



**Practice Advisory Series**  
**TEMPORARY PROTECTED STATUS**

**NICARAGUA: TEMPORARY PROTECTED  
STATUS DESIGNATION, EXTENSION,  
AND TERMINATION**

**Fourth Installment**

**December 2018**

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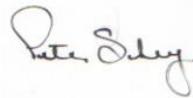
## Practice Advisory Forward

The Center for Human Rights and Constitutional Law is a non-profit, public interest legal foundation dedicated to furthering and protecting the civil, constitutional, and human rights of immigrants, refugees, children, prisoners, and the poor. Since its incorporation in 1980, under the leadership of a board of directors comprising civil rights attorneys, community advocates and religious leaders, the Center has provided a wide range of legal services to vulnerable low-income victims of human and civil rights violations and technical support and training to hundreds of legal aid attorneys and paralegals in the areas of immigration law, constitutional law, and complex and class action litigation.

The Center has achieved major victories in numerous major cases in the courts of the United States and before international bodies that have directly benefited hundreds of thousands of disadvantaged persons.

This practice advisory reviews Nicaragua's designation of TPS, each extension of Nicaragua's TPS, the termination of Nicaragua's TPS, and the current country conditions justifying extension of TPS.

Manuals and advisories prepared by the Center are reviewed for improvements and updated to reflect current developments. Please feel free to email [pschey@centerforhumanrights.org](mailto:pschey@centerforhumanrights.org) if you have suggested updates or edits to portions of this practice advisory.



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## **I. Introduction**

This practice advisory is the fifth installment in a series about the United States creation, utilization, and termination of several country's Temporary Protected Status ("TPS").

This advisory will provide an overview of Nicaragua's designation for TPS, its several extensions, and its termination. We will also discuss current country conditions according to international organizations and other stakeholders to assess the reasonableness of the Administration's termination of TPS for Nicaraguan recipients.

In summary, the initial Nicaragua TPS designation was issued on 1999 because Hurricane Mitch caused severe flooding and associated damage, causing substantial disruption of living conditions to the point where Nicaragua was unable to handle the return of its nationals. TPS for Nicaraguan was extended thirteen times between 1999 and 2016, generally due to chronic poverty, high rates of unemployment, inadequate infrastructure, food and water insecurity, and subsequent natural disasters that continued to cause havoc on the country and its economy.

Finally, on December 15, 2017, the Trump Administration terminated TPS for Nicaragua, claiming, without citing any sources, that the economy had improved due to tourism, a road connecting the Pacific coast to the Atlantic coast was "nearly completed"<sup>1</sup>, internet access was available, and 225,000 primary school text books had been provided. The factors ignored include the hundreds of thousands of homes still not rebuilt, the lack of clean drinking water, the inadequate number of health clinics and schools, how only 14% of the roads in the country are

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<sup>1</sup> Termination of the Designation of Nicaragua for Temporary Protected Status, 82 Fed. Reg. 240 (December 15, 2017)

paved, and how due to chronic poverty and unemployment Nicaragua remains the second poorest country in the western hemisphere after Haiti.

This advisory will cover all these stages of TPS for Nicaraguans in detail, explaining why it was designated, why it was extended, why it was terminated, and why the termination is unreasonable and may be successfully challenged in court or in individual cases.

## **II. Designation of Nicaragua for Temporary Protected Status**

On January 5, 1999 then Attorney General Janet Reno designated Nicaragua for TPS. Attorney General Reno declared that based on a thorough review by the Departments of State and Justice, Nicaragua was unable, temporarily, to adequately handle the return of Nicaraguan nationals.<sup>2</sup> The designation for TPS did not provide much detail, only stating that Hurricane Mitch and the “severe flooding and associated damage”<sup>3</sup> caused “substantial disruption of living conditions”<sup>4</sup>.

