La Biblioteca
A Latinx Resource Guide: Civil Rights Cases and Events

Episode 2: Central American Migration to the U.S.: Temporary Protection Status (TPS)


Dr. Ruth Ellen Wasem: So it's not like a temporary worker visa or foreign student visa, it's a different concept: as a tool to be able to respond to humanitarian crises.

Dr. Cecilia Menjivar: Most of them have lived in the United States for half or more of their lives. For most of TPS holders, this is their country.

Crista Ramos: My role is to stand up for my family and to speak out on behalf of over 250,000 U.S. citizen children who are in the situation. My brother and I have been separated from our families. I decided to be part of this lawsuit not just to fight for my family but also over 300,000 families.

Maria Guadalupe Partida: Hola, and welcome to La Biblioteca, an exploration of the Library of Congress collections that focus on the cultures of Spain, Portugal, Latin America, and the Hispanic community in the United States. I’m Maria Guadalupe Partida, a Huntington Fellow in the Hispanic Reading Room.

Herman Luis Chavez: I’m Herman Luis Chavez, also a Huntington Fellow in the Hispanic Reading Room. Hola, Lupita.

Maria Guadalupe Partida: Hola, Herman.

Herman Luis Chavez: Season two of La Biblioteca focuses on A Latinx Resource Guide: Civil Rights Cases and Events in the United States, a research guide which has been curated here at the Library of Congress. This is our third episode, which explores Central American migration and the United States Temporary Protection Status.

Maria Guadalupe Partida: Balmy Alley, located in the Mission District in San Francisco, California, is home to a collection of murals completed in the mid 80s. These murals are a form of artistic expression, exhibiting distraught over human rights and political abuses in Central America. In one mural, you can witness the face of a mother, fleeing her village with a son, leaving behind her motherland in the pursuit of an obscure destination that promises hope. On the other side of that same mural, you can see the face of Salvadoran Archbishop Oscar Romero, who was assassinated for being a civil rights activist and a vocal critic against government-sponsored repression.
Herman Luis Chavez: Forty years have passed since the assassination of Archbishop Oscar Romero, yet El Salvador remains in the throes of gang-related violence, high homicide rates, human rights abuses, and government corruption. According to a 2020 Congressional Research Service report, rates of extortion have risen across the country, and, of the violence that occurs in the country, many cite gendered violence and gang violence as reasons for migrating to the U.S. from El Salvador. Today, hundreds of thousands of Central Americans—mainly from El Salvador—are living in the U.S. under a temporary protection status—most well-known as TPS.

Maria Guadalupe Partida: In 1990, the George H.W. Bush administration enacted the Temporary Protection Status, which was granted to foreign nationals from designated countries experiencing environmental disasters, armed hostilities, or abnormal emergencies. TPS recipients receive temporary immigration status, work authorization, and protection from deportation until it is safe to return to their home countries.

Herman Luis Chavez: TPS does not grant a direct path to permanent residency status or citizenship but it is renewable with designated time periods ranging from six to 18 months. Since 1990, administrations from both sides of the aisle have renewed TPS designation to El Salvador.

Maria Guadalupe Partida: In 2018, the Department of Homeland Security issued the termination of TPS for El Salvador—provoking class action lawsuits against the government. With TPS holders contributing millions of dollars to national U.S. programs…

Herman Luis Chavez: …with the current unrest affecting El Salvador…

Maria Guadalupe Partida: …and with the presence of more than 300,000 U.S. citizens with TPS-holding parents…

Herman Luis Chavez: … the future is uncertain. Today, we are joined by three individuals highly familiar with the U.S. Temporary Protection Status.

Maria Guadalupe Partida: Ruth Ellen Wasem is a Professor of Policy Practice at the Lyndon B. Johnson School of Public Affairs at the University of Texas, where she teaches courses on immigration policy and legislative development. For more than 25 years, Wasem was an immigration policy specialist at the U.S. Library of Congress’ Congressional Research Service. She has testified before Congress about asylum policy, legal immigration trends, human rights, and the push-pull forces on unauthorized migration. Wasem earned masters and doctoral degrees in history at the University of Michigan, largely funded by the Institute for Social Research.

