myself am a construction worker by trade, and am a fourth-generation member of my union, a union that was founded by immigrant workers, and our union has always fought hard to make sure that this body looks to find a humane and dignifying path for immigrant workers and the contributions that they have made on our country.

I look forward to talking about the positive impacts that TPS workers have had on our union for well over 30 years. The IUPAT has been at the forefront of fighting for true, comprehensive immigration reform, and we will continue to fight for true, comprehensive immigration reform. As was stated by Ranking Member Jayapal, TPS recipients are the most screened group of immigrants that come to our country.

Every 18 months have to submit to background checks, have to pay fees to this country. Within our union, those that are members of our union pay my salary to represent them like I am here today, and pay your salary in the form of taxes. The contributions that have been made by TPS recipients go well beyond just what they do in the workplace, in their communities as well.

As was stated, they are families, they fought wars, and they have supported this country at every single level. We owe them the respect that they deserve, and our union will continue to fight for them. Within our union we have had numerous, numerous complaints already by our employers, our partners that are worried about where the workforce of tomorrow is going to be.

In the construction industry we are experiencing severe workforce shortages. We are seeing long term investments that have been made into TPS recipients in the form of workforce training that our union alone spends over 125 million dollars a year to train the highest skilled workforce known to man.

When we talk about immigrant workers as low skilled, it can become offensive, because I know the investment that we have made. When you think about what this country is doing to TPS recipients by pulling the rug out while they are contributing to this society, it only will drive people further into the shadows.

Our country cannot look at this issue as just an immigration issue. It is also a labor law issue. I can tell you I served 14 years as my union's organizing director, and I have spoken to the worst of the worst cases of worker misclassification and wage theft when allowed to be used, because this country has yet to adopt labor law reform in my lifetime.

It is impossible for our membership, and for U.S. born construction workers to compete in such a low road economy. With the current administration's plan to strip nearly one million workers of the protections that allow them to work legally in this country, we run the risk of running one more million workers into that shadow economy, which has destroyed working conditions for our members, and for working people here in the United States.

Look, there is also just what is the country we want to live in? Our unions were founded by immigrants, and most unions in this country were. At a time where we actually gave workers more authority, and more power over their economy, I believe that this body's inability to act over the course of the last 40 years on comprehensive immigration reform is what has led us to this point.

It is interesting, you don't hear the President of the United States, and you don't hear counterparts talk about the employers that have abused the system of immigration now to create what is the largest wealth gap since prior to the Great Depression. We cannot have a conversation here today about immigration reform if we don't also include how we treat workers in this country. I thank you.

[The prepared statement of Mr. Williams follows:]

Statement of Jim Williams Jr.
General President
International Union of Painters and Allied Trades

"The Impacts of Temporary Protected Status"
December 17, 2025
United States House of Representatives
House Judiciary Committee
Subcommittee on Immigration Integrity, Security, and Enforcement

Chairman McClintock, Ranking Member Jayapal, and Members of the Subcommittee, my name is Jimmy Williams Jr., and I'm the General President of the International Union of Painters and Allied Trades. I'd like to thank you for the opportunity to provide testimony today on the impacts of Temporary Protected Status (TPS).

The International Union of Painters and Allied Trades (IUPAT) is made up of over 140,000 members across the United States and Canada who work largely in the Finishing Trades – including glazing and glass work, industrial coatings, commercial painting, floor covering, wall covering, and drywall finishing. We also represent a smaller percentage of trade show workers and public employees. I have been on the staff of the IUPAT for nearly 24 years and have served as the General President since September 2021. Throughout my career, which began as an apprentice glazier in Philadelphia, Pennsylvania, I've seen the valuable contributions immigrant workers make every day on job sites and in our union, as well as the negative effects on the industry when bad employers are allowed to drive immigrant workers into the shadow economy and exploit them with impunity.

My testimony today is focused on the positive impact workers with Temporary Protected Status have had on my union and my industry, as well as the far-reaching harm caused by the aggressive cancellations of TPS and the removal of work authorization for millions of workers in this country.

History of TPS

As you know, Temporary Protected Status was first established by Congress as part of the Immigration Act of 1990 and allows for the administration, currently through the Secretary of the Department of Homeland Security, to designate certain countries for TPS when several standards are met. The initial designations range from 6 to 18 months.

Over the course of the last 35 years, under both Democrat and Republican administrations, TPS has been both re-designated and extended for many countries. While some argue that TPS was intended to be "temporary," Congress has never acted to curtail the number of times TPS can be extended nor acted upon a long-term solution for TPS recipients who have lived, worked, and contributed to their communities for decades.

Importance of TPS to our Industry

The IUPAT has been at the forefront of fighting for immigration reform and to protect those with TPS status for decades. Our union was founded by immigrant workers more than 130 years ago, and the construction industry relies, more than most other industries, on an immigrant workforce. In fact, immigrant workers are 3.2

times more likely to work in construction trades than U.S.-born workers.¹ In that context, it's easy to see why TPS, and the stability it provides to workers, is essential to our industry.

Construction and other job sites can be dangerous places where we rely on every worker to take their own safety and their coworkers' safety very seriously. It's essential that workers feel free to speak up about working conditions, and particularly about safety, without fear of retaliation. When immigrant workers feel that the risks are too high to speak up if they do see something, it creates the conditions that we see on too many job sites across the country right now, where wage theft, worker misclassification, and poor safety standards are the norm.

Studies estimate that 10–30% of employers misclassify workers, a pattern that has remained consistent for decades.² The consequences for workers are severe; for example, a construction worker being misclassified can lose up to \$19,526 a year in wages and benefits. Misclassified workers must pay the full cost of Social Security and Medicare themselves. As a result, total contributions to social insurance drop by 17 to 30 percent, weakening workers' financial security and the broad government safety net.³

Misclassification also leads to wage theft, which results in an estimated \$50 billion per year stolen from workers across the United States. Through private right of action, state agencies and the U.S. Department of Labor, only \$1.5 billion of those stolen wages were recovered between 2017 and 2023.⁴

The government and responsible employers are also harmed by the misclassification of workers. Federal and state governments lose billions of dollars per year in lost tax revenue due to misclassification. This is not because the workers are not paying their taxes, but because employers are not. Between the federal government and individual states, losses are in the billions each year.

At the same time, employers who misclassify their employees save up to 30 percent in payroll costs, giving them an unfair advantage over employers that follow the law. This race to the bottom depresses wages, lowers standards, and forces employers that follow the law to subsidize these bad actors through increased worker compensation and insurance costs. Low-road employers hope undocumented workers are too afraid to come forward and address these issues through government agencies. Taking temporary protected status from an estimated 700,000 workers will only increase the threat of worker misclassification and lead to the underfunding of our federal and state governments.

Before I became General President, I was the Director of Organizing for our union. I saw these issues firsthand. Time after time, immigrant workers shared stories with me about retaliation from their employers when they dared to raise concerns about conditions on the job. I became convinced that secure, legal status is not some abstract issue for construction workers. In fact, it directly shapes the ability of millions of workers to defend themselves and one another on the job. Where people are scared to speak up, standards are lower for

¹ Jesús Villero, Brendan Warshauer, and Youran Wu, [550,000 Workers Lose Status by End of 2025: Potential Impact by State and Industry](https://budgetmodel.wharton.upenn.edu/issues/2025/11/19/demographic-and-labor-market-profile-of-tps-beneficiaries), Penn Wharton Budget Model, November 19, 2025, available at: <https://budgetmodel.wharton.upenn.edu/issues/2025/11/19/demographic-and-labor-market-profile-of-tps-beneficiaries>

² Adewale A. Maye, Daniel Perez, and Margaret Poydock, [Misclassifying Workers as Independent Contractors Is Costly for Workers and States](https://www.epi.org/publication/misclassifying-workers-2025-update/), Economic Policy Institute, January 22, 2025 available at <https://www.epi.org/publication/misclassifying-workers-2025-update/>

³*Id.*

⁴ Margaret Poydock and Jiayi (Sonia) Zhang, [More Than \\$1.5 Billion in Stolen Wages Recovered for Workers Between 2021 and 2023](https://www.epi.org/publication/wage-theft-2021-23/), Economic Policy Institute, December 20, 2024, available at <https://www.epi.org/publication/wage-theft-2021-23/>

everyone across the industry – and that is the reality we have experienced for decades of Congressional inaction on immigration reform.

Our stagnant and outdated labor laws have compounded the problem, allowing low-road contractors to exploit workers with rampant wage theft, misclassification, and other abuses. While all workers can be victims of these practices, immigrant workers are especially at risk because employers know very well that threats around immigration status can be used as a weapon against them.

That is why TPS and other types of immigration relief that provide lawful work authorization are so important – they help provide security for workers and remove status as a threat from employers to crush worker rights and organizing. Simply put, the more workers who have status and work authorization through TPS, the harder it is for bad actors to exploit fear, and the easier it becomes for workers to stand together for fair treatment. Sadly, the reverse is true as well. The fewer workers who have TPS, the more violations will flourish in our industry, driving down standards for all.

Economic Concerns in the Current Climate

As General President of the IUPAT, I spend many weeks traveling the United States meeting members of my union and visiting job sites. I can confidently tell you this: the rapid changes to the TPS program over the last year have left workers uncertain, job sites more dangerous, and projects struggling to remain on schedule.

There is no such thing as an unskilled worker. In the construction trades, especially in the finishing trades that we represent, workers have to be highly skilled and well-trained to be safe and effective. Our members are among the most highly skilled and trained workers in the industry. The demographics of our industry reflect high concentrations of immigrants, among them thousands of TPS recipients, who we encounter and likely represent on job sites across the country.

By abruptly ripping these skilled workers out of the formal economy, our government is not only damaging those workers' lives, but it is also making those job sites less safe for the workers that remain – and less efficient for the contractors running the jobs.

Workers should not be scared to show up for work. And workers should not have to worry that the people they've worked alongside, sometimes for 10 or 20 years, are suddenly going to be pulled from the job site because their work authorization is arbitrarily revoked. Far from being the problem, TPS and other temporary programs that provide work authorization have been a critical tool to reduce exploitation in our industry while we wait for Congress to finally enact the lasting protection these workers expect and deserve.

