



NHCSL

THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS

RESOLUTION No. 2019-15

Granting Temporary Protected Status to Venezuelan Immigrants

Reported to the Caucus by the NHCSL
Immigration Task Force
Sen. Richard Martínez (NM), Chair

Sponsored by Sen. Víctor Torres (FL) and Sen. Annette Taddeo (FL)

Unanimously ratified by the Caucus on December 5, 2019

1 **WHEREAS**, United Nations High Commissioner for Human Rights, Michelle Bachelet,
2 has concluded that "essential institutions and the rule of law in Venezuela have been
3 profoundly eroded. The exercise of freedom of opinion, expression, association and
4 assembly, and the right to participate in public life, entail a risk of reprisals and
5 repression";¹ and,

6 **WHEREAS**, according to a March 2019 Office of the High Commissioner (OCHA)
7 assessment, an estimated 7 million people in Venezuela need humanitarian
8 assistance, which equates to about 25 percent of the population;² and,

¹ See Statement by UN High Commissioner for Human Rights Michele Bachelet (July 5, 2019), available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24795&LangID=E>

² See note 1

9 **WHEREAS**, the minimum wage in Venezuela, around \$7USD per month, does not
10 even cover 5 percent of the basic food basket for a family of five;³ and,

11 **WHEREAS**, the United Nation’s Food and Agriculture Organization (FAO) reported in
12 2018 that 3.7 million people in Venezuela were malnourished;⁴ and,

13 **WHEREAS**, public services, such as transportation, electricity, and water have all but
14 collapsed;⁵ and,

15 **WHEREAS**, between 2013 to 2019, cumulative inflation has reached 2.8 million
16 percent;⁶ and,

17 **WHEREAS**, all of these factors have forced Venezuelans to migrate to other countries;
18 and,

19 **WHEREAS**, about 10 percent of Venezuela’s population has fled the country because
20 of this humanitarian, economic, and refugee crisis;⁷ and,

21 **WHEREAS**, the majority of migrants have fled to Colombia, Chile, Ecuador, and
22 Brazil;⁸ and,

23 **WHEREAS**, as of June 2019, President Nicolas Maduro of Venezuela planned to close
24 the Venezuelan border with Brazil and was considering closing the border with
25 Colombia;⁹ and,

26 **WHEREAS**, other than the above-mentioned Latin American countries, Venezuelans
27 have also been immigrating to the United States; and,

28 **WHEREAS**, Venezuelan migrants to the United States make up about 25 percent of all
29 affirmative asylum applications;¹⁰ and,

³ See note 1

⁴ <http://www.fao.org/3/CA2127ES/CA2127ES.pdf>

⁵ See note 1

⁶ See Report of the United Nations High Commissioner for Human Rights on the situation of Human rights in the Bolivarian Republic of Venezuela (July 5, 2019), available at https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session41/Documents/A_HRC_41_18.docx

⁷ See Dany Bahar, *Venezuela's refugee crisis will exceed Syria's; we must help* (Feb. 12, 2018), available at https://www.brookings.edu/opinions/venezuelas-refugee-crisis-will-exceed-syrias-we-must-help/?utm_medium=social&utm_source=twitter&utm_campaign=global

⁸ <https://www.americasquarterly.org/content/responses-venezuelan-migration-crisis-scorecard>

⁹ <https://www.cnn.com/2019/02/21/americas/venezuela-closes-brazil-border-intl/index.html>

Maduro plans to do this because of the tensions surrounding foreign aid deliveries.

¹⁰ Affirmative asylum is processed by someone physically present in the U.S. and must apply within a year of their last arrival to the country. Defensive asylum is processed as a defense against deportation and is done through the Executive Office for Immigration Review. Venezuelans migrants make up more than 28,000 of almost 110,000 affirmative asylum applications. (<https://www.uscis.gov/humanitarian/refugees->

30 **WHEREAS**, only 328 individuals¹¹ were granted affirmative asylum out of the 14,792
31 applications filed in 2016;¹² and,

32 **WHEREAS**, the number of Venezuelan affirmative asylum applications has been the
33 highest of any nationality for the past three years;¹³ and,

34 **WHEREAS**, as a potential solution to the low number of affirmative asylum grants
35 and the massive backlog of pending cases in immigration courts, many human rights
36 advocates have suggested granting Temporary Protected Status to Venezuelan
37 immigrants;¹⁴ and,

38 **WHEREAS**, more than 215 national, state, and local organizations in the areas of
39 immigration, civil rights, human rights, labor, faith, and education have also
40 advocated for the designation of TPS for Venezuela; and,¹⁵