Maria Guadalupe Partida: Hello Dr. Wasem, and welcome to La Biblioteca podcast.

Dr. Ruth Ellen Wasem: Good morning, it's great to talk to you.
Maria Guadalupe Partida: It's great chatting with you today too Dr. Wasem. Thank you for joining us. There has been a recent surge of Central American migration into the United States, which has been depicted on diverse news and broadcasting mediums. To comprehend why these individuals are seeking a safe haven, it is essential to consider and comprehend the history and the current hardships of these countries. We wish to pivot our attention to Temporary Protection Status or, also known as TPS, legislation that the first President Bush signed. There are millions of TPS recipients—all coming from the 10 countries with TPS designation. Central Americans make up the majority of these individuals with TPS. Could you tell us more about TPS, Dr. Wasem? How and why did this legislation emerge?

Dr. Ruth Ellen Wasem: There had been after the passage of the Refugee Act of 1980 which spelled out when someone is a refugee or qualifies for asylum—they have to meet a definition of having a well founded fear, based of being returned to their home country based on one of five characteristics: their religion, their race, their ethnicity, their political views, or their membership in a social group. And, that and that was part of the international definition of a refugee that grew out after World War Two. But, there was this other concept that was not in statute, and that's the idea of safe haven, and it embraces people who don't necessarily meet the definition of a refugee, but they certainly are fleeing dangerous situations and would be warranting protections. It also kind of caught up in a concept that was commonly used back in the ‘80s, a concept of first asylum. There was also the Moakley-DeConcini bill named after a Congressman Joe Moakley and Senator Dennis DeConcini that would grant stays of deportation to Salvadorans and Nicaragua at the time. And that had a lot of political stake, so there was a lot going on trying to address this issue of Central Americans that were not receiving asylum and, again, there was there was also a major court case going on at the time, the American Baptist Church and other groups were doing a court case against the administration for how they treating the Salvadorans and Guatemalans in the asylum system. In the meantime, while all this was going on, Congress was doing a major overhaul of illegal immigration, which increase legal immigration and increased employment-based, expanded family-based, and did a variety of things, and this was— these were—the immigration amendments of 1990. And one of the final bits of the negotiation—and I was staffing that, so I was present when the House and Senate conferees were negotiating this—they put into the final bill Temporary Protected Status. These provisions that created TPS, which is now section 244 of the Immigration Act and that spells out when people are eligible for TPS and they also reached an agreement and, again, this was negotiated and back and forth, so our consensus had to develop that the Salvadorans, only the Salvadorans, were able to get Temporary Protected Status in that bill. So that's the nutshell of how we got here.

Maria Guadalupe Partida: Thank you Dr. Wasem—the events and legislation that you just mentioned are critical to understanding how TPS became enacted. Central Americans, especially those from El Salvador make up the majority of TPS recipients. TPS designations for Nicaragua, Honduras and El Salvador had been renewed since February 13, 2001 and December 30, 1998—which are the required arrival dates to the U.S. for Nicaragua, Honduras, and El Salvador. TPS designations for these countries were announced to have expired in
2017. As litigation for these decisions remains ongoing, what are some opposing arguments that TPS has faced? What are some favorable arguments for TPS?