Conclusion

At the IUPAT, we have a simple mission: to be the strongest, most powerful voice in the industries we represent. And we can only achieve that mission by ensuring that every worker in our crafts has the ability to speak up against things like wage theft, misclassification, and dangerous working conditions. For these reasons, we have long supported bolstering rights, including a path to citizenship, for TPS recipients and all immigrant workers whose labor helps our country prosper. Workers who have been supporting our industry, our economy, and our communities should have their rights protected permanently rather than being kicked to the curb.

I know that issues of immigration bring up emotional responses from all sides. Setting aside for a moment the arguments for dealing with our immigrant neighbors with basic humanity, I want to reiterate that workers with TPS have followed the rules every step of the way, including passing background checks every 18 months.

Workers in our industry who have Temporary Protected Status have made our job sites safer because they are not afraid to speak up when something feels unsafe – and they have contributed to the overall economy. In fact, the Economic Policy Institute⁵ projects that the end result of the mass deportation agenda, which includes abrupt changes to TPS designations, will result in huge labor shortages and rising unemployment rates for all workers – immigrant and U.S.-born alike. TPS recipients and other immigrant workers have built up our American economy, and it is wrong to pull the rug out from underneath them.

⁵ Ben Zipperer, Trump's Deportation Agenda Will Destroy Millions of Jobs, Economic Policy Institute, July 10, 2025, available at: <https://www.epi.org/publication/trumps-deportation-agenda-will-destroy-millions-of-jobs-both-immigrants-and-u-s-born-workers-would-suffer-job-losses-particularly-in-construction-and-child-care/>

Mr. BIGGS. Thank you. The Chair now recognizes Mr. Celaschi for your five minutes.

STATEMENT OF LARRY CELASCHI

Mr. CELASCHI. Good afternoon, Mr. Chair, Ranking Member, and the Members of the Committee. Thank you for the opportunity to appear before you today. My name is Larry Celaschi, I am a resident and elected Councilman of the Borough of Charleroi, Pennsylvania, a small former mill and glass town of approximately 4,000 residents in Washington County.

I am not appearing before you as someone chasing talking points, as an academic, or as a policy consultant. I am here as a local elected official, who has had to look residents in the eye, and explain why their town no longer feels safe, stable, or familiar, and why decisions made afar from Charleroi have imposed consequences our community never agreed to accept.

Charleroi did not volunteer to become a test case for Federal immigration policy. We were not consulted, we were not asked about capacity, and we were not equipped for what was imposed on us. Our borough has been repeatedly referenced in national media and political discussions as an example of how current immigration policy plays out in real American communities.

I am here to explain what that means on the ground. Charleroi is less than a mile long from its first traffic light to its last. Under the Biden Administration's approach to immigration enforcement and refugee placement, our borough absorbed an estimated 2,000–3,000 migrants in a very short period of time. That represents a population increase of approximately 50–75 percent.

No communities large or small can observe that level of growth overnight without serious consequences. Charleroi has limited tax base, aging housing stock, and leaning on municipal services by necessity, not choice. Our police department is small, our fire department is volunteer, our ambulance service is nonprofit, and operates on margins of financial viability.

We are not a sanctuary city, a border community, or a major metropolitan area with layered social service infrastructure, yet we were treated as if we were. Federal decisions with local consequences. The placement of large numbers of migrants in Charleroi was not initiated by our borough council, we were not asked if we had the housing capacity, public safety resources, school support, or healthcare infrastructure to absorb this population.

Federal agencies and nongovernmental organizations placed individuals into our housing, schools, and neighborhoods without providing proportional investments in policing, emergency medical services, housing inspections, translation services, healthcare capacity, or infrastructure. The outcome was predictable and preventable.

Strain on public safety and municipal services, Charleroi's police department, volunteer fire department, ambulance service, and code enforcement have all experienced a significant increase in service calls. Many of these calls involve language barriers, overcrowded housing conditions, and unfamiliarity with local laws and traffic regulations.

Charleroi does not have a paid, dedicated interpreted or translation service. Our first responders now spend significantly more time on each call, stretching limited resources, and increasing response times for everyone in the community. Our ambulance service is currently caring for more than 250,000 dollars in uncollectible debt tied to the migrant emergency calls.

For a small, nonprofit service, this level of uncompensated care is unsustainable, and places the entire community at risk. Our volunteer fire department is feeling the brunt of the financial stress the immigrant community has placed on their shoestring budget. Our code enforcement office has been overwhelmed by unsafe and overcrowded rental properties, some housing double or triple their intended occupancies.

These conditions pose serious risks to occupants, neighboring residents, and first responders. Let me be clear, the individuals arriving in Charleroi are human beings, but the local residents are human beings as well, and they are paying, tax paying American citizens who have done nothing wrong, and who are bearing the consequences of the Biden Administration immigration policies.

The photographs and documentation I submitted are not exaggerated, and it is certainly not a joke. It makes our community very angry that our town has experienced frequent car crashes caused by migrant drivers. This has wreaked havoc on the not-at-fault parties who had to pay the price. Vehicles driven by unlicensed, uninsured, and non-English speaking drivers are involved in daily collisions on narrow residential streets, cars overturning, plowing into homes, businesses, and destroying personal property.

Even the current and former Mayor's own property has been damaged under these circumstances. This is reality in Charleroi, folks, where the posted speed limit is 25 miles an hour or less. Families are afraid in their own neighborhoods and seniors are frightened to walk outside. This is not just about traffic safety; Charleroi has suffered severe reputational and legal harm.

The United States Justice Department successfully prosecuted a Charleroi staffing agency owner, sentencing him to prison, and awarded over 3.6 million in restitution for harboring illegal aliens, and failing to pay employment taxes. There has been a targeted killing of an immigrant tied to the immigrant van agencies. Another immigrant death is currently under investigation by the Washington County District Attorney's Office.

These events have placed a national spotlight on a small borough that lacks the resources, staffing, and infrastructure to manage the fallout. Request, as a resident and Councilman of the Borough of Charleroi, I respectfully urge Congress to require mandatory consultation with local governments before migrant or refugee placements occur. Limited placements to levels communities can realistically—

[The prepared statement of Mr. Celaschi follows:]

Prepared Written Testimony of Larry Celaschi
 Councilman, Borough of Charleroi
 Washington County, Pennsylvania

Before the United States House Sub Committee on the Judiciary
Hearing on the Impact of the Temporary Protective Status

INTRODUCTION

Mr. Chairman, Ranking Member, and Members of the Committee:

Thank you for the opportunity to appear before you today. My name is Larry Celaschi. I am a resident and elected Councilman of the Borough of Charleroi, Pennsylvania, a small former mill town of approximately 4,000 residents in Washington County.

I am not appearing before you as someone chasing talking points, an academic, or a policy consultant. I am here as a local elected official who has had to look residents in the eye and explain why their town no longer feels safe, stable, or familiar—and why decisions made far from Charleroi have imposed consequences our community never agreed to accept.

Charleroi did not volunteer to become a test case for federal immigration policy. We were not consulted, we were not asked about capacity, and we were not equipped for what was imposed upon us. Yet our borough has been repeatedly referenced in national media and political discussions as an example of how current immigration policy plays out in real American communities. I am here to explain what that has meant on the ground.

ABOUT CHARLEROI

Charleroi is less than one mile long from its first traffic light to its last. Under the Biden Administration's approach to immigration enforcement and refugee placement, our borough absorbed an estimated 2,000 to 3,000 migrants in a very short period of time. That represents a population increase of approximately 50 to 75 percent.

No community—large or small—can absorb that level of growth overnight without serious consequences. Charleroi has a limited tax base, aging housing stock, and lean municipal services by necessity, not choice. Our police department is small. Our fire department is volunteer. Our ambulance service is nonprofit and operates on the margins of financial viability.

We are not a sanctuary city, a border community, or a major metropolitan area with layered social service infrastructure. Yet we were treated as if we were.

A FEDERAL DECISION WITH LOCAL CONSEQUENCES

The placement of large numbers of migrants into Charleroi was not initiated by our Borough Council. We were not asked if we had the housing capacity, public safety resources, school support, or healthcare infrastructure to absorb this population.

Federal agencies and nongovernmental organizations placed individuals into our housing, schools, and neighborhoods without providing proportional investments in policing, emergency medical services, housing inspections, translation services, healthcare capacity, or infrastructure.

The outcome was predictable—and preventable.

STRAIN ON PUBLIC SAFETY AND MUNICIPAL SERVICES

Charleroi's police department, volunteer fire department, ambulance service, and code enforcement office have all experienced a significant increase in service calls. Many of these calls involve language barriers, overcrowded housing conditions, and unfamiliarity with local laws and traffic regulations.

Charleroi does not have a paid dedicated interpreter or translation service. Our first responders now spend significantly more time on each call, stretching limited resources and increasing response times for everyone in the community.

Our ambulance service is currently carrying more than \$250,000 in uncollectible debt tied to the migrant emergency calls. For a small nonprofit service, this level of uncompensated care is unsustainable and places the entire community at risk. Our volunteer fire department is feeling the brunt of the financial strain the immigrant community has placed on their shoe-string budget.

Our code enforcement office has been overwhelmed by unsafe and overcrowded rental properties, some housing double or triple their intended occupancy. These conditions pose serious risks to occupants, neighboring residents, and first responders.

SAFETY, AND COMMUNITY STABILITY

Let me be clear: the individuals arriving in Charleroi are human beings. But local residents are human beings as well, and they are tax paying American citizens who have done nothing wrong and who are bearing the consequences of the Biden administration immigration policies. The photographs and documentation I submitted is not exaggerated and it is certainly not a joke. It makes our community very angry that our town has experienced frequent car crashes caused by the migrant drivers. This has wrecked-havoc on the non-at fault parties who had to pay the price. Vehicles driven by unlicensed, uninsured, and non-English speaking drivers are involved in daily collisions on narrow residential streets, cars overturning, plowing into homes, businesses and destroying personal property. Even the current and former Mayors own property has been damaged under these circumstances. This is reality in Charleroi folks, where the posted speed-limit in Charleroi is 25 mph or less. Families are afraid in their own neighborhoods. Seniors are frightened to walk outside. This is not just about traffic safety. Charleroi has suffered severe reputational and legal harm. The U.S Justice Department successfully prosecuted a Charleroi staffing agency owner, sentencing him to prison and ordered over \$3.6 million in restitution for harboring illegal aliens and failing to pay employment taxes. There has been a targeted killing of an immigrant tied to the immigrant van agencies. Another immigrant death is currently under investigation by the Washington County District Attorney's office. These events have placed a national spotlight on a small borough that lacks the resources, staffing and infrastructure to manage the fallout.

