December 12, 2013

The Honorable Rand Beers  
Acting Secretary  
Department of Homeland Security  
3801 Nebraska Ave., NW  
Washington, D.C. 20528

Dear Acting Secretary Beers:

I write on behalf of the American Bar Association (ABA) and its Commission on Immigration to urge you to designate the Philippines for Temporary Protected Status (TPS) pursuant to Section 244 of the Immigration and Nationality Act and grant all eligible nationals or residents of the Philippines in the United States TPS for a period of eighteen months, with extensions as necessary.

TPS is necessary because more than one month ago, on November 7, 2013, the Philippines suffered unprecedented devastation from Typhoon Haiyan/Yolanda. Haiyan was the most powerful typhoon ever recorded, and its effects are immense. Indeed, the full scope of the infrastructure destruction, displacement and fatalities is still unknown. Over the past month, it has become increasingly apparent that recovery from Haiyan’s catastrophic effects will take substantial time and pose immense strain on the resources of the government of the Philippines. These extraordinary circumstances effectively reduce the ability of the Philippines’ government to accept its nationals and integrate them into society.

The ABA has long supported a humane and enforceable safe haven mechanism to provide protection to persons who are unable to return to their home countries due to conditions that endanger their safety and well-being. TPS is warranted in situations, as here, where extraordinary and temporary conditions exist that prevent aliens who are nationals of the country considered for TPS designation from returning to their home countries in safety, assuming these aliens meet other statutory requirements. The limited scope of TPS helps ensure that its provision functions as true humanitarian protection and not as an inducement for migration.

Although certain areas of the Philippines suffered more gravely than others, the entire country has been affected by this natural disaster of tragic scope. The catastrophic effects include food and water shortages, and portend serious medical complications, if not severe health epidemics.

The U.S. has provided significant humanitarian assistance in this crisis, but true recovery will take time. It makes no sense for the U.S. to be forced to send Filipino nationals home in these conditions. An immediate TPS designation of the Philippines is therefore consistent not only with the law, but with the United States’ history of providing humanitarian protection to victims.
of natural disasters. Since 1990, when the TPS statute was enacted, the United States has granted TPS to hundreds of thousands of persons from nearly 20 countries, fleeing armed conflict or natural disaster and needing temporary safe haven. Currently, there are eight TPS designated countries: El Salvador, Haiti, Honduras, Nicaragua, Somalia, Sudan, South Sudan and Syria. The designations for TPS for Honduras, Nicaragua, El Salvador and Haiti followed the ravages wrought by extraordinary natural disasters similar to Haiyan, including a hurricane and massive earthquakes.

The ABA joins with the many other organizations, including the National Filipino American Lawyers Association, calling for the Philippines to be designated for TPS as soon as possible. Thank you for your consideration of this urgent humanitarian request.

Sincerely,

James R. Silkenat
President
American Bar Association