Dr. Ruth Ellen Wasem: It inspires other people to come to the United States, so that's the main argument against it. The argument in favor of it is, of course, that there are a lot of people that fall in that area between the very difficult than high threshold of meeting the definition of a refugee, and there are millions of people around the world who have already met that definition—not as many at that time, but certainly a fair number—but it's not safe for them to return home, and one of the things that was recognized in TPS, in addition to civil strife and unrest, are natural disasters. And the thought behind TPS is that people are only here temporarily, and as soon as things get better at home, they will go home as soon as soon it's safe, and we certainly have had instances where that has been the case. Many of the Central Americans of the almost 250,000 Central Americans who are protected by TPS today are different than the ones who got it in 1990, it's a different population. There are instances where it becomes clear that people have either, that have been here long enough, it doesn't make sense to keep them in this indefinite immigration limbo, and, but that requires an act of Congress. Under the Constitution and the way the courts have viewed it, it's the legislative branch that's preeminent in immigration, not the executive branch, it's the legislative branch, and as a result, Congress needs to act on these things, and there have been numerous times over the years when Congress will pass legislation that adjusts people that are here on some kind of temporary, or sometimes even not in any official immigration status, that will authorize that they can become lawful permanent residents. It is one of the thorniest aspects of TPS is that, while it grant someone the authorization to work in the United States. And it does consider them to be in a status, where if you're otherwise eligible for another immigrant visa—like you marry a U.S. citizen or an employer petitions to hire you in a job—that you could adjust status. You're not barred from being considered an unauthorized resident. It doesn't give you a pathway to becoming a lawful permanent resident unless Congress enact legislation. So, it's it's an imperfect response that addresses temporary situations.

Maria Guadalupe Partida: Recently, TPS designation was granted to Venezuela. Can you tell us more about the process that Venezuelans who are eligible for TPS are undergoing and what TPS for Venezuela might mean for temporary protection status as a whole?

Dr. Ruth Ellen Wasem: I'm glad you brought up Venezuela. Because many Venezuelans are in the asylum process and are applying for asylum in the United States. And, many of them came here on non-immigrant visas. While you're waiting for your to get into the asylum system, TPS enables you to work, and it's also quite possible that there are Venezuelans here who will not meet that high standard of a definition of an asylum seeker. And yet, right now, as you know, many countries in this hemisphere around Venezuela have recognized, it may not be safe for people with opposing political views to return to Venezuela. So Temporary Protected Status enables Venezuelans to have at least a period of time here where they can, wait and see what happens back home where they can work where they can continue to try to live as normal a life as they can. I've looked at the Chileans after Pinochet, and they were another population that had great difficulty getting asylum because of US policies in Chile, and it was a long time before
they went back, but a lot of Chileans did return home. We'd like to think that everyone got to be where they want to be, and doesn't feel uprooted, but sometimes you can't go back and that's what asylum and refugee status is about, but we know there are individuals that don't meet that threshold. The real issue becomes, what's the tenable period of time to be in immigration limbo. That's up to Congress to decide if they've been living and working in the United States and contributing to our communities and our economy, and their children are growing up here, and we don't want them to go back they're part of us now. Just because Congress passes a law that says you can have lawful permanent status, it doesn't mean you have to stay here there's no coercion involved. It's just recognizing after a certain period of time that people are already incorporated into the fiber of our nation.

Herman Luis Chavez: Thank you so much, Professor. Our conversation so far about TPS has really shown us that this conversation around immigration limbo is one that is transforming. We're even seeing this with the fact that TPS designations come and go. This whole recent aspect with Venezuela coming in with that designation, acknowledges the effects TPS has with different countries and those who come to the United States. Right now, we're at a critical juncture where Nielsen v. Ramos is being appealed, and it's still something that's under consideration. Considering these examples of Venezuela and Nielsen v. Ramos, what do you believe is the future for TPS or the possible directions of TPS or similar immigration legislation?