Subsequent TPS extensions provided greater insight into the original TPS designation, for example the 2002 extension states that Hurricane Mitch “swept through the country, killed more than 3,000 people, left 150,000 people homeless, and washed away roads, bridges, schools, and hospitals.”<sup>5</sup>

## **III. Extension of Nicaragua’s Temporary Protected Status**

Since Nicaragua’s TPS designation in 1999, the Secretary of Homeland Security (“Secretary”) has extended TPS thirteen times. The factors that the Secretary reviewed in order

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<sup>2</sup> Designation of Nicaragua for Temporary Protected Status, 64 FR 526 (Jan. 6, 1999).

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 67 Fed. Reg. 86 (May 3, 2002)

to determine that living conditions were such that Nicaragua could not handle the return of their nationals include chronic poverty, high rates of unemployment, political tensions, lack of infrastructure, potable water shortages, and food insecurity<sup>6</sup>.

#### **A. Nicaragua's First TPS Extension (2000)**

The first extension of TPS for Nicaragua cites to memorandums from the Immigration and Naturalization Service (INS) and the U.S. State Department, both of which reported a “finding that although Nicaragua has made some progress in recovering from Hurricane Mitch, the recovery has been very slow, especially in the areas of housing and infrastructure.”<sup>7</sup>

The notice provides a specific example of inadequate housing and infrastructure, stating “of the tens of thousands of houses destroyed by Mitch, only 2,500 had been replaced a year after the storm struck.”<sup>8</sup>

The notice also explains that “[e]ven in cases where conditions have improved, the [TPS] Act provides for automatic extension in the absence of a determination by the Attorney General that country conditions no longer support a TPS designation. Since the Attorney General did not determine that the conditions in Nicaragua no longer warrant TPS, the designation must be extended.”<sup>9</sup>

Therefore, based on the findings from the INS and U.S. State Department regarding the slow recovery, inadequate infrastructure, and the fact that the Attorney General did not

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<sup>6</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 81 Fed. Reg. 94 (May 16, 2016)

<sup>7</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 65 Fed. Reg. 92 (May 11, 2000)

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

determine the conditions no longer support a designation, TPS was extended for an additional 12 months.<sup>10</sup>

### **B. Nicaragua's Second TPS Extension (2001)**

On May 8, 2001 TPS was extended for the second time. The extension notice first explains the importance of consulting with the Department of Justice and State when reviewing Nicaragua's conditions. "Since the date of the last extension of Nicaragua's TPS designation, the Departments of Justice and State have continued to review conditions in Nicaragua. Prior to making a decision, the Attorney General had consultations with the Department of State to determine whether conditions warranting the TPS designation continued to exist."<sup>11</sup>

The Attorney General extended TPS in 2001 citing a United Nations Food and Agricultural Organization (UNFAO) report that designated "Nicaragua as one of only four countries in the Western Hemisphere experiencing a food emergency"<sup>12</sup>. Additionally, the extension notice states that "recovery efforts continued to be hamstrung by the delayed delivery on international aid."<sup>13</sup> Based on these factors, the Attorney General found that, "despite indications of progress in recovery efforts...sufficient damage from Hurricane Mitch persists that makes Nicaragua temporarily unable to handle adequately the return of its nationals"<sup>14</sup>.

### **C. Nicaragua's Third TPS Extension (2002)**

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<sup>10</sup> *Id.*

<sup>11</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 66 Fed. Reg. 89 (May 8, 2001)

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

On May 3, 2002, Nicaragua's TPS designation was extended due to "recent droughts as well as flooding from Hurricane Michelle in 2001 compounded the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998"<sup>15</sup>.

The extension notice explains how the intervening natural disasters continued to compound the humanitarian, economic, and social problems by stating "[t]hese disasters, added to other serious natural disasters during the intervening years, have produced major problems in food insecurity and unemployment of citizens"<sup>16</sup>.

