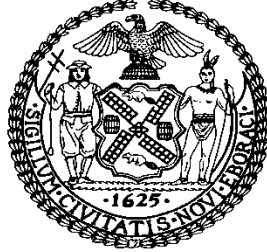


Committee Staff:

Committee on Immigration  
Indiana Porta, Legislative Counsel



## **THE COUNCIL OF THE CITY OF NEW YORK**

### **COMMITTEE REPORT**

Matt Gewolb, Legislative Director  
Rachel Cordero, Deputy Director, Governmental Affairs Division

### **COMMITTEE ON IMMIGRATION**

Hon. Carlos Menchaca, Chair

**August 15, 2016**

**Res. No. 1103:**

Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Menchaca, Dromm, Espinal, Eugene, Koo, Reynoso, Richards, Chin, Levin, Gibson, Salamanca, Rosenthal and Cohen.

**Title:**

Resolution calling upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

## **I. INTRODUCTION**

On June 27, 2016, the Committee on Immigration, chaired by Carlos Menchaca, held a public hearing to discuss Resolution No. 1103 which calls upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake. Advocates, stakeholders and New Yorkers of Ecuadorian descent testified about the challenges Ecuador faces as it begins recovery efforts, as well as how Temporary Protected Status would provide much needed support to Ecuadorians in the United States who cannot safely return to Ecuador at this time.

## **II. BACKGROUND**

On April 16, 2016, Ecuador experienced a devastating earthquake of 7.8 magnitude, which led to 660<sup>1</sup> deaths and left 16,000<sup>2</sup> individuals injured and in critical need of medical attention.

According to the United Nations (UN), nearly 7,000 buildings were destroyed and 560 schools were affected.<sup>3</sup> In total, 24,000<sup>4</sup> buildings and homes were damaged; displacing 28,000<sup>5</sup> individuals from their homes and places of work. Recovery and rebuilding efforts are currently projected to cost over \$3 billion<sup>6</sup>, and possibly much more

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<sup>1</sup> [http://www.un.org/apps/news/story.asp?NewsID=53870#.V1B\\_svrKUK](http://www.un.org/apps/news/story.asp?NewsID=53870#.V1B_svrKUK)

<sup>2</sup> <http://www.pbs.org/newshour/rundown/lawmakers-call-for-protected-status-for-ecuadorians-living-in-u-s/>

<sup>3</sup> [http://www.un.org/apps/news/story.asp?NewsID=53870#.V1B\\_svrKUK](http://www.un.org/apps/news/story.asp?NewsID=53870#.V1B_svrKUK)

<sup>4</sup> <http://www.telesurtv.net/english/news/Ecuador-Urges-Temporary-Status-For-Undocumented-Migrants-in-US-20160518-0015.html>

<sup>5</sup> <http://www.pbs.org/newshour/bb/ecuador-looks-to-pick-up-pieces-and-rebuild-after-devastating-earthquake/>

<sup>6</sup> <http://www.pbs.org/newshour/bb/ecuador-looks-to-pick-up-pieces-and-rebuild-after-devastating-earthquake/>

on account of significant delays and rising costs given the more than 23<sup>7</sup> aftershocks and smaller earthquakes that continue to frustrate these efforts.

Recognizing the overwhelming obstacles Ecuador faces as it recovers from this deadly and destructive earthquake, the Ecuadorian government formally requested Temporary Protected Status (TPS) designation from the U.S. government. As of early August 2016, the U.S. government had not yet issued a decision.

### **III. TEMPORARY PROTECTED STATUS (TPS)**

TPS designation is reserved for situations where immigrants present in the U.S. are unable to return safely to their home country due to ongoing armed conflict, environmental disaster, or other extraordinary and temporary conditions that prevent safe return. While the Department of Homeland Security (DHS) is tasked with designating which countries receive TPS designation, it is the United States Citizenship and Immigration Services (USCIS), an agency within DHS, that is responsible for administering the TPS program and adjudicating each foreign national's application for TPS.