Dr. Ruth Ellen Wasem: One of the things it's important to note as part of this discussion is under current law, to benefit from TPS you have to be here before it's put into effect, so it doesn't create an avenue for someone to come to the United States, it only provides relief for people that are already here. That's a key point. But, as I mentioned earlier, the critique of TPS is that people think that once we've given it to a country, others may follow to join, and hope that when the TPS designation is renewed, that eligibility date moves up a little, which sometimes happens. So, that being present is important and it limits its ability to be something that can be used in a kind of ongoing way. It's delineated by start and stop dates. So it's not like a temporary worker visa or foreign student visa, it's a different concept: as a tool to be able to respond to humanitarian crises. A lot of its viability hinges on the temporary nature, and I say that in that if it's seen as being a way to leapfrog legal immigration, it will lose integrity. It will not be seen as being directed at what it was designed for, which is temporary protections. So, I think when some people talk about modifying it to create an ongoing category, they run the risk of something that I find quite concerning, and that is creating a class of people in our country, that don't have a pathway to stay here and are always in this tenuous situation, and creates a group of people that can be more easily exploited by employers or other other types of situations. There's an indentured nature to it that's not based on an idea of equality and equal treatment. I am very cautious in advocating that it'd be expanded to encompass more people, because I think an unintended consequence of doing that could lead to a population of vulnerable and more easily exploited individuals who don't have the same rights, benefits, and protections that lawful permanent residents have and that U.S. citizens have.

Herman Luis Chavez: Thank you so much for mentioning those limitations and those dimensions professor, of what I think is inherent to the title, you know, Temporary Protected
Status and that really is what I think carries a lot of the way of what that legislation does and can do in the future as well, and maybe what the dimensions of those changes, maybe for the future. We would love to ask you to round out this interview, if you have any calls to action that you would like to share with our listeners, or any information that we have not yet had the chance to cover today that you would like to mention.

Dr. Ruth Ellen Wasem: My call to action is for your generation, so that you can bring fresh ideas, innovative ways to be agents of change, to move the discussion forward, to be a positive force on these things. So I don't like to burden you with that responsibility, but I also want to empower you, so that it's not just talking about it. So my call to action is the transfer of knowledge of the political processes so that you can move forward. I'm gonna pass the torch.

Herman Luis Chavez: Now, we would like to welcome Dr. Cecilia Menjívar, the Dorothy L. Meier Chair in Social Equities and Professor of Sociology at UCLA. Her research falls in two areas: on immigration from Central America to the United States and on violence in Latin America. She has researched the effects of immigration laws and enforcement practices on immigrants and their families and communities. Her most recent publication is *The Handbook of Migration Crises*, published by Oxford in 2019. She has received several recognitions, including a Guggenheim Fellowship and a Carnegie Fellowship, and in 2020 was elected as President of the American Sociological Association. Hello Dr. Menjívar, and welcome to La Biblioteca.

Dr. Cecilia Menjívar: Thank you so much for having me here.

Maria Guadalupe Partida: The pleasure is ours, Dr. Menjívar. For decades, millions of Central Americans have journeyed from their homes for thousands of miles to arrive at the southern border. Could you please comment on why Salvadorans, Hondurans, and other Central Americans have left their countries? Why has there been waves of Central American immigration into the US that stretches back since the 80s? And, what is the current situation of these countries now?

Dr. Cecilia Menjívar: Salvadoran and Central America immigration to the United States has continued since this migration started in mass in the 1980s. In the 1980s, the conflicts, the civil wars that reached in this region, and militarization of the region gave rise to conditions that many Central Americans left, especially from Guatemala, El Salvador, and, to a lesser degree, Honduras at that time, because Honduras did not have a civil war, but it was the basis for fighting the civil wars in neighboring countries, where the United States created center of operation basically a base. And, so the entire region was enveloped in a political conflict in the 80s. And that's when mostly Guatemalans and Salvadorans left. The reasons at that time were political violence and persecution and a very bloody civil war. This migration has continued because the conditions that the movements during the civil wars were seeking to change really didn't change after the Peace Accords were signed. So, for instance, inequality continued
increasing actually--trends of inequality continued. Conditions for life for the majority of people didn't change much. And then, a layer of violence was added to their lives because during the conflicts, the whole region was very militarized and that remained in the in the form of what was called now common crime or gang violence in quotes. But, it's very much rooted in the conflicts of the 80s. So since those conditions that didn't change, migration flows to the United States didn't really change much either. And then, we've had natural disasters, for instance in Honduras, and in the rest of the region that have amplified and accelerated those migrations. So, conditions really that propelled those migrations in the first place, really haven't changed, in actually have been amplified to the point where for instance, today they're more more people being killed then during the the civil wars in the region. So, conditions have really gotten worse since the Peace Accords were signed. And, that's why we continue to see migration to the United States from the region.

