To: Honorable Mayor and Members of the City Council
From: Peace and Justice Commission
Submitted by: Alexander Mabanta, Chairperson, Peace and Justice Commission
Subject: Calling on the Federal Government to Extend Temporary Protected Status (TPS) for All Nations Currently under the Program, and to Establish a Pathway to Permanent Residency for Current Beneficiaries

RECOMMENDATION
Adopt a Resolution calling on the federal government to extend Temporary Protected Status (TPS) for all nations currently under the program, and to establish a pathway to permanent residency for current beneficiaries.

FISCAL IMPACTS OF RECOMMENDATION
None.

CURRENT SITUATION AND ITS EFFECTS
At its most regular meeting November 6, 2017, the Peace and Justice Commission unanimously adopted the following recommendation: that the City Council support a resolution calling on the federal government to extend Temporary Protected Status (TPS) for all nations currently under the program, and to establish a pathway for permanent residency for current beneficiaries.

M/S/C Bohn/Gorrocino
Ayes: Rodriguez, Maran, Watson, Lippman, Bohn, Meola, Agrawal, Mabanta, Gorrocino
Abstain: None
Absent: Marchesini, Orozco, Hariri

ENVIRONMENTAL SUSTAINABILITY
There are no identifiable environmental impacts or opportunities associated with the subject of this report.
RATIONALE FOR RECOMMENDATION
Temporary Protected Status (TPS) is a temporary, renewable program that provides relief from deportation and access to a work permit for certain migrants in a small number of countries who may not meet the legal definition of refugee but who cannot safely return to their country of origin. An end to TPS would harm Berkeley and the Bay Area by throwing the lives of long-term residents into chaos, separating parents from their children, impacting local small businesses and ultimately damaging the social and economic fabric of our city, and undermining our local values of inclusion and protection for all.

ALTERNATIVE ACTIONS CONSIDERED
None.

CITY MANAGER
The City Manager takes no position on the content and recommendations of the Commission's Report.

CONTACT PERSON
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Shallon Allen, Commission Secretary, City Manager’s Office 510-981-7071

Attachments:
1: Draft Resolution
RESOLUTION NO. ##,###-N.S.

CALLING ON THE FEDERAL GOVERNMENT TO EXTEND TEMPORARY PROTECTED STATUS (TPS) FOR ALL NATIONS CURRENTLY UNDER THE PROGRAM, AND TO ESTABLISH A PATHWAY TO PERMANENT RESIDENCY FOR CURRENT BENEFICIARIES

WHEREAS, the Peace and Justice Commission advises the City Council on all matters relating to the City of Berkeley's role in issues of peace and social justice (Berkeley Municipal Code Chapter 3.68.070); and

WHEREAS, Temporary Protected Status, or TPS, is a temporary, renewable program that provides relief from deportation and access to a work permit for certain migrants in a small number of countries who may not meet the legal definition of refugee but who cannot safely return to their country of origin; and

WHEREAS, under current law, the Homeland Security Secretary may designate a country for TPS when one of three circumstances occurs: There is “ongoing armed conflict” that creates unsafe conditions for returning nationals; There has been an earthquake, flood, drought, epidemic, or other natural disaster that makes the state temporarily unable to accept the return of its nationals, and the state has requested TPS designation; or “Extraordinary and temporary” conditions in a state prevent its nationals from returning safely; and

WHEREAS, the TPS provision in the Immigration and Naturalization Act states that a bill or amendment that provides for the adjustment to lawful temporary or legal permanent resident (LPR) status for any migrant receiving TPS requires a supermajority vote in the Senate (i.e., three-fifths of all Senators) voting affirmatively. Provisions that would have allowed nationals from various countries that have had TPS to adjust to LPR status had been introduced in past Congresses, but not enacted; and