IMPACT ON SCHOOLS AND CHILDREN

Our local school district has absorbed a large number of non-English-speaking students in a very short period of time without sufficient federal funding for translators, classroom aides, or specialized instructional support.

Teachers and administrators have worked heroically, but classroom disruption and strained special education services affect every child in the district. This is not a failure of compassion—it is a failure of planning.

WHY CHARLEROI MATTERS

Charleroi has become a national symbol because it illustrates a hard truth: when immigration policy is disconnected from local capacity, small towns become collateral damage.

We did not have the option to say no. We were not given a seat at the table. We did not receive proportional funding. Yet we are expected to manage the consequences indefinitely.

REQUESTS.

As a resident and councilman in the Borough of Charleroi, I respectfully urge Congress to:

- Require mandatory consultation with local governments before migrant or refugee placements occur.
- Limit placements to levels communities can realistically support based on housing, public safety, school, and healthcare capacity.
- Provide direct, flexible federal funding to municipalities absorbing migrant populations so local taxpayers are not left carrying the burden.
- Increase transparency, accountability, and oversight of nonprofit organizations involved in placement decisions.
- Reaffirm that immigration policy must balance humanitarian objectives with the safety, stability, and wellbeing of American communities.

CONCLUSION

Charleroi is not anti-immigrant. I support legal immigration and the American Dream pursued through lawful means. However, what has been imposed on our borough has pushed public services to the breaking point and fundamentally altered our community without its consent.

What happened in Charleroi should not be repeated elsewhere.

If Congress seeks honest testimony about the real-world consequences of current immigration policy, Charleroi stands ready to provide it—not as a talking point, but as a warning.

Thank you for the opportunity to submit this testimony. I am prepared to answer any questions the Committee may have.

Respectfully submitted,

Larry Celaschi

Larry Celaschi

Councilman, Borough of Charleroi
Washington County, Pennsylvania

The complete statement is available at <https://docs.house.gov/meetings/JU/JU01/20251217/118767/HHRG-119-JU01-Wstate-CelaschiL-20251217-U8.pdf>.

Ms. JAYAPAL. Mr. Chair, he is over a minute of time, and you were gaveling down others, so I would appreciate it if you would stop the witness.

Mr. CELASCHI. My apologies.

Mr. BIGGS. Mr. Celaschi, thank you, we have your full written testimony here. Appreciate it, thank you.

The Chair now recognizes the gentleman from Wisconsin, Mr. Tiffany.

Mr. TIFFANY. Thank you, Mr. Chair. Mr. Celaschi, I will give you 30 seconds of my time to conclude your remarks. Go ahead.

Mr. CELASCHI. Again, on request, limit placements to a level communities can realistically support based on housing, public safety, school, and healthcare capacity. Provide direct, flexible funding to municipalities absorbing migrant populations so local taxpayers are not left carrying the burden. Increased transparency, accountability, and oversight of nonprofit organizations involved in placement decisions.

Reaffirm that immigration policy must balance humanitarian objectives with the safety, stability, and well-being of American communities. Charleroi is not anti-immigrant, I support legal immigration and the American dream pursued through lawful means. However, what was imposed on our borough has pushed public services to the breaking point and fundamentally altered our community without its consent.

Mr. TIFFANY. Mr. Celaschi, I gave you 30 seconds, you had 45 seconds.

Mr. CELASCHI. Thank you.

Mr. TIFFANY. Let me ask some questions here. Describe the role of the agencies and the NGOs, the agencies of the Federal Government, the NGOs, describe their role in how they brought these people into your community.

Mr. CELASCHI. That is the million-dollar question, the only thing it comes back to is the NGOs.

Mr. TIFFANY. When did it start?

Mr. CELASCHI. Roughly about 2022 we saw an influx.

Mr. TIFFANY. You are saying it is primarily NGOs that were driving these people in, is that correct?

Mr. CELASCHI. Yes.

Mr. TIFFANY. Should locals have a say in this happening?

Mr. CELASCHI. Absolutely.

Mr. TIFFANY. I just introduced a bill in regard to refugees called the CARE Act that would give State and locals a say in this, rather than the Federal Government just taking these actions and FYI. Has this led to a housing shortage in your community?

Mr. CELASCHI. It has led to long time Charleroi residents selling their homes and leaving. What used to be a heavily home ownership to landlord tenant, 75 to 25, 64, has reversed that trend. It is now heavy on landlord tenant to home ownership, and a lot of those landlord tenants are immigrant related.

Mr. TIFFANY. It has decreased home ownership in your community?

Mr. CELASCHI. Yes.

Mr. TIFFANY. Which has always been a bedrock of the American dream, right?

Mr. CELASCHI. You are absolutely right.

Mr. TIFFANY. To be able to own your own home. Thank you very much for that.

Mr. CELASCHI. Thank you.

Mr. TIFFANY. Did I hear correctly, Mr. Fishman, that climate change is used as a justification not to return people to their home countries, did I hear that right?

Mr. FISHMAN. Not only is it used—

Mr. TIFFANY. Turn your mike on.

Mr. FISHMAN. Sorry about that. Not only is it used, it is used for climate change, having absolutely nothing to do with the event that precipitated TPS in the first place, it's not much rainfall, well that could exist for thousands of years, that is not temporary.

Mr. TIFFANY. Is an earthquake climate change? Are earthquakes caused by climate change?

Mr. FISHMAN. I think geological are also packed in there, geological conditions.

Mr. TIFFANY. OK. Does the program as it is currently setup, and how it has been for the last few decades, does it lead to fraud in the immigration system?

Mr. FISHMAN. I think it very likely does lead to fraud, especially as Mr. Rogers was talking about, people receiving TPS benefits who came here well after the initial designation, in many cases by giving fraudulent information about when they came to the United States.

Mr. TIFFANY. Mr. Rogers, same question.

Mr. ROGERS. Yes, it absolutely could lead to fraud. Like Mr. Fishman said, "the form just asks for a date for when you arrived, and they can fill in any date they want."

Mr. TIFFANY. What types of fraud would you see with something—what types of fraud have you seen as a result of this?

Mr. ROGERS. Well personally as a Consular Officer, I never dealt with TPS beneficiaries. The kind of fraud you would see is that kind of thing—falsification of dates. The whole point of TPS is it is supposed to be temporary. When you have permanent immigrants coming there is lots of vetting that just doesn't happen that is required for a permanent immigrant, and that is one of the problems, this has become a program for permanent immigration that doesn't do all that vetting.

Mr. TIFFANY. I just want to respond in regard to Mr. Williams' testimony and thank you for that testimony. You referred to the wealth gap, and you are correct. Part of the reason for the wealth gap is that those business owners you were referencing have brought in cheap labor, and it has kept labor rates down as a result of bringing cheap labor in.

When you have 10 million people that came in the last four years, that is going to drive wages down. You commented about the inability to act by Congress. This body acted last session to put in place a strong immigration reform, we did do that.

I will yield back, Mr. Chair.

Mr. BIGGS. The gentleman yields. The Chair recognizes the Ranking Member, Ms. Jayapal.

Ms. JAYAPAL. Thank you, Mr. Chair. As I mentioned, Temporary Protected Status is a bipartisan program, and it allows individuals

from countries facing war, unrest, and natural disaster to remain in the United States until it is safe for them to return to their home countries. These are individuals, as Mr. Williams testified to, with work authorization.

Those who have put down roots in their communities, followed the legal processes that are available to them. These are not the worst of the worst that Trump claimed he would go after, and yet this administration is well on its way to stripping the lawful status of over one million people by early next year. Mr. Williams, very powerful testimony, thank you.

TPS recipients work in a variety of sectors experiencing workforce shortages, including childcare, and construction. As the President of the International Union of Painters and Allied Trades, can you discuss the impact that the TPS terminations are having on the work sites where your union members work, and on the broader economy?

Mr. WILLIAMS. For sure, and I would also add hospitality too—

Ms. JAYAPAL. Hospitality as well.

Mr. WILLIAMS. It is a very important industry that could see unprecedented worker shortages. In speaking to our members on the regular, and listen, our members are just like the rest of this country, very divided around immigration, let us not kid ourselves. Our members never looked at those brothers and sisters that they worked side by side with in some very dangerous, dangerous working conditions as people that were considered here unlawfully.

The safety issues that can take place, when you remove that many workers that have been trained, and highly skilled to work on things like painting bridges, hanging off the side of buildings, you rely on one another. In our industry you already are seeing the fear over who are you going to work with side by side that you can trust?

The person you work with for the last 15 years, or somebody brand new in the industry? There is definite fear both among our employers and our members about what is going to happen to our workers going forward.

Ms. JAYAPAL. I appreciated your challenging the notion that these are low-skilled workers, because you have invested a lot of money into training people, and they bring extremely valuable skills to the job. I also want to talk about the effect that the Trump Administration's indiscriminate immigration enforcement is having on your union members. Do people feel safe coming into work?

Mr. WILLIAMS. No. We have had horror story after horror story of members of ours that have been granted status in this country that have been targeted on the job site for removal, followed to their homes, and on the way to work being pulled over by local law enforcement, and being detained, only not to be heard from again. What is going on in our country right now should alarm all of us.

Should really bring back to the middle a conversation on how we can deal with immigration as a whole, and coupled with fixing our broken labor laws to give workers more power at the bargaining table.

Ms. JAYAPAL. You have lots of members who are also of varied immigration statuses, including U.S. citizens, green card holders, others, what do you hear from them about their feelings about com-

ing to work, even though they are maybe U.S. citizens or green card holders?

Mr. WILLIAMS. Genuine fear. In certain instances, and I can tell you this in Southern California and Los Angeles, ever since the National Guard has been called up, our members are in fear of even gathering in large groups. We have had to cancel our union meetings, which have been a tradition of ours for over 130 years for fear of being targeted just by the way they look.

Ms. JAYAPAL. As you know, being on TPS carries a lot of uncertainty, you only get your status for 12–18 month renewal periods, and in your testimony you mention the importance of providing a path to citizenship for TPS holders. Can you explain why you as the General President of the International Union of Painters and Allied Trades, and the AFL CIO writ large think that this is so important for us to do?

Mr. WILLIAMS. Because it would remove this question of temporary that seems to be constantly thrown around when these workers have contributed to this country way more than they are given credit for and have been demonized based on that temporary status. They are members of our communities, they are parents, and they are longstanding members of our unions.