Maria Guadalupe Partida: This temporary protection granted to these individuals that is meant to be neither long-term nor permanent, as you mentioned, is a focal point when considering the limitations or accessibilities that these individuals have while living in the U.S. What benefits are TPS recipients eligible for illegible for?

Dr. Cecilia Menjívar: They are eligible basically for a work permit and to stay in the country and not be deported if they keep a clean record. So, they have to reapply every 18 months. The TPS that they have right now is for 18 months, not the nine months of the first TPS And, so they have to maintain a clean criminal record, and it gives them a work permit so they allowed to stay in the country for 18 months at a time. They have to apply every 18 months and pay a reapplication fee of 495 $495 I think it is at this moment. And so, that they do every 18 months. There are several things that they're not allowed to do, for instance, they cannot become permanent residents. TPS is stipulated in law that it is not going to become a path to permanent residence unless Congress because the TPS in the in US law unless Congress approves a change. And it has to be a majority—a super majority—in Congress actually to change the law. And so, it doesn't allow people to become lawful permanent resident or to sponsor anyone else for residence. And, it also does not allow new applicants into the program. They can stay in the country for 18 months. They can purchase homes. They can conduct their daily lives, except that they know that they have to reapply every eighteen months.

Herman Luis Chavez: Thank you so much for providing those details about TPS Dr. Menjívar, I think we would love to hear a little bit about the communities that are TPS holders. So, in in August 2020, you published an article titled Temporary Protection Status for Central American Immigrants with the UCLA Latino Policy and Politics Initiative, where you included data and statistics on education, employment, health and community engagement among TPS communities. Can you, maybe talk about some of the key findings of your report and any other key factors that impact or are held by the communities of TPS holders.
Dr. Cecilia Menjívar: That report is based on a larger report that actually the TPS holders and the TPS Alliance have used in their advocacy work, and in that is the the policy report from what the UCLA Center is based on on the same survey that I lead in 2016. We conducted the survey across the country in the communities with the major concentrations of Central Americans and TPS holders across the country. And, the major findings are that overall TPS holders are integrated in their communities, socially, and they are active participants civically. They have high levels of civic participation civic involvement. Most of them have lived in the in the United States for half or more of their lives. For most of TPS holders, this is their their country, they have lived here at least half of their lives, and so they are well integrated socially, culturally, you may say, and however, because TPS and temporary protected status is a temporary status, it allows people to to to work and to have jobs into in for employers to to hire TPS holders but that temporariness has negative effects on their potential for earnings for advancement economically because they tend to in relation to the levels of education and work experience, they could be earning more and advancing more, but the temporary is of the status keeps them in in the in the same jobs and the same positions for much longer time. Economically, they are able to get jobs and one may say they are doing well, but they could be doing better given their level of education and their work experience.

Herman Luis Chavez: We would love to hear a little bit about how the Nielsen v. Ramos case arose and how its process has gone.

Dr. Cecilia Menjívar: The case arose from a decision by the Trump administration to end TPS for the over 350,000 people on TPS. And, that was a, that was a very severe decision for the TPS holders who were going to lose the status. The majority of TPS holders, who are from El Salvador and Honduras and also Haitians have lived in the United States for more for half or more of their lives, so this was a major major blow for for them and their families. As a result of this decision by the Trump administration and the then-Secretary of State Nielsen, to not designate, to stop designating these countries for TPS. TPS holders started to organize and to fight in the court and outside the courts, and the the case was filed. This is a case file to stop the undesignation of countries designated for TPS, so to continue TPS for these countries. It received quite a bit of attention because it was filed by several major national organizations of immigrant rights. And, associated with that, was the birth of the National TPS Alliance that has been growing and has moved and has mobilized people around the country.

