

United States Senate

December 5, 2019

The Honorable Joseph V. Cuffari
Inspector General
Office of Inspector General/MAIL STOP 0305
U.S. Department of Homeland Security
245 Murray Lane SW
Washington, DC 20528-0305

Dear Inspector General Cuffari:

I write to request that you investigate allegations of improper political interference in the decision by the Department of Homeland Security (DHS) to terminate Temporary Protected Status (TPS) designations for El Salvador, Nicaragua, Haiti, and Sudan. I appreciate that earlier this year you committed – both during your confirmation hearing and in private – to investigating matters of concern to me and other members of the Senate Committee on Homeland Security and Governmental Affairs, and I hope your office will address this matter promptly.

Allegations of improper political interference by the White House in DHS decision-making on TPS designations are based on documents produced by DHS in the course of litigation. In a lawsuit brought by TPS holders and their U.S. citizen children seeking relief from DHS's abrupt and arbitrary policy shift, one federal court wrote that "TPS beneficiaries and their children indisputably will suffer irreparable harm and great hardship" absent court relief from the Trump Administration's actions. That same court, in an order halting the terminations of TPS designation, found that DHS, "in deciding to terminate the TPS status of El Salvador, Nicaragua, Haiti, and Sudan, changed the criteria applied by the prior administrations, and did so without any explanation or justification in violation of the Administrative Procedure Act," which prohibits arbitrary and capricious actions by federal agencies, including DHS. Other publicly available information shows a pattern of politically-motivated decision-making regarding TPS.

I note that this request to investigate is no less urgent merely because a federal court has now enjoined the Administration's actions or that, forced to do so, the Administration has extended several TPS designations through January 4, 2021. Even after the court enjoined the terminations, the ramifications for the Nevada families I represent and families across the country continue. This past August, the Head of Mission at the Consulate General of El Salvador in Las Vegas reported that the Nevada Department of Motor Vehicles (DMV) could not verify the documentation of legal residents with TPS status attempting to renew their driver's licenses. At that time, the DMV's spokesperson explained that U.S. Citizenship and Immigration Services (USCIS) failed to update Systematic Alien Verification for Entitlements (SAVE), the software system the DMV uses to verify legal status. USCIS's months-long delay in updating the SAVE system may have resulted in or contributed to thousands of Nevadans with TPS status unable to

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renew their licenses. Such problems could have been avoided had political actors not interfered in the Department's TPS-related decision-making. The driver's license crisis is a direct result of the uncertainty surrounding TPS caused by the Department's politically motivated policy decisions.

Given the Administration's relentless targeting of families legally present in the U.S. and the direct impacts the Department's policies are having on Nevada families, I request that the Office of Inspector General investigate and report to Congress the following:

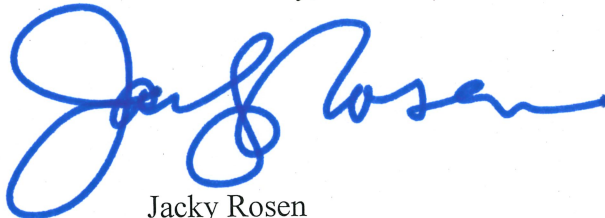
1. The criteria on which DHS relied in making the decision to terminate TPS designations of El Salvador, Nicaragua, Haiti, and Sudan;
2. Whether the criteria on which DHS relied departed from agency policies and/or practices under previous administrations;
3. The names and job titles of all individuals employed by DHS, Office of the President, and political appointees at the White House who participated in the conversations and decision to terminate TPS designations of El Salvador, Nicaragua, Haiti, and Sudan, and the nature of each individual's role in the decision;
4. The role that political appointees at DHS or the White House played in adopting the practice of disregarding country conditions that are not linked to the conditions giving rise to the TPS designation;
5. The names and job titles of all individuals employed by the U.S. Department of State who communicated with DHS regarding TPS designations of El Salvador, Nicaragua, Haiti, and Sudan on or after January 20, 2017; and
6. The role that counsel, advice, and/or communications from the U.S. Department of State played in DHS's decision-making process with respect to TPS designations of El Salvador, Nicaragua, Haiti, and Sudan on or after January 20, 2017.

DHS is charged with ensuring the safety and security of the homeland, managing border security, administering immigration laws, and preventing terrorism. It is imperative that the Office of the Inspector General investigate the role that political considerations and interagency pressures play in agency decisions that affect some of the most vulnerable people in the U.S. and our national security. More than 4,000 individuals with TPS status live in Nevada, raising families, working legally, paying taxes, and contributing to our communities. These families have built their lives in Nevada and the United States, some for more than two decades.

I appreciate your willingness to work on this matter and for serving the crucial function of investigations to ensure that Congress has the necessary information to protect the homeland and the safety of our community members.

If you have any questions or if you would like to discuss further, please have your office contact Alejandro Renteria on my staff at (202) 224-6244.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jacky Rosen". The signature is fluid and cursive, with the first name "Jacky" being more prominent and stylized than the last name "Rosen".

Jacky Rosen
United States Senator