Ms. JAYAPAL. I want to give you a chance to respond to the gentleman across the aisle when he said well, the problem with wealth, and equality, and the wealth gap is really the fact that we have got these workers here, I just wondered if you wanted to say anything about that.

Mr. WILLIAMS. It is the biggest misnomer out there. Give workers more power at the bargaining table over their own economic standing, and you will see that income gap shortens for sure. I realize I am out of time.

Ms. JAYAPAL. That is good, see, some people pay attention to that. Thank you. Mr. Chair, I do have a unanimous consent request.

Mr. BIGGS. OK.

Ms. JAYAPAL. Since Mr. Celaschi was announced as a witness we have been inundated with unsolicited outreach from people including the Mayor in Charleroi seeking to correct the record—

Mr. BIGGS. What is your request?

Ms. JAYAPAL. Explaining that his views are not representative of the community. I am asking unanimous consent to enter into the record a statement from Kristin Hopkins, the President of the Charleroi Borough Council.

I am asking for unanimous consent to enter into the record a statement from Reverend Sharon Woomer, a Pastor in Charleroi, explaining how the termination of TPS—

Mr. BIGGS. Without explanation, or else I will read my—

Ms. JAYAPAL. —will strain the entire community—

Mr. BIGGS. You either want—someone is going to object, or are you going—

Ms. JAYAPAL. I ask unanimous consent to enter—

Mr. BIGGS. That is enough.

Ms. JAYAPAL. —into the record the statement from Travis Vrcek, the Executive Director of McKees Rock Community Development Corporation, and a volunteer at a church in Charleroi—

I ask unanimous consent to enter into the record the statement from Tim Maddocks, a Researcher and Faculty Member at the University of Pittsburgh—

I ask unanimous consent to enter into the record a statement from Nancy J. Ellis, the former Mayor and newly re-elected Mayor of the Borough of Charleroi, who said Mr. Celaschi's opinions—

Mr. BIGGS. No, no, no.

Ms. JAYAPAL. —are biased, and will not get a fair view.

Mr. BIGGS. No, no, I object. If you are going to read it, then I am going to object.

Ms. JAYAPAL. You gave him an extra minute, so I want to make sure—

Mr. BIGGS. I am going to object.

Ms. JAYAPAL. That we are being fair about the person who is testifying, making sure people understand that he is not representative—

Mr. BIGGS. You have put in four, you got to put in four, and then you had to read the statement—

Ms. JAYAPAL. I didn't read the statement.

Mr. BIGGS. Which you know clearly goes beyond the parameters of normal conduct and decorum—

Ms. JAYAPAL. Mr. Chair, I didn't read the statement—

Mr. BIGGS. Yes, you did, yes, you did.

Ms. JAYAPAL. Let me do it again. I ask unanimous consent to enter into the record—

Mr. BIGGS. You are out of order. I recognize the gentleman from New Jersey, Mr. Van Drew.

Mr. VAN DREW. Thank you, Mr. Chair. First, Mr. Williams, I am glad to see you here, I support your union, in fact, I am proud I have got a big plaque in one of my offices from the painters. I am saying this to you respectfully, there are a lot of members that you have that would thoroughly, intensely, completely disagree with what you say.

I hope you meet with all the locals, and all the people that are really doing the job, and really working hard. I just want you to know that. Temporary Protected Status was created with a noble cause in mind, it was meant to reflect America at its best, a compassionate, but lawful way for our country to assist those going through unavoidable disaster.

Just as importantly, it was meant to be temporary, that is why it has that name. Congress was clear about it from the very beginning, TPS was never, ever intended to be permanent. It was never meant to be a pathway to permanent residency or citizenship. It was never intended to replace asylum, and it was never intended to become an open-ended program that expands indefinitely without accountability.

That is just wrong. When TPS is limited in scope, limited in time, and tied directly to real conditions on the ground, it has worked, and we have seen that. It is America at its best. In the late 1990s the United States provided temporary protection to hundreds of thousands of Kosovars fleeing a brutal conflict, they came to America, they were here for a limited time, it was tied directly to conditions on the ground.

When the conflict ended, they went home. That is the way it was supposed to work, and it is supposed to look that way. It helps people through a genuine emergency, it is the right thing to do, but that is not what is happening now. Designations are repeatedly extended, entire countries now remain under TPS for decades, a long time, long, long after the original crisis has passed.

The message this sends is unmistakable, if you can make it here, eventually the rules will allow you to bend, and to stay here, and that is wrong. Because so many people have come here legally, and worked so hard to be here, and we value immigration, and we value those immigrants that came here, and we think that they have value always.

We are misusing the system, and it disrespects those who do it the right way. The communities, the councilman talked about it, these places were never asked if they wanted to do this, they were never consulted, they were never given the resources to absorb decisions made in D.C. as usual. Schools are overwhelmed, hospitals are strained, police, and first responders are stretched thin.

Who pays it all? The hard-working men and women, many of them members of unions that are tired of it. We care about people in crisis, and we care also about respecting the law. That is why this hearing matters. Mr. Chair, thank you for doing this, we appreciate it. It is exactly what I look forward to today, discussing this. I am going to ask quick questions because I don't want to run out of time.

Forgive me for this, I wish we had an hour to go through this, but we don't, from each member here. I am going to ask a question, I am going to ask a yes or a no, and first I am going to ask Mr. Fishman, just a yes or a no. Was Temporary Protected Status intended by Congress to last for decades?

Mr. FISHMAN. No.

Mr. VAN DREW. Thank you. We have TPS designations that have lasted more than three decades, is that correct, yes or no?

Mr. FISHMAN. At least two—I believe so.

Mr. VAN DREW. Two to three decades.

Mr. FISHMAN. Yes.

Mr. VAN DREW. Was TPS ever intended to become a permanent alternative to asylum, or lawful permanent residency?

Mr. FISHMAN. No.

Mr. VAN DREW. Was it intended to be an alternative to legal immigration, which we love?

Mr. FISHMAN. No.

Mr. VAN DREW. Did Congress envision eligibility dates being repeatedly moved forward to cover people who arrived long after the original disaster, yes or no?

Mr. FISHMAN. No.

Mr. VAN DREW. What practices occurred repeatedly under current recent administrations, is that correct?

Mr. FISHMAN. Yes.

Mr. VAN DREW. If a program lasts for decades and cannot realistically end, is it still temporary in any meaningful sense, yes or no?

Mr. FISHMAN. No.

Mr. VAN DREW. For Mr. Rogers, has TPS as currently administered remained limited in scope and duration as the statute requires?

Mr. ROGERS. No.

Mr. VAN DREW. The program is no longer operating as Congress, this body designed it. Am I correct in saying that?

Mr. ROGERS. Yes.

Mr. VAN DREW. Do repeated extensions and redesignations of TPS create incentives for additional illegal immigration?

Mr. ROGERS. Yes.

Mr. VAN DREW. TPS is no longer just responding to emergencies, it is shaping future migration decisions illegally, is that correct?

Mr. ROGERS. Yes.

Mr. VAN DREW. In practice, once TPS is granted, it really results in departure every anymore?

Mr. ROGERS. No, it doesn't result in departure.

Mr. VAN DREW. OK. I don't have any more time, Mr. Chair, I yield back.

Mr. MCCLINTOCK. [Presiding.] Thank you. Ms. Scanlon?

Ms. SCANLON. Thank you, Mr. Chair. Yes, interesting hearing. Despite this administration's worst rhetoric about going after the worst of the worst when it comes to immigration, time and again we have seen that is just not true, and nowhere is that more clear than what we see happening with respect to the TPS program.

Where this administration has targeted people who have been here legally, sometimes for many, many years, and have suddenly had their legal status ripped out from under them, all so that Stephen Miller can try to meet his deportation quotas. In my district, across the country, Venezuelans, Haitians, Afghans, and others living here under TPS status have had the rug pulled out from under them.

TPS is a bipartisan program created by Congress which allows people from countries facing war, unrest, natural disasters to stay in the U.S. until it is safe to return. The fact that this administration is basically declaring war on Venezuela, and simultaneously saying that Venezuelans can't stay here anymore is truly through the looking glass, but we are not expecting consistency from this administration.

Now, Mr. Celaschi raised a number of points, which I am from Pennsylvania, although on the other side of Pennsylvania, and it just didn't match up with what I know about that area. I started pulling up some of the articles that I have read about Charleroi, and reviewing the materials that have been entered into the record, and the public record indicates a very different picture.

That Charleroi is a place with a large meat packing plant, which is not a job that a lot of Americans seem to want to apply for anymore, but that they ended up having a large Haitian immigration population start working in the meat packing plant. As Mr. Celaschi indicated, there was Federal enforcement of the fact that there was a contractor there who was bringing people in.

Illegally transporting them, illegally housing them, failing to pay wages, failing to do tax reports. Whereas we have reams of data, reams of studies showing that immigrants in our country are a net economic benefit, we saw something that I think Mr. Williams had

alluded to, which is that unscrupulous employers use people's immigration status to undermine working conditions for everyone.

We saw someone get prosecuted and convicted in Charleroi of bringing in immigrant labor. Folks who were not getting paid what they were supposed to, which presumably undermined wages for folks in the community, and that is exactly what this kind of chaos in the immigration system can enable.

Instead of going after the folks who are trying to work and do a job, maybe we should be going after the employers who are creating these kinds of conditions, and exploiting people in this way. Now, I did want to just mention something along the same topic, in Philadelphia I have had the opportunity to see a great partnership between the Welcoming Center.

Which is a local nonprofit that promotes economic opportunities and assimilation for newcomers to our country, and the AFL-CIO, and the shipyard, the Philly Shipyard in our region. We have a shipyard where we have billions of dollars of investment going to ramp up American shipbuilding, and we need welders, and we need shipbuilders, and we need people who can outfit ships.

Our labor community and the Welcoming Center said wait a minute, we have some really smart folks here who have work authorization, they are here legally, let us see if we can help them transition into those jobs. What can you tell us about those kinds of projects, Mr. Williams?

Mr. WILLIAMS. Yes, those are the projects that we speak of when we talk about the construction industry, and the need for a workforce that wants to work in that industry. We don't talk enough about how this country has treated the way the construction industry has been a pathway for people to the middle class.

We have demonized those that work with our hands, and have forced people into this false notion that just going to college is the only way to make a living, and to achieve the middle class. You know what, on some levels it is true, because in certain aspects of our industry when workers are forced to work in such low-wage conditions, it is hard to sustain their families.