Herman Luis Chavez: Thank you so much for sharing that about TPS. As we’re about to hear with our conversation with Crista Ramos, the courts ultimately decided not to side with the Ramos family and her fellows in that case, but they have appealed and that they are waiting on the results of that appeal. We’re curious to know what your thoughts are on what that final
announcement could mean for TPS holders and about the impact of the approval or rejection that that repeal could have.

Dr. Cecilia Menjívar: I cannot overstate the depth and breadth of the impact because it's not just on the TPS holders themselves. It's also on their families and communities and even employers who rely so much on TPS holders, in the sectors were to be as holders work. So, the effects that are broad and wide. And, of course, no one knows what the courts will decide. But, I think the goal of that of that case is to not end TPS. And, the goal of the TPS Alliance work that they're doing right now, is to not just end TPS, but to consider TPS holders for lawful permanent residents, which is very much aligned with the research I've done. TPS is great, and it should be kept because it's very helpful, so very much aligned with the court case. But at the same time, in my data, I see that TPS holders are held back by the temporariness of their status. If they had a more permanent status, they could advance more. So, that goes in line with the work of the TPS alliance to fight for a more permanent dispensation.

Herman Luis Chavez: Of course, we you know, are waiting for the decisions of that appeal and to see what the courts ultimately decide. But, we would love to hear about what you think the future of TPS might be, and what a future legislation might look like for Central American migrants.

Dr. Cecilia Menjívar: Temporary Protected Status is part of immigration law, so that doesn't go away. That stays unless a super majority of Congress decides to get rid of it. What changes is the designated countries. There have been many countries that have been designated, and that designation has stopped for those countries. So, it's the countries that are designated that that change. For Central Americans for Hondurans and Salvadorans that's what I mean by Central Americans on TPS because Guatemalans have never been recognized for TPS disposition. For Hondurans and Salvadorans, the fight in the and the mobilization that is going on right now to move them to a more permanent status. I think that that would be a solution for that, because they've lived here all their lives, they have set roots, they have families, they have they're integrating the community, so that's the natural thing to do- to move them to a more permanent dispensation but these two things are different. There will be other countries designated for TPS. Venezuela, for instance, was just the same native with TPS. There will be other countries designated for TPS, and that changes. For Hondurans and Salvadorans, I should specify, because they have been on TPS for so long, the natural thing to do would be to permanent status.

Maria Guadalupe Partida: Finally, we would like to welcome Crista Ramos, a U.S.-born 17 year old activist who is the lead plaintiff in the lawsuit Ramos v. Nielsen. Her mother is a TPS recipient from El Salvador since 2001. In 2018 when TPS was terminated, she became an
advocate to speak out about her family’s situation. She continues fighting to keep over 400,000 TPS families together around the country that are in the same situation as her.

Hi Crista, welcome to La Biblioteca!

Crista Ramos: Thank you for having me.

Maria Guadalupe Partida: Who is Crista Ramos? Could you tell us more about your upbringing, your family ties to El Salvador, and a little bit about your life in the US as a normal high school student?

Crista Ramos: Yeah, so, as you mentioned, my name is Crista Ramos, I’m 17 years old, and I’m from San Francisco, California. I’ve lived in the Bay Area my entire life, but my parents are both from El Salvador, and even though I’ve never actually visited El Salvador, I have grown up with the culture, and even though when I speak Spanish I don’t really have that Salvadorian accent like my parents do, being Salvadorian is a big part of me. I am a high school student. As you mentioned, I’m a junior and my education is one of my biggest focuses along with my activism, and I’ve been working hard with my grades knowing that college is right around the corner, so I’m hoping to and excited to apply soon.