An national of a country with TPS designation is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence and residence in the U.S. since the date specified for that particular country; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits within the time frame specified by USCIS.<sup>8</sup>

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<sup>7</sup> <http://edition.cnn.com/2016/05/18/world/ecuador-earthquakes/index.html>

<sup>8</sup> <https://www.uscis.gov/humanitarian/temporary-protected-status#Eligibility%20Requirements>

TPS status does not lead to a green card or citizenship. By designating Ecuador for TPS, the Department of Homeland Security extends TPS eligibility to Ecuadorian nationals in the U.S. who are unable to return to Ecuador safely at this time.

#### **IV. ECUADORIANS IN U.S. AND N.Y.C.**

According to the Pew Research Center, as of 2013, there were roughly 417,000 Ecuadorian-born individuals living in the United States<sup>9</sup> as U.S. Citizens, Lawful Permanent Residents, visa holders, or without lawful status.

Notably, New York City is home to a roughly 140,000 residents of Ecuadorian birth or descent and this vibrant and dynamic community is one of the largest Ecuadorian populations in the country.<sup>10</sup>

#### **V. RESOLUTION NO. 1103**

Resolution No. 1103 (the Resolution) calls upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

The Resolution states that Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of TPS designated countries.

Further, the Resolution exclaims that during the temporary designation period, eligible nationals may remain in the United States and may not be detained by the

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<sup>9</sup> <http://www.pewhispanic.org/2015/09/15/hispanics-of-ecuadorian-origin-in-the-united-states-2013/>

<sup>10</sup> <http://www1.nyc.gov/office-of-the-mayor/news/363-16/statement-mayor-bill-de-blasio-earthquake-ecuador>

Department of Homeland Security (DHS) based solely on immigration status, and may obtain employment and travel authorization.

The Resolution explains that the Secretary of DHS has the authority to provide TPS to immigrants present in the United States who are unable to safely return to their home country due to an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return.

The Resolution acknowledges that an individual is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner and that the United States Citizenship and Immigration Services, an agency within DHS, is responsible for administering the TPS program.

The Resolution further recognizes that a country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension.

However, the Resolution also recognizes that once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS.

The Resolution describes that, on April 16, 2016, Ecuador experienced a devastating 7.8 magnitude earthquake that led to 660 deaths, injured over 16,000 individuals and displaced over 28,000 individuals.

Further, the Resolution states that, the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) announced that nearly 7,000 buildings have been destroyed and 560 schools have been affected, 166 of which suffered medium to severe damage.

The Resolution, contemplates that an estimated 24,000 buildings and homes were damaged by the earthquake and, acknowledges statements made by Ecuadorian President Rafael Correa who projects that reconstruction efforts could cost close to \$3 billion.

The Resolution explains that since the initial earthquake on April 16, 2016, Ecuador has experienced at least 23 subsequent earthquakes and aftershocks of different magnitude causing major complications in the recovery efforts.

The Resolution contemplates that given this widespread devastation Ecuador fully meets the criteria of a country eligible for TPS.

Further, the Resolution acknowledges that according to the Pew Research Center, as of 2013, there were roughly 417,000 Ecuadorian-born individuals living in the United States as U.S. Citizens, Lawful Permanent Residents, and visa holders.

The Resolution further acknowledges that the Migration Policy Institute reports that there were roughly 146,000 undocumented Ecuadorians in the United States as of 2013, a number that government officials believe has grown to more than 200,000 individuals.

The Resolution recognizes that New York City is home to one of the largest Ecuadorian populations in the nation with over 140,000 Ecuadorian residents.

The Resolution further recognizes that according to the Migration Policy Institute, approximately 65,000 undocumented Ecuadorians, roughly 44% of the total

undocumented Ecuadorian population in the United States, resided in the state of New York as of 2013.

The Resolution contemplates that if Ecuadorians are granted TPS, in addition to obtaining temporary authorization to live and work lawfully in the United States, those living in New York City would also be eligible for in-state tuition rates at schools in the CUNY system.

The Resolution acknowledges that in May 2016, Ecuadorian President Rafael Correa formally requested TPS designation for Ecuador on account of significant pressure to do so by Ecuadorian nationals residing in the United States.

Further, The Resolution acknowledges that the United States has donated nearly \$3 million of humanitarian aid toward relief efforts.