People have walked away from the construction industry because it has been inbred in them throughout high school that that industry is not an industry that you can support your families on. It is a real problem that we have.

Ms. SCANLON. Well, certainly an effort we are with you on, trying to make sure that people understand there is a different pathway, and the trades are a great way to go. It is another inconsistency of this immigration enforcement effort that they are going after people on construction sites, going after people going to Home Depot to be day laborers. Going after people who are going to work, these are not the worst of the worst.

Thank you, I yield back.

Mr. MCCLINTOCK. The gentlelady's time has expired. Mr. Gill?

Mr. GILL. Thank you, Mr. Chair, and thank you to the witnesses for coming here, and taking the time to have another good hearing on the dangers of mass migration, and what ultimately amounts to is a form of backdoor amnesty. Just a second ago we were hearing from our colleagues on the other side of the aisle talking about the benefits of a TPS system for communities all over the globe.

We need to recenter our conversation and ask what type of immigration system benefits the American people. We hear a lot about, and we have heard in the news recently about the number of Afghans for instance who have come into the United States under TPS or other various forms. The question that we need to ask is how does that benefit our people?

How does it benefit American citizens to bring people in from a part of the globe that is the most backward, perhaps the most backward part of the globe. An area where pederastic rape is considered culturally acceptable, where women are chattel. How does it benefit American citizens to bring these people into our country?

We have got to ask the question about unassimilable aliens who are coming into America. Do we really have an obligation to throw away our cultural inheritance to promote some sort of globalist open borders agenda? That is insane, we need to be looking out for our people, and not for the rest of the globe. With that said, happy to jump into questions here.

Mr. Fishman, thank you for your testimony earlier. You talked about the legislative history of the TPS program, how the author of the bill established it claimed a substantial majority will return voluntarily, and this bill, according to them, provides a mechanism to ensure this result. Has that turned out to be the case?

Mr. FISHMAN. That has not turned out to be the case, because in large measure, TPS has just been extended for years if not decades, so there is never any occasion to test it. When there was an occasion to test it, Chair Smith back in the 1999 hearing asked the General Counsel of the Immigration and Naturalization Service, do you have any data on how many people actually returned when their TPS status went away?

How many people you remove if they don't voluntarily return? The answer was I have no idea; we don't track that.

Mr. GILL. Right, TPS was intended to be temporary, at least ostensibly, but we had a 25-year TPS status for Honduras since 1999 due to a hurricane. Similarly, El Salvador was initially designated in March 2001, based on a series of earthquakes. The current administration terminated TPS for Honduras, we still have that status for El Salvador.

I have got another question for you, Mr. Fishman. The statute that you mentioned earlier clearly states quote,

There is no judicial review with respect to the designation, or termination, or extension of a designation of a foreign State.

Despite that we frequently see that open border groups sue to stop the Trump Administration from terminating TPS designation. Including those that were issued decades ago, I am curious if you have any thoughts as to why they have been filing these lawsuits?

Mr. FISHMAN. Well, they clearly are filing the lawsuits to frustrate the operation of the TPS law, which says if the conditions are no longer remaining, it shall be terminated. I think clearly that is the motivation.

Mr. GILL. Got it. Let me ask you, in January 2021, there were about 55,000 Haitian TPS beneficiaries in the United States, and January 2025, there were 342,000, that is about a six times increase in just four years. The majority of these people simply just came into the country illegally, they walked in, didn't have a visa,

and were illegally paroled by the Biden Administration on a categorical basis as we understand, and given this sort of alleged legal status.

Let me ask you, did the U.S. Government vet any of these individuals on an individual basis?

Mr. FISHMAN. They may have looked in databases, but as Rodney Scott, DHS Secretary Mayorkas' Border Patrol Chief said, for events that occur outside the U.S.,

We really have no idea, there is no data in the databases regarding those events. An alien could be a saint, an alien could be a serial killer.

Those are his words; we have no idea because there is nothing to look at in the databases.

Mr. GILL. Thank you.

Mr. MCCLINTOCK. [Inaudible.]

Ms. ROSS. Thank you, Mr. Chair, and thank you to our witnesses for being here today. As we have heard, and as we know, U.S. law permits TPS designation for nationals of a country when ongoing armed conflict poses a serious threat to their personal safety. I recently sent a letter to the administration with the Ranking Member calling out the hypocrisy of revoking TPS for South Sudan.

A country plagued by armed clashes, with DHS claiming that there have been improvements in the civil safety outlook. At the very same time, the administration has designated South Sudan as a level four travel advisory zone, do not travel. Stating that the armed conflict is ongoing and includes fighting between various political and ethnic groups.

As Ms. Scanlon referenced, at the same time the Trump Administration has revoked TPS protections for hundreds of thousands of Venezuelans, while escalating actions that could lead us into war with their home country, which we had a bipartisan briefing on yesterday. Mr. Williams, President Trump campaigned on going after the quote, "Worst of the worst when it comes to immigrants."

To be eligible for TPS, you have to not only be from one of these countries that is designated for TPS, you also have to meet strict criminal background checks, and be revetted every 18 months to ensure that you are still eligible for TPS. Are the TPS holders that work with your union, and your colleagues the kinds of people that Trump has called the worst of the worst?

Mr. WILLIAMS. Yes, I don't know how you could call somebody who pays their taxes, who works on the books, and works in our industry the worst of the worst. I was offended by Congressman Van Drew saying that our membership supports pulling the rug on TPS. When we speak to our membership, that is their brother, that is their sister, that is not somebody who is here unlawfully.

That is somebody who is here lawfully under the protections that were granted by this body and given every chance to build an American lifestyle for them and their families.

Ms. ROSS. Well, I really appreciate that, Mr. Williams. We have had a bunch of ICE raids, and CBP raids in my area of North Carolina, and what has resulted is people who do have legal status being picked up. Citizens being picked up at construction sites completely shut down. Now, I actually was born in Pennsylvania, but I am not from your area of Pennsylvania.

Let me tell you, the research triangle of North Carolina is a growing area, and we have active projects, and we cannot have people who are here legally scared to go to work and to have the construction projects shut down. Before we talk a little bit about that, so get ready, Mr. Williams.

I want to ask unanimous consent to enter into the record the statement from Nancy J. Ellis, the former Mayor and newly re-elected Mayor of the Borough of Charleroi, who said that the testimony of Mr. Celaschi's and his opinions are biased and will not give a fair view of the Haitian community of Charleroi.

Mr. MCCLINTOCK. Without objection.

Ms. ROSS. With the time that you have, a little bit, about a minute, Mr. Williams talk about the effects on construction projects, infrastructure projects, when people who have legal status are afraid to show up to work.

Mr. WILLIAMS. Yes, not just afraid to show up to work, but leaving the industry because of how the industry itself is being targeted. The effect that we have is it creates an even larger worker shortage in this country, skilled workers that have been trained, that have been vetted, that have worked in the industry for well over 10–15 years.

The effects are dramatic, and as a labor leader I am her talking about the human aspect of this on our membership, but I can tell you, our partners, which are our employers in our industry, those that directly employ TPS recipients are saying wait a second, this is not what we thought we voted for.

Most of those employers supported this current President of the United States and have been supporters of many people on the other side of the aisle than the Democratic party, and that is the truth. They are concerned about where they are going to find a workforce into the future.

Ms. ROSS. Thank you, and I yield back.

Mr. MCCLINTOCK. Mr. Biggs?

Mr. BIGGS. Thank you, Mr. Chair. Mr. Rogers, Temporary Protected Status, the "T" is for temporary, and let us just talk about this. The status is granted to people who are in an ongoing armed conflict with a foreign State, is that correct?

Mr. ROGERS. Correct.

Mr. BIGGS. It isn't could lead us into war, could be a war, could be a conflict, that doesn't count, is that right?

Mr. ROGERS. Correct, armed conflict is a statutory term, there has to be a war going on.

Mr. BIGGS. Yes, a foreign State requests for TPS because it temporarily cannot handle the return of its nationals due to an environmental disaster. Environmental disaster, right? In some cases, it might be an earthquake or a volcanic eruption in some places we have seen. When that is over, and that has been treated, that situation that warranted the TPS status dissipates, isn't that true?

Mr. ROGERS. Correct.

Mr. BIGGS. Then, you get to extraordinary and temporary conditions, which could be—not on a group basis, but on a particularized basis for individuals coming through, maybe it could be a health situation even. This Temporary Protected Status where they are going to grant you parole to basically be coming in for a period of

time, but getting to this thing, we just heard a witness testify that these people are getting criminal background checks. Do they get a criminal background check?

Mr. ROGERS. It is impossible to do a criminal background check about their activities in their home country.

Mr. BIGGS. If they are coming in, and they are getting TPS status under CHNV, if you remember that program that was given by Biden, it was impossible to do a criminal background check, because we don't have access to Venezuela's records. If they are coming from Somalia, we don't have access to Somalia because Somalia doesn't even have records. It is just BS to say everybody is fully vetted, they are, we know, we know.

Because we don't know. To say otherwise means you have never been to the border, and watched this happen. Should never testify to something you haven't seen, or don't know for sure. When we have the CHNV program, you have got people coming in, how many people that have TPS are illegally in the country? They started off illegally in the country.

Mr. ROGERS. I don't have the exact numbers, I am not sure anyone really tracks that, but it is a majority of them, it is the vast majority of them.

Mr. BIGGS. The 1.2 or whatever million it is, the majority got into this country illegally, for instance Syrians, how many came in illegally? We don't know a lot; more than half are the estimates. Haitians, how many came in? More than half, under the CHNV program. The CHNV program was not authorized to allow anyone in legally.

CHNV program simply said we are not going to enforce the law, right? That is what happened under the Biden Administration. How many of them got TPS status? We know that there is over 600,000 Venezuelans who got TPS status, the vast majority of them under the Biden Administration's CHNV program, right? Isn't that true, Mr. Rogers?

Mr. ROGERS. Correct, the justification was poverty, and just difficult conditions in the country. It wasn't even one of the things we were talking about, environmental conditions, or war, it was—

Mr. BIGGS. None of the statutory provisions then?

Mr. ROGERS. Correct. They brought in those that extraordinary circumstances way past what the statute actually meant.