Herman Luis Chavez: We wanted to ask if you have ever seen the murals at Balmy Alley in San Francisco.

Crista Ramos: Yeah, I have, I have many times actually. I always walk in those streets with my family and they’ve always popped out at me. Seeing those murals is really inspiring, not just because of the bright colors and the painting techniques, but also the story those murals tell. I remember seeing one of the murals that had the picture of the Archbishop from El Salvador, Monseñor Romero. My family lived in El Salvador during the war in the 80s, and I’ve grown up listening to stories about his significance to the Salvadoran people and it’s nice to see his image here in this country. Yeah.

Herman Luis Chavez: Thank you for sharing that, Crista. Our next question is going to pivot a little bit to your personal experiences with some of the activism that you have done. Can you tell us about your role as a lead plaintiff in the class action lawsuit of Ramos v. Nielsen? How did it begin, and how do you see it ending?

Crista Ramos: Yeah, so, the lawsuit was placed back in 2018 a few weeks after TPS was terminated. The lawsuit includes nine TPS recipients from El Salvador, Haiti, Sudan, and Nicaragua and 5 U.S. citizen children including me and, as you mentioned, I am the lead plaintiff in the case. My mom is also part of the lawsuit; she’s the TPS recipient in my family. And my role is to stand up for my family and to speak out on behalf of over 250,000 U.S. citizen children who are in the situation, like my brother and I have been separated from their families. And I decided to be part of this lawsuit not just to fight for my family but also over 300,000 families. Since 2018, we’ve been fighting in the courts. The last hearing they had was back in August
2019 and we received a response, a year later, in September 2020, and it was a negative response. The court overturned the injunction protecting TPS recipients from being deported, but we appealed the decision, and we've been waiting for a response since then. I'm not sure how this will end, but we know that this, this lawsuit is only granting TPS recipients extensions to keep living in this country. But it can't provide a pathway to residency. That's why I got involved with organizations. I'm part of the National TPS Alliance, which has committees all around the country fighting for a pathway to permanent residency. So you know we're fighting for a bill in Congress that would provide a pathway to residency for tps recipients.

Herman Luis Chavez: You provided this really great overview of the big milestones of your experience with that lawsuit. What has your personal experience with the lawsuit been? Can you tell us a little bit about how you have felt throughout this process and how that has maybe impacted other aspects of your life?

Crista Ramos: So when TPS was terminated, I was in eighth grade, I mean at that time you know my biggest focus was that I had to go to high school, and that was just like my thing, like “oh my gosh I'm about to go to high school,” and then my mom told me about the termination of TPS. And at that time it was, it was shocking because I I didn't really know about her, her status. so that was the moment when I really started paying attention to what was what could happen. And so I got involved with the lawsuit because of that. Before that, speaking in front of people like in public terrified me. But I didn't even give a second thought to, to joining the lawsuit and, and speaking out for my family because I knew that it was something I had to do. And so I've been growing these past few years and learning how to speak about my situation, helping people through this, through this fight. I've met a lot of children of TPS holders who are in the situation, and it's, you know, taught me that that i'm not the only one in the situation and it's made me more confident, you know, to speak to give interviews, because I know that it's not just my family that I'm fighting for, it's thousands of families around the country.

Herman Luis Chavez: You bring up this really important point that there are so many people that have been impacted by TPS that continue to be impacted from TPS. What do you want people to take away from the lawsuit? Or maybe what, what do you want people to, you know, maybe learn the most and share most with others when it comes to looking at the experiences that you've had and that your families have had these other thousands of families have had.