WHEREAS, on January 25, 2017 President Trump signed Executive Order 13768, Enhancing Public Safety in the Interior of the United States, which was later implemented through a memorandum signed by the DHS Secretary on February 20, 2017. These executive actions dramatically increased the universe of immigrants subject to deportation, eliminating the Obama Administration’s enforcement priorities and essentially making all immigrants subject to deportation. Consequently, more than three hundred thousand (300,000) TPS holders – El Salvador, Haiti and Honduras with the highest number of beneficiaries, all currently protected from deportation, upon termination of TPS, these individuals will not only become subject to deportation, but will be at serious risk because DHS has extensive and updated records on their place residence and work, due to the frequent re-registration requirements of the program; and

WHEREAS, sixteen Senators, including Senator Kamala Harris, wrote a letter to Secretary of State Rex Tillerson and Secretary of Homeland Security John Kelly urging
the U.S. Dept. of State, and U.S. Dept. of Homeland Security to extend Temporary Protected Status for individuals from ten TPS-Designated Countries; and

WHEREAS, TPS beneficiaries and their families have deep ties to Berkeley, the Bay Area and other communities across the nation, where they have started businesses, built community, bought homes and positively contributed to the social, cultural and economic fabric of cities and this nation; and

WHEREAS, an end to TPS would harm the San Francisco Bay Area, state (California has the highest number of beneficiaries), and national economy with a projected 2.8 million reduction to the national GDP, $428 million in lost social security and Medicare contributions over a decade, $60 million in turnover costs to businesses, and a projected $468 million in additional federal costs for enforcement of new regressive migration policies; and

WHEREAS, conditions in designated TPS countries remain dangerous and unsafe, such that deportation to these nations not only separates families, but places individuals and their families at grave risk; and

WHEREAS, an end to TPS would harm Berkeley and the Bay Area by throwing the lives of long-term city residents into chaos, separating parents from their children, impacting local small businesses and ultimately damaging the social and economic fabric of our city, and undermining our local values of inclusion and protection for all.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley demands that the Federal Government extend TPS by no less than 18 months for all designated countries.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley urges our State representatives to champion the extension of TPS for no less than 18 months for all designated countries and introduce legislation that will result in a path to permanent residency.

BE IT FURTHER RESOLVED that Council of the City of Berkeley demands that both the Executive Branch and Legislative Branch of the Federal Government work together to legislate a pathway to permanent residency for TPS beneficiaries, some of whom have been protected under the program for close to two decades.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley affirms and recognizes the countless economic, cultural and social contributions immigrants make to our city every day.

BE IT FURTHER RESOLVED that the Council of the City of Berkeley will continue to affirm our city values of inclusion, diversity and human rights.

BE IT FURTHER RESOLVED that the Council directs the Clerk to send a copy of this resolution to Representative Barbara Lee and Senators Kamala Harris and Dianne Feinstein.
Immigration and Naturalization ACT 244 - TEMPORARY PROTECTED STATUS
(a) Granting of Status.-
(1) In general.-In the case of an alien who is a national of a foreign state designated under subsection (b) (or in the case of an alien having no nationality, is a person who last habitually resided in such designated state) and who meets the requirements of subsection (c), the Attorney General, in accordance with this section-
(A) may grant the alien temporary protected status in the United States and shall not remove the alien from the United States during the period in which such status is in effect, and
(B) shall authorize the alien to engage in employment in the United States and provide the alien with an "employment authorized" endorsement or other appropriate work permit.
(2) Duration of work authorization.-Work authorization provided under this section shall be effective throughout the period the alien is in temporary protected status under this section.


News: Congressional Research Service Report On Temporary Protected Status

The Executive Order on Interior Enforcement - Federal Register:

Letter to the Hon. Rex Tillerson, Secretary of State, the Hon. Elaine Duke, Acting Secretary of Homeland Security – Extend Temporary Protected Status for Honduras and El Salvador,
https://www.washingtonpost.com/world/national-security/


Economic Contributions of Salvadoran, Honduran, and Haitian TPS holders, the cost to taxpayers, gdp, and businesses of ending tps | april 2017 3 https://www.ilrc.org/sites/default/files/resources/2017.