Mr. BIGGS. We have got going back to El Salvador. El Salvador by the way, I have been to El Salvador in the last two years, it is now one of the safest countries in the world. You can go ask their leadership, and they will say Andy, "we will leave you in this alley overnight, you might get a little uncomfortable because it is a little cold, but guess what Andy? 1Nobody is going to harm or molest you"; it is safe, this is the safest country. Guess what? You have got 230,000 El Salvadorans that have been here for 25-plus years. That ain't temporary anymore, that becomes something more accessible than a refugee claim or an asylum claim, because it becomes permanent. That becomes the next question.

They have to come in every 6–18 months for review, and under what authority are they extended protected status, under what authority do we essentially make it permanent? For instance, Syr-

ians, 20 years, El Salvadorans, 25 years, under what authority, Mr. Rogers? If there are any.

Mr. ROGERS. There is none. The statute requires re-evaluation every 6–18 months, and what the Trump Administration is doing is just re-evaluating, and finding that those conditions aren't met. It is not pulling anything back from people, it is just pulling anything back from people, it is just deciding not to renew something that the statute requires them not to renew.

Mr. BIGGS. Thank you, I yield back.

Mr. MCCLINTOCK. The gentleman's time is expired. Mr. Garcia?

Mr. GARCIA. Thank you, Chair McClintock. The Trump Administration and its loyalists in Congress continue their efforts to persecute immigrants, and undermine our legal immigration system. Today their target is Temporary Protected Status, they are here to scapegoat and demonize people with TPS to justify Trump and Miller's decision to send a million people with legal status back to countries with extreme levels of armed conflict, and other conditions.

As my colleagues have pointed out, many TPS recipients have lived in the U.S. for decades. They are our friends, neighbors, and community members. They contribute roughly \$21 billion to our economy, and they pay over \$5 billion in taxes to Federal, State, and local entities. Republicans don't care about their economic contributions, or about supporting this engine of economic growth.

They are committed to a xenophobic agenda that blames immigrants for every problem in society. It is the same strategy that Vice-President J.D. Vance used when he lied about Haitians with TPS eating people's pets. It is the same strategy that Donald Trump uses when he refers to other nations as quote, "Shithole countries."

Republicans are doing this because they have no plan on affordability, on healthcare, on education, on housing, on public safety, or fixing our broken immigration system. Their only plan is to blame hardworking immigrants. Their assault on immigrants is fundamentally an assault on workers, and it is a continuation of the administration's antiworker policies.

The President has gutted agencies overseeing occupational safety standards, lowered the minimum wage for Federal contractors, terminated Department of Labor grants that fought child labor, and supported workers' rights, and stripped Federal workers of their collective bargaining power. Mr. Williams, thank you for being here today, and for your commonsense.

Can you talk about how going after lawful working immigrants like TPS recipients fits into the antiworker agenda, and how does aggressive immigration enforcement disrupt work sites, and destabilize communities?

Mr. WILLIAMS. Yes, thank you, Congressman. Thank you for your words about the real impacts that the American workers faced. It is not the immigrant worker that our American workers should be worried about, it is corporate America who has truly exploited the broken labor laws of this country, coupled with a broken immigration system.

It is probably the No. 1 factor, and at least in the construction industry, that has led to the decline in wages, real wages being

earned, the ability to afford the communities that they live in, to be able to retire with dignity. To be able to provide healthcare, all these assaults on the working class have been systematically put in place, and by design.

Yet, we don't talk about who the real people that are destroying the working class in this country, and it is corporate America's insatiable desire to want to put profits over people, and that includes immigrant workers as well. They have been unwilling victims of that system now for generations. I am 47 years old, it has been going on my entire life.

Mr. GARCIA. On the disruption of work sites?

Mr. WILLIAMS. The work sites in this country have been disrupted most recently based on these immigration raids and continue to be disrupted. You never see the person employing them put in the back of a van. You have never seen them put on TV as people that are exploiting workers. We have lost our way in the way we view this.

Mr. GARCIA. Do these raids at work sites make workers safer, or does it put them at risk?

Mr. WILLIAMS. It puts them at extreme risk. Listen, you can't work safely when you are worried about being targeted for removal. The truth is people just won't show up to work, which we have seen in North Carolina, in Florida, where you have a disproportionate amount of TPS holders too in the State of Florida, Texas, and New York.

Mr. GARCIA. Thank you so much. This administration's TPS policy is a disgrace. Congress should act and pass the American Dream and Promise Act, which would provide stability, a path to citizenship, and a boost to the economy.

Thank you, and I yield back.

Mr. McCLINTOCK. Mr. Knott?

Mr. KNOTT. Thank you, Mr. Chair. I think it defies commonsense and logic that the talking point that the previous questioner keeps repeating, that regardless of where you come from, if you come here legally or illegally you will lead to a robust economy. It doesn't matter if you are literate, it doesn't matter if you are skilled, and it doesn't matter if you are a member of a cartel.

There is just a carte blanche statement that if you come to this country from anywhere other than America, America will prosper. It is just such a reckless statement, it defies logic, and it is not borne out in the statistics. Many people from around the world come here and live off of American charity, they live off of criminal livelihoods, and they live off of fraud as we have seen in Minnesota.

This idea that every immigrant is a force multiplier regardless of legal status, is a force multiplier for good is just an absolute farce. Mr. Rogers also wanted to talk to you about this idea that the Biden Administration was a responsible arbiter of legal immigration policy. From my understanding, from where I sit, they used the Temporary Protected Status Program to usher in huge amounts of unvetted people from all over the world. Is that correct?

Mr. ROGERS. Yes, that is correct—

Mr. KNOTT. Explain how they did that. Sorry, go ahead.

Mr. ROGERS. It is not just Temporary Protected Status, they abused scores of immigration laws. They abused the parole power, they stretched every statute they could way beyond breaking point to justify illegal entry of 10–20 million illegal immigrants.

Mr. KNOTT. How many people were ushered in under the TPS program?

Mr. ROGERS. The TPS program I believe went up from 400,000 to 1.3 million, so about a million people, just under a million.

Mr. KNOTT. Mr. Williams, just off the cuff, do you believe that that was done responsibly?

Mr. WILLIAMS. Because this country has no comprehensive immigration reform, I do believe it was the only path to provide people with true work authorization in this country.

Mr. KNOTT. I am asking do you think that Joe Biden operated responsibly using TPS to usher in almost 1.3 million people into the country?

Mr. WILLIAMS. I am saying the system is broken as it stands now, and I don't believe President Biden authored in anybody. We have people coming into this country with no pathway—

Mr. KNOTT. He did usher in people.

Mr. WILLIAMS. I don't think personally—

Mr. KNOTT. His administration did.

Mr. WILLIAMS. Fair.

Mr. KNOTT. Is that a fair use of the program, to bring in over a million people who were not vetted?

Mr. WILLIAMS. When there are over and approaching 20 million workers in this country that are coming to this country without any system to greet them at our borders, and to come in legally, and the TPS program has been the one pathway for people to receive work authorization, I believe that the extension of TPS should be considered even further by this body.

Mr. KNOTT. You are avoiding the question. Is granting TPS to a million unvetted people responsible?

Mr. WILLIAMS. I do believe it is.

Mr. KNOTT. You believe it is?

Mr. WILLIAMS. I do.

Mr. KNOTT. OK, well that is a very irrational position that you take. Do you think that people who were brought in under that program caused harm to the country?

Mr. WILLIAMS. I do not, because they have work authorization—

Mr. KNOTT. Not one, not one? You are speaking in very broad terms, you don't think one person who came in under Biden's immigration recklessness has harmed the country?

Mr. WILLIAMS. You asked, does the process of TPS cause harm? Do I have any understanding of one person? I don't think that is a fair question to ask.

Mr. KNOTT. No, I asked did the Biden Administration use TPS responsibly?

Mr. WILLIAMS. I believe TPS is the most responsible way for immigrants of this country to come and work in our country legally.

Mr. KNOTT. Did the Biden Administration use the program responsibly? It is beyond any shadow of a doubt that he ushered in—

Mr. WILLIAMS. I believe they did.

Mr. KNOTT. Over a million people with no vetting.

Mr. WILLIAMS. I believe they did.

Mr. KNOTT. You believe they did?

Mr. WILLIAMS. I do.

Mr. KNOTT. All right. Now, Mr. Rogers, back to you. Please explain for the room how that program was abused under the Biden Administration.

Mr. ROGERS. Well, first, they used pretextual justifications to grant TPS, for example, to Haiti and Venezuela. They just used general poverty and difficult conditions in the country, which is never what TPS was designed for. To the point about needing workers, we actually have work visas, we have the H-2 Visa which lets temporary workers enter the country lawfully.

There is a process to bring those workers, we don't need TPS to do that, there is no reason for that.

Mr. KNOTT. Sure. In terms of the abuses, again, we see this talking point echoed repeatedly, that vetting is thorough. Can you please dispel that notion that it was applied the last four years?

Mr. ROGERS. The vetting is impossible. As we have said, you can't. When an immigrant applies for a work visa, or for an immigrant visa, they have to get a police certificate from their local police station in their home country. None of that happens under TPS. If you look at the form, it is just a bunch of yes or no questions. Have you ever done X or Y, and they self-report.

Mr. KNOTT. Right. Basically what we have concluded, looking at Biden's Administration administering the TPS program, is that it fits within a broader narrative that there really should not be any restriction for any person who wants to come into the United States. Is that fair?

Mr. ROGERS. Yes.

Mr. KNOTT. I yield back.

Mr. MCCLINTOCK. [Inaudible.]

Ms. CROCKETT. I didn't hear him, sorry. Thank you, Mr. Chair. President Trump has made it clear that he only opposes lawful immigration when non-White people immigrate to the United States. His immigration agenda isn't about public safety, or economic stability, or jobs, it is about racism. It was racist during his first administration; it is racist now.

His first administration, he has hired a bunch of racists to carry it out. In fact, I am going to pause here really quickly, I know we are talking about TPS, but I don't know if anyone else has mentioned the fact that ICE agents were literally dragging a pregnant woman just this week in a viral video. Don't tell me that this isn't about cruelty, because it is.

Moving on. The President is now on record admitting to calling majority Black and Brown nations quote, "Shithole countries." He consistently refers to Black and Brown people as quote, "low IQ, stupid, or nasty." His agenda is about one thing, giving racial preference to specific people seeking to immigrate to America, which is illegal and unconstitutional.

Nevertheless, they are going to keep trying to get all to believe that immigrants are the cause of all your problems. Here is the truth, immigrants are not responsible for a billionaire CEO refusing to increase your wage. The corporation you work for isn't re-

placing your job with artificial intelligence because of Haitian refugees.