Crista Ramos: My mom has had TPS since 2001 and it has allowed her to work and live in this country, and as I mentioned before, I had never really given much thought about you know, I knew she was like an immigrant but I never really thought about her immigrant story. This is, you know, has taught me more about the many immigrant stories in this country of many immigrant families, not just like Central American families, because there's TPS communities from like Africa and those areas too, and it's just showed me how different stories about immigrants, but we're all we're all united under TPS you know. I've met so many people from different countries that I, I never had encountered before but we're all united in this fight, you know fight we're fighting for families to keep them together..
Maria Guadalupe Partida: Thank you, Crista. Your activism is truly inspirational. I have a question for you for your future prospects. Who will Crista Ramos be? Where do you see yourself in the future?

Crista Ramos: I have so many things that I want to do with my life, and being an activist has helped change my outlook. I found it’s opened my eyes about so many problems, not just in our country, but globally that I want to help fix. What is clear is that I want to follow a career path that involves social justice and helping other people. That’s the one thing that is clear for me, is that I want to spend my future helping others.

Maria Guadalupe Partida: Thank you for sharing that Crista. Do you have any call to action that you would like to give to the public in regards to TPS?

Crista Ramos: Yeah, I would say, there is a lot of TPS families, but some are afraid to speak out. You know, I’ve met a lot of TPS children who are afraid of speaking, you know, to, in their communities, because they don’t know what will happen with their parents. So if you know a TPS recipient, or you know a child who has parents of TPS to be supportive. You know, my friends, when I told them about my situation, they were really supportive, saying that they would back me up in anything I needed, and I think that really helped me. And I would also say to keep on getting involved supporting bills, or asking Congress members to support bills in Congress that would give these families a pathway to residency for TPS recipients and to, that’s a way to fight for our families. There’s so many families in this situation. There’s a lot of TPS children like around the country but, you know, a lot of us are minors, and so seeing the support of college students or older people who who can really you know help make a change with not just speaking out but with their votes or asking their Congress members to go out and to help fight families what is really helpful.

Herman Luis Chavez: That was such an informative conversation with scholars Ruth Wasem and Cecilia Menjivar along with young plaintiff Crista Ramos. As we heard from our discussion with Crista, the lawsuit is still ongoing, much like TPS keeps changing, as Professor Wasem pointed out. Lupita, what are the ongoing updates to TPS? How is the legislation changing right now?

Maria Guadalupe Partida: That’s correct Herman, the lawsuit is ongoing. TPS designation for Central American countries- El Salvador, Nicaragua, and Honduras remain in effect due to ongoing litigation. As of March 2021, approximately 320,000 individuals from 10 different designated countries hold TPS—with Venezuelans, Haitians, and Burmans qualifying most recently. On March 8, 2021, Secretary Mayorkas announced TPS designation for Venezuela, and an estimated 323,000 Venezuelans could be eligible for TPS protections. A 2021 report by the Congressional Research Service titled “A Temporary Protected Status and Deferred Enforced Departure” by Jill H. Wilson informs of H.R. 6 and H.R. 1603, both which have been passed by the House of Representatives in the 117th Congress. These two bills, if passed by the Senate, would provide a pathway to lawful permanent residence or LPR to thousands of TPS recipients. However, a June 2021 Supreme Court ruling, Sanchez v. Mayorkas, decided
that individuals under TPS who came without authorization to the U.S. would be unable to obtain lawful permanent residency. This ruling disqualifies a large majority of TPS recipients from Central America from gaining a green card and thus a path to citizenship.

Herman Luis Chavez: Please note that these updates to TPS legislation are current as of June 2021, when this episode was recorded. There may have been updates to TPS between the date of recording and the date this podcast season was released. Please refer to the Congressional Research Service and our Library of Congress research guide for the most updated information on TPS.

Maria Guadalupe Partida: Happy Hispanic Heritage Month 2021! Thank you for tuning in to La Biblioteca, Season 2. I’m Lupita.

Herman Luis Chavez: And I’m Herman. Be sure to tune in to the next episode of La Biblioteca! For more information on the Latinx community and civil rights, visit us online at guides.loc.gov/latinx-civil-rights.

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