The Resolution further contemplates that granting TPS to Ecuadorians living in the United States would further demonstrate the United States' support for Ecuador.

The Resolution mentions that many elected officials such as U.S. Representative Luis V. Gutierrez, New York Senators Charles Schumer and Kirsten Gillibrand, and New York City Mayor Bill de Blasio have called upon President Obama to designate Ecuador as a country whose nationals are eligible for TPS because of the extraordinary and temporary conditions that prevented Ecuadorians from returning safely to their homes.

For all of these reasons, the Resolution calls upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

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Res. No. 1103

Resolution calling upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

By Council Members Ferreras-Copeland, The Speaker (Council Member Mark-Viverito), Menchaca, Dromm, Espinal, Eugene, Koo, Reynoso, Richards, Chin, Levin, Gibson, Salamanca, Rosenthal and Cohen.

Whereas, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of TPS designated countries; and

Whereas, During the temporary designation period, eligible nationals may remain in the United States and may not be detained by the Department of Homeland Security (DHS) based solely on immigration status, and may obtain employment and travel authorization; and

Whereas, The Secretary of DHS has the authority to provide TPS to immigrants present in the United States who are unable to safely return to their home country due to an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, An individual is only eligible for TPS benefits if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (ii) is not subject to one of the criminal, security-related or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, The United States Citizenship and Immigration Services, an agency within DHS, is responsible for administering the TPS program; and

Whereas, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for TPS; and

Whereas, On April 16, 2016, Ecuador experienced a devastating 7.8 magnitude earthquake which led to 660 deaths, injured over 16,000 individuals and displaced over 28,000 individuals; and

Whereas, the United Nations' Office for the Coordination of Humanitarian Affairs (OCHA) announced that nearly 7,000 buildings have been destroyed and 560 schools have been affected, 166 of which suffered medium to severe damage; and

Whereas, It is estimated that, in total, over 24,000 buildings and homes were damaged and, according to Ecuadorian President Rafael Correa, reconstruction efforts could cost close to \$3 billion; and

Whereas, The country suffered at least 23 subsequent earthquakes and aftershocks of different magnitudes causing major complications in the recovery efforts; and

Whereas, Given this widespread devastation Ecuador fully meets the criteria of a country eligible for TPS; and

Whereas, According to the Pew Research Center, as of 2013, there were roughly 417,000 Ecuadorian-born individuals living in the United States as U.S. Citizens, Lawful Permanent Residents, and visa holders; and

Whereas, The Migration Policy Institute reports that there were roughly 146,000 undocumented Ecuadorians in the United States as of 2013, a number that government officials believe has grown to more than 200,000 individuals; and

Whereas, New York City is home to one of the largest Ecuadorian populations in the nation with over 140,000 Ecuadorian residents; and

Whereas, According to the Migration Policy Institute, approximately 65,000 undocumented Ecuadorians, roughly 44% of the total undocumented Ecuadorian population in the United States, resided in the state of New York as of 2013; and

Whereas, If Ecuadorians are granted TPS, in addition to obtaining temporary authorization to live and work lawfully in the United States, those living in New York City would also be eligible for in-state tuition rates at schools in the CUNY system; and

Whereas, In May 2016, Ecuadorian President Rafael Correa formally requested TPS designation for Ecuador on account of significant pressure to do so by Ecuadorian nationals residing in the United States; and

Whereas, The United States has donated nearly \$3 million of humanitarian aid toward relief efforts; and

Whereas, Granting TPS to Ecuadorians living in the United States would further demonstrate the United States' support for Ecuador; and

Whereas, Many elected officials such as U.S. Representative Luis V. Gutierrez, New York Senators Charles Schumer and Kirsten Gillibrand, and New York City Mayor Bill de Blasio have called upon President Obama to designate Ecuador as a country whose nationals are eligible for TPS because of the extraordinary and temporary

conditions that prevented Ecuadorians from returning safely to their homes; now, therefore be it,

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to designate Ecuador for Temporary Protected Status to provide temporary immigration relief to eligible Ecuadorian nationals in the wake of a devastating earthquake.

LS #8465  
06/02/2016  
IP