Your landlord isn't increasing your rent because someone who is fleeing gang violence in Central America moved into your community. A Palestinian kid who was afforded a scholarship to study at an American university isn't responsible for your child's tuition increasing. Latino farm workers aren't responsible for prices of your groceries increasing.

Let us be clear, blaming migrants, deporting migrants, and ending TPS won't improve the lives of most Americans. As you can see, we are in the middle of the largest, most inhumane deportation program in American history. Guess what, housing is still unaffordable, healthcare is still too expensive, groceries are still too expensive, wages aren't keeping up with inflation, and jobs are still being outsourced.

Maybe it is not the immigrants, maybe it is the failed Republican policies. In my State of Texas the Republicans control the House, the Senate, and the Governor's mansion. In the United States the Republicans control the House, the Senate, and the White House. Maybe it is the fact that Republicans would rather give permanent tax cuts to billionaires, but won't even give middle class Americans temporary healthcare benefits.

Maybe it is the fact that President Trump has the wealthiest cabinet in American history, and these people are out of touch with the American public. Now, Mr. Williams, will ending TPS help or hurt the finishing trades industry your union members work in?

Mr. WILLIAMS. It will hurt the construction industry as a whole.

Ms. CROCKETT. Let me tell you this, or let me ask you this, this ain't in here. Has it already hurt the construction industry?

Mr. WILLIAMS. It has, because of the fear and uncertainty.

Ms. CROCKETT. There is a lot of fear, there are workers that are not showing up to their jobs, regardless of their status, because of how immigration is being carried out under this administration, is that correct?

Mr. WILLIAMS. That is correct.

Ms. CROCKETT. Will ending TPS help or hurt job site safety?

Mr. WILLIAMS. It will hurt job site safety.

Ms. CROCKETT. Will ending TPS help or hurt affordability in our communities?

Mr. WILLIAMS. It will hurt affordability in our communities.

Ms. CROCKETT. Exactly. As people are complaining about the fact that housing is up, you have got to think about what those input costs look like. Those input costs, besides the fact that there has been reckless, and ridiculous, and not been reined in as it relates to the tariffs, and we know that we get a lot of lumber out of Canada, we want to fight with Canada, we want to fight with Mexico.

Then, we want to tell people that have come here and are going through the process, and I am not going to say that any process is perfect, but the last time that I checked, Republicans continue to offer us concepts of a plan instead of actual plans, because they would rather campaign on the chaos instead of fixing it. Listen, none of us sitting here, whether you are a Democrat or a Republican wants to be unsafe in our country.

I want to be clear, I don't want a criminal in my neighborhood either. But going after all these countries when we talk about—it looks like they want to end TPS for Burma, El Salvador, Ethiopia, Haiti, Lebanon, Somalia, South Sudan, Sudan, and Syria, they actually do have Ukraine got extended a little bit, and Yemen got extended a little bit.

The vast majority of these countries, there is one thing in common. A lot of those people from those countries have a little bit of melanin in their skin.

With that, I will yield.

Mr. MCCLINTOCK. The gentlelady yields back. Mr. Onder?

Mr. ONDER. Thank you, Mr. Chair. For decades Temporary Protected Status has been systematically distorted far beyond what Congress intended. What was meant to be a short-term humanitarian measure has become a backdoor pathway for illegal aliens to remain in the United States indefinitely, often with full work authorization, and no meaningful enforcement of the law.

Under the Biden–Harris Administration this abuse has not only continued, but it has exploded. The 1.5 million TPS recipients are now in the United States, a number that has quadrupled over the past four years of the Biden Administration. This reckless expansion was not authorized by Congress, and it imposes real and growing costs on American communities.

Towns like Springfield, Ohio, Charleroi, Pennsylvania, Logansport, Indiana, and towns that never consented to become immigration test cases are now overwhelmed. Local leaders and residents are pleading for help as thousands of TPS recipients pour into their communities with little warning, and no Federal support, and often as we have heard today, stayed forever.

These communities are reporting rising crime and traffic incidents, school systems are stretched beyond the breaking point, and public health concerns, including reappearance of diseases once eradicated in the United States are now with us again. Hospitals are being pushed to their limits. Mr. Celaschi, has the arrival—when I was in medical school residency fellowship, internal medicine, I saw a total of maybe half a dozen cases of tuberculosis.

They were generally in either elderly homeless people, they were in people who were immune compromised, and some were in immigrants. Has the arrival of TPS recipients in your community coincided with the re-emergence of diseases that we generally don't see in America?

Mr. CELASCHI. To the best of my knowledge there have been a couple of cases that have come to the forefront.

Mr. ONDER. Have you seen those in Charleroi?

Mr. CELASCHI. Yes.

Mr. ONDER. Have you seen some cases in Charleroi?

Mr. CELASCHI. To the best of my knowledge there have been a few cases.

Mr. ONDER. In schools?

Mr. CELASCHI. Yes.

Mr. ONDER. Presumably young, healthy people bringing in TB?

Mr. CELASCHI. Yes.

Mr. ONDER. Do you know whether those have been multidrug resistant TB cases? That has been a problem recently.

Mr. CELASCHI. I do not know that.

Mr. ONDER. Yes. Are there other ways the TPS program has affected American students who attend your schools?

Mr. CELASCHI. Really can't get into much from the school district. I know that they were frustrated at the very beginning, they were not receiving any funding, nor did the borough receive any funding. They did through, I guess months, years, they received a little bit to help with the influx of immigrants, but the borough has still not received anything.

Mr. ONDER. Have the schools had to hire more English learner teachers because of this influx?

Mr. CELASCHI. To the best of my knowledge, yes.

Mr. ONDER. OK. Mr. Rogers, 1.5 million TPS recipients, when deciding to award Temporary Protected Status, is any distinction made between people who have come to this country legally or illegally?

Mr. ROGERS. No, no distinction at all.

Mr. ONDER. Do you know, the 1.5 million, this may have been in someone's testimony, but do we know how that breaks down as people who have come here legally versus illegally?

Mr. ROGERS. I don't have the specific breakdown, but it is generally agreed that the vast majority are illegal.

Mr. ONDER. It was, I believe your testimony, Somalia, TPS status since 1991, I had not yet finished my medical training in 1991, I had a lot more hair, what in the world, 1991, is it in Federal law, some procedure to end Temporary Protected Status at some point?

Mr. ROGERS. Yes, the designation of a country only lasts six to 18 months, and then DHS is required to re-evaluate and decide whether to renew or not. It has just been renewed every time it has come up—

Mr. ONDER. It has just been renewed indiscriminately without any potential—the earthquake was 15 years ago, maybe people could go home perhaps?

Mr. ROGERS. Yes, until the Trump Administration, it was just renewed.

Mr. ONDER. Until the Trump Administration, OK. Well, thank you very much for your testimony. I yield back.

Mr. MCCLINTOCK. The gentleman yields back. Mr. Celaschi, would you like to respond to the drive by smear by Ms. Ross that you are out of touch with your town?

Mr. CELASCHI. Could you repeat?

Mr. MCCLINTOCK. Would you like to respond to the drive by smear we heard from Ms. Ross a few minutes ago?

Mr. CELASCHI. I wish you would have let it into the record, because names that were delivered, our current mayor is in full support of mayor. He is a Republican mayor in town. There were claims that the future mayor, and they named her name, Ms. Ellis, she declared not to be the future mayor; it was a front page article that she was taking the seat on council, and not mayor, but she won both seats, so that was inaccurate as well too.

Mr. MCCLINTOCK. Thank you. Mr. Fishman, the statue clearly states that there is quote,

There is no judicial review with respect to the designation, or termination, or extension of a foreign State on the TPS list.

Despite that, we frequently see the open border groups sue to stop the Trump Administration from terminating TPS designations. How can that be the case, and what should we do about it?

Mr. FISHMAN. Well, they do it—some of these Federal courts do it on a theory that doesn't apply to constitutional violations, that doesn't apply to systemic issues independent of individual determination. The Supreme Court has stepped up this year, and stayed a lot of those injunctions, and allowed the Trump Administration to actually carry forth the law, and terminate, where appropriate, past designations of TPS.

Mr. MCCLINTOCK. The law in your opinion is clear; it is just certain partisan judges who were abusing it?

Mr. FISHMAN. Well, I mean the law could be made stronger if there was an opportunity to reform it. Even under the current language, it is a stretch, and the Supreme Court has stepped in to prevent that sort of stretch.

Mr. MCCLINTOCK. Mr. Rogers, what is your view of that?

Mr. ROGERS. The law is very clear, it says no judicial review. I don't see how you can get any clearer than that.

Mr. MCCLINTOCK. Mr. Fishman, this Subcommittee has received extensive testimony about how illegal labor forces down the wages of American workers with whom that labor competes. As we flood these markets with illegal labor, the supply of labor increases, thus the wages for that labor decrease. What would you advise someone like the Democratic witness who assures us that he is looking out for the best interest of his members?

Mr. FISHMAN. I worked, when I worked for the Subcommittee we had many hearings on the deleterious effect on American workers, both of any race or ethnicity on mass low-skilled immigration. Not only does it lower wages, but there has been a collapse in the labor force—

Mr. MCCLINTOCK. That is simple economics, right? You flood a market with—

Mr. FISHMAN. Yes, a collapse in labor force participation.

Mr. MCCLINTOCK. Additional labor, the price of that labor is suppressed or declines, it is a supply and demand function.

Mr. FISHMAN. Exactly, the result is currently many working age Americans simply are dropped out of the labor force because of the wage rate that mass low-skilled immigration has caused.

Mr. MCCLINTOCK. We are talking about adding a million such people is a good thing for American workers, that we need them in our shipyards and construction. Yet, Temporary Protected Status is by definition a temporary program. Are the Democrats tacitly telling us they intend to make it a permanent program?

Mr. FISHMAN. What they are saying is completely at odds with what the Democrats who championed TPS in 1990 promised TPS was for.

Mr. MCCLINTOCK. Well, it seems to me that if they want to make it a permanent program, they ought to just say so, and attempt to that through legislation, and level with the American people that this is their objective. If you are an American construction worker or shipyard worker, you just have to suck it up, and put up with suppressed wages indefinitely, because after all they are paying union dues, so the union bosses are happy. Is that essentially it?

Mr. FISHMAN. Exactly, if you want amnesty, if that is your goal, call it what it is.