41 **WHEREAS**, Temporary Protected Status would allow Venezuelan immigrants to live
42 in the United States for a period of 18 months, and allow them to re-register if
43 conditions in Venezuela continue;¹⁶ and,

44 **WHEREAS**, once a country is designated Temporary Protected Status, its nationals
45 may apply through the United States Citizenship and Immigrations Services (USCIS);
46 and,

47 **WHEREAS**, several bills in Congress, including, S. 636, the Venezuela Temporary
48 Protected Status Act of 2019¹⁷ and, H.R. 549, the Venezuela TPS Act of 2019,¹⁸ also
49 seek to grant Venezuelan affirmative asylum seekers TPS; and,

50 **WHEREAS**, even if those are not enacted, the United States Secretary of the
51 Department of Homeland Security may designate a country for Temporary Protected

[asylum/asylum/obtaining-asylum-united-states](#)) See Zong et al., *Frequently Requested Statistics on Immigrants and Immigration in the U.S.*, available at <https://www.migrationpolicy.org/article/frequently-requested-statistics-immigrants-and-immigration-united-states#Refugees> ;see also Batalova et al., *Immigration Data Matters*, available at <https://www.migrationpolicy.org/research/immigration-data-matters>

¹¹ See Department of Homeland Security, Annual Flow Report: Refugees and Asylees: 2017 (March 2019), available at https://www.dhs.gov/sites/default/files/publications/Refugees_Asylees_2017.pdf

¹² See DHS for statistics, <https://www.dhs.gov/immigration-statistics/yearbook/2016/table17>

¹³ Manuel Madrid, *Trump Is Tough on Venezuela—but Won't Let Fleeing Venezuelans Into the U.S.*, available at <https://prospect.org/article/trump-tough-on-venezuela-wont-let-fleeing-venezuelans-us>

¹⁴ See for interactive bar graph https://trac.syr.edu/phptools/immigration/court_backlog/apprep_backlog.php

¹⁵ https://americasvoice.org/press_releases/215-national-state-and-local-organizations-urge-administration-to-designate-venezuela-for-temporary-protected-status/

¹⁶ Under subsection (b)(1)(C) of section 244 of the Immigration and Nationality Act, available at [http://uscode.house.gov/view.xhtml?req=\(title:8%20section:1254a%20edition:prelim\)](http://uscode.house.gov/view.xhtml?req=(title:8%20section:1254a%20edition:prelim))

¹⁷ See S. 636 Venezuela Temporary Protected Status Act of 2019, available at <https://www.congress.gov/bill/116th-congress/senate-bill/636>

¹⁸ <https://www.congress.gov/bill/116th-congress/house-bill/549>

NHCSL RESOLUTION 2019–15
Granting Temporary Protected Status to Venezuelan Immigrants

52 Status (TPS) under the following conditions: Ongoing armed conflict (such as civil
53 war), an environmental disaster (ex. earthquake), or an epidemic, and/or
54 extraordinary and temporary conditions.¹⁹

55 **THEREFORE, BE IT RESOLVED**, that the National Hispanic Caucus of State
56 Legislators urges Congress and the President to fully fund measures to send
57 humanitarian aid to Venezuela and neighboring countries hosting Venezuelan
58 refugees; and,

59 **BE IT FURTHER RESOLVED**, that NHCSL recognizes that the grave human rights
60 violations in Venezuela, as described by the UN High Commissioner for Human Rights,
61 Michelle Bachelet, and others, meet the extraordinary conditions for Temporary
62 Protected Status; and,

63 **BE IT FINALLY RESOLVED**, that the National Hispanic Caucus of State Legislators
64 reiterates its support of S. 636: Venezuela Temporary Protected Status Act of 2019
65 and H.R. 549: Venezuela TPS Act of 2019, and urges Congress and the President to
66 grant Temporary Protected Status to Venezuelan nationals until the humanitarian
67 and economic crisis subsides in Venezuela.

68 THE NHCSL EXECUTIVE COMMITTEE UNANIMOUSLY APPROVED THIS RESOLUTION
69 ON AUGUST 2, 2019 AT ITS SUMMER MEETING IN SANTA FE, NM.

70 THE NATIONAL HISPANIC CAUCUS OF STATE LEGISLATORS UNANIMOUSLY
71 RATIFIED THIS RESOLUTION ON DECEMBER 5, 2019, AT THE ANNUAL MEETING
72 IN SAN JUAN, PR.

¹⁹ <https://www.uscis.gov/humanitarian/temporary-protected-status>