Mr. MCCLINTOCK. Mr. Celaschi, in your opinion, is TPS as it is currently conceived in the best interest of the American people, or is it more benefiting foreign national interests and business interests that want to exploit these populations for cheap labor regardless of any effects that they have on the communities that these people resettle in?

Mr. CELASCHI. Yes, I absolutely agree with that.

Mr. MCCLINTOCK. Your experience is consistent with that in Charleroi as an elected official?

Mr. CELASCHI. Yes.

Mr. MCCLINTOCK. Great, I am going to yield back. Recognize Mr. Roy. I'm sorry, Mr. Jayapal for a unanimous consent request.

Ms. JAYAPAL. Thank you, Mr. Chair. I would like to ask unanimous consent to enter into the record an article from *FWD.us* called "Temporary Protected Status Protects Families While also Boosting the U.S. Economy."

I would like to enter into the record, this is from *The Guardian*, "A Pennsylvania Town is Thriving with Haitian Immigrants and is the Latest Target of Republican Hate."

I would like to ask unanimous consent to enter into the record an article from *The Washington Post* called, "How Trump Warped and Weaponized a Small Pennsylvania Town's Immigration Story."

I would like to enter into the record an article from the *American Business Immigration Coalition* entitled, "Facts Immigrants aren't Stealing your Jobs or Lowering Wages."

Mr. MCCLINTOCK. Without objection. Mr. Hunt?

Mr. HUNT. Thank you so much, and thank you witnesses for being here today. As of today, roughly 1.5 million people in the U.S. have Temporary Protected Status. Most of these TPS recipients entered the U.S. during the Biden-Harris Administration. They permitted millions of undocumented individuals to enter our country under the pretense of quote, "protection."

What was once intended to temporarily help those who live in the countries that are in ongoing armed conflicts, serious natural disasters, or aliens returning to their country of origin is not in the interest of the United States has now become a way for Democrats to import their own voters, as we have seen for the past four years.

Nearly 725,000 TPS illegal migrants entered the country during the Biden-Harris Administration, often with little to no information provided about their reasons for entry. Illegals from Haiti, Venezuela, Afghanistan, Sudan, Nicaragua, and El Salvador, many of these criminal aliens have claimed American lives, innocent victims such as Laken Riley, Jocelyn Nungaray, Rachel Morin, and Nathaniel Baker.

This must, and it will stop, it has stopped under the current administration. The Trump Administration has made remarkable progress reaching its seven consecutive months without illegal border crossings, the fewest that we have seen in the modern history of this great Nation. Congress needs to act to make sure criminals, gang members, cartels, and terrorists never set foot on American soil.

As somebody that served and fought in combat for this great Nation, that is exactly why I served this country, and it is exactly why I continue to serve in the halls of Congress, to continue to protect my fellow Americans. Mr. Celaschi, thank you for being here, sir. In your testimony you stated that many residents in your town have serious concerns about housing capacity, safety resources, school support, and healthcare resources.

You also made it clear that your city did not sign up to be used as a test subject. Let me make it clear, your request to Congress is not absurd, it is not cruel, but rather reasonable, and based on commonsense, and I want to thank you for that. What your town has experienced is unfair, it is unjust, it is un-American.

With that being said, I want to give you some time on how your commonsense request will benefit your community and local residents.

Mr. CELASCHI. Everything begins with communication, and there wasn't any from the start. If that had been brought to the table, I think the dialog would have become more healthier. All this has caused is a lot of division and a lot of hate. I am sorry to say that. I feel that from the Federal Government to the State Government, again, if this would have been handled more professionally, I think everyone at the table in our small community could have come up with a good solution.

Being that we weren't permitted to be involved, and they dumped these immigrants into our community, and again, I have compassion for them too, they are human beings, as I stated. This went over and above something that should have been placed in a small town such as Charleroi, Pennsylvania.

Mr. HUNT. Sir, are you xenophobic?

Mr. CELASCHI. Pardon?

Mr. HUNT. Are you xenophobic?

Mr. CELASCHI. Pardon?

Mr. HUNT. Are you xenophobic, are you racist, are you xenophobic? Do you hate immigrants, do you hate people that come to this country looking for a better way of life, do you hate them, or?

Mr. CELASCHI. Sir, I have three biracial grandchildren who I love.

Mr. HUNT. Well, I will be damned. This is literally about keeping your community safe, and literally about what it means to be an American regardless of the way you look, it is about taking care of our citizens. Would you agree with that assessment, sir?

Mr. CELASCHI. Absolutely.

Mr. HUNT. Well, thank you very much for your passion, I really, really appreciate that. I have got a minute left, and I want to end with this. Under the Biden Administration our country was invaded by illegal immigrants period. It was an invasion of 20 million people that entered this country illegally, which is completely unacceptable.

Now, the Trump Administration has taken decisive action to clean this mess up and make sure that we don't ever see anything like we saw for the past four years again. President Trump got re-elected in large part because of what happened on our Southern border. As a Texan, as somebody that bore the brunt of a lot of

these issues, and a lot of these problems during the Biden Administration, I am here to tell you that I am utterly disgusted at what I saw.

No, I am not racist, and no, I am not xenophobic. I am a person that is willing to die for my country, and I am a person that fought for my country in combat. I want everyone to know this, that Americans need to be the top priority in our country. Every other country in the world operates like that, and so should we. Thank you for being here, God bless you, and Merry Christmas, sir.

Mr. MCCLINTOCK. The gentleman's time has expired. Mr. Roy?

Mr. ROY. I thank the Chair for holding this hearing, I appreciate the witnesses, thank you for being here. A couple of questions, and I think I will start with you, Mr. Rogers. I am just going to level set, and some of this may have been covered before I got here. Under President Biden the TPS population increased from I believe somewhere around 410,000 at the end of the first Trump Administration.

To 1.5 million before Biden left office this January, basically quadrupling, is that roughly correct?

Mr. ROGERS. Yes.

Mr. ROY. In other words, and I have heard some people talking about some of the data, but I just do think it merits observation for the American people. In other words, Biden added over 700,000 aliens to the TPS population, meaning over 70 percent of all aliens granted TPS initially entered the U.S. during the Biden-Harris Administration?

Mr. ROGERS. Correct.

Mr. ROY. According to Federal data and Pew Research, most TPS holders are illegal aliens who crossed the border without authorization, or overstayed their visa before receiving TPS, not individuals who were lawfully present on valid, temporary visas, do you agree with that assertion?

Mr. ROGERS. Yes.

Mr. ROY. During the Biden Administration's four years, nearly three million illegal aliens were paroled into the interior, and he even created the CHNV program in 2022, which created specific parole programs to admit hundreds of thousands of Haitians and Venezuelans, correct?

Mr. ROGERS. Correct.

Mr. ROY. Venezuela and Haiti received TPS designations in 2023-2024 respectively, both after the launch of the mass CHNV parole program in 2022, right?

Mr. ROGERS. Yes.

Mr. ROY. Is it plausible that the Biden Administration used TPS to allow large numbers of illegal aliens, Venezuelans and Haitians to remain in the U.S., since most of these individuals likely did not enter the U.S. lawfully or qualify for asylum?

Mr. ROGERS. It is definitely plausible, in fact, there were designations at the beginning of his term, and then they backdated, and extended the dates after they let all those people in.

Mr. ROY. Right, impeached Secretary Alejandro Mayorkas blew our borders wide open by exploiting asylum and parole, it is fairly well documented. In my view, breaking the law in doing so. I would think it is well within the realm of possibilities that TPS was also

abused to shield those released illegal aliens from deportation, right?

Mr. ROGERS. Yes, it is definitely plausible.

Mr. ROY. It just wasn't Haiti and Venezuela, right? Mayorkas and Biden used TPS to shield upwards of 700,000 illegal aliens from Afghanistan, Burma, Cameroon, El Salvador, Ethiopia, Honduras, Lebanon, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, Ukraine, and Yemen, all true, right?

Mr. ROGERS. Correct.

Mr. ROY. Let me ask you this. The premise—and maybe I will ask you, Mr. Fishman, just because I want to spread the wealth here a little bit, I am having fun with George. The premise for TPS is providing temporary immigration relief to aliens already in the U.S. when a catastrophic event occurs in their home country?

Mr. FISHMAN. Yes.

Mr. ROY. Yet, beginning with TPS Liberia in 1997, the Executive Branch unilaterally created a new authority called a TPS redesignation, right? Which it uses to move up the eligibility cutoff date, and cover aliens who come to the U.S. after the event that resulted in the initial granting of TPS?

Mr. FISHMAN. Yes.

Mr. ROY. The term redesignation does not appear in Section 244 of the INA, right?

Mr. FISHMAN. It does not.

Mr. ROY. Nevertheless, the Executive Branch, including the Biden Administration, used redesignation to apply the initial designation, even if the event occurred 10–20 years ago to cover recent U.S. present illegal aliens from that country, is that right?

Mr. FISHMAN. Yes.

Mr. ROY. Can you explain how the Executive is supposed to square this redesignation with congressional intent given that it is not stated anywhere in the relevant INA sections?

Mr. FISHMAN. Well, the USCIS Director under President Biden—President Obama, I am sorry, was very clear. DHS designation can be extended based on things, adverse climactic conditions that have absolutely nothing to do with why TPS was designated for that country in the first place.

Mr. ROY. Like the abuse of parole, like the abuse of asylum, it is abuse of the statutes that Congress put forward to do these designations, wouldn't you say?

Mr. FISHMAN. Yes.

Mr. ROY. Mr. Rogers, do you agree with that?

Mr. ROGERS. Yes.

Mr. ROY. Mr. Chair, I appreciate you holding this hearing. I think this is an important topic that we need to elevate. I will yield back my last 30 seconds for the sake of time.

Mr. MCCLINTOCK. I appreciate that, the gentleman yields back. We have no one else here to continue questioning, so we will conclude today's hearing. I want to thank our witnesses—I am told Mr. Grothman is on his way, but if he is not here now, we will just have to go along without him. Again, thank you for appearing before the Subcommittee today.

Without objection, all Members will have five legislative days to submit additional written questions for the witnesses, or additional

materials for the record. Without objection, and without Mr. Grothman, the hearing is adjourned.

[Whereupon, at 3:56 p.m., the Subcommittee was adjourned.]

All materials submitted for the record by the Members of the Subcommittee on Immigration Integrity, Security, and Enforcement can be found at the following links: *<https://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=118767>*.