The extension notice cites to a U.S. Department of State report which recommended the extension of TPS due to the natural disasters that were occurring in Nicaragua. Specifically, the notice states, "[the] Department of State report... found that although reconstruction efforts have occurred, in the last year drought and another hurricane significantly affected Nicaragua's full recovery from Hurricane Mitch... The severe flooding alone affected more than 25,000 people and damaged over 3,000 houses, hampering reconstruction efforts following Hurricane Mitch"<sup>17</sup>.

The extension notice continues by citing an Immigration and Naturalization Service (INS) Resource Information Center report dated March 2002 which found that "[d]roughts and flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic and social problems initially brought on by Hurricane Mitch in 1998."<sup>18</sup>

The extension notice concludes that "[t]hese disasters, added to other serious natural disasters during the intervening years, have produced major problems in years, have produced major problems in food insecurity and unemployment of citizens... Hurricane Michelle and the

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<sup>15</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 67 Fed. Reg. 86 (May 3, 2002)

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

drought exacerbated the situation. Consequently, the conditions under which Nicaragua was designated for TPS have not ceased to exist and, therefore, Nicaragua remains temporarily unable to handle.”<sup>19</sup>

#### **D. Nicaragua’s Fourth TPS Extension (2003)**

On May 5, 2003 the Department of Homeland Security (DHS) extended Nicaragua’s TPS designation because “recent droughts as well as flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 6,000 nationals with TPS at this time”<sup>20</sup>.

The extension notice cites to a U.S. Department of State Report that recommended the extension of TPS, stating “Nicaragua is seriously affected by a drought and Hurricane Michelle in 2001 causing further destruction and emergency conditions.” Additionally, the extension notices found “[s]uch repeated environmental catastrophes have interrupted Nicaragua’s ability to recover from Hurricane Mitch and, as a result, the country continues to lack the needed stability and infrastructure to support the return of its nationals.”<sup>21</sup>

Finally, the extension cited to a BCIS Resource Information Center report which “confirmed that a prolonged drought as well as flooding from Hurricane Michelle have compromised food security and disrupted reconstruction efforts.”<sup>22</sup>

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<sup>19</sup> *Id.*

<sup>20</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 68 Fed. Reg. 86 (May 5, 2003)

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

#### **E. Nicaragua's Fifth TPS Extension (2004)**

On November 4, 2004 TPS was extended for the fifth time. The extension notice states, “[s]ince the date of the most recent extension, DHS and the Department of State (DOS) have continued to review conditions in Nicaragua. Due to continued reconstruction of infrastructure damaged by Hurricane Mitch, the Secretary of DHS has determined that an 18-month extension of the TPS designation is warranted because Nicaragua remains unable, temporarily, to handle adequately the return of its nations.”<sup>23</sup>

The extension notice cites to a USCIS Resource Information Center (RIC) report that specifically found that in addition to the reconstruction of infrastructure,

There is a shortage of potable water in the northwestern department of Chinandega, one of the areas hardest hit by Hurricane Mitch... Also in Chinandega, continued erosion related to Hurricane Mitch resulted in damage to 60% and loss of 4–7% of arable land... There are continued efforts to lessen the risk of floods and mudslides in forty communities still vulnerable in the wake of Hurricane Mitch via efforts such as emergency drilling... Nationwide, reconstruction of roads damaged by Mitch has been concentrated in urban areas... However, roads in the Central Rural and Atlantic Rural regions have deteriorated

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 69 Fed. Reg. 212 (November 3, 2004)

“Based upon this review, the Secretary of DHS, after consultation with appropriate Government agencies, [found] that the conditions that prompted designation of Nicaragua for TPS continue to be met.”<sup>24</sup>

#### **F. Nicaragua's Sixth TPS Extension (2006)**

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<sup>23</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 69 Fed. Reg. 212 (November 3, 2004)

<sup>24</sup> *Id.*

Intervening natural disasters continued to compound the humanitarian, social, and economic security of Nicaragua and on March 31, 2006 TPS was extended because “Nicaragua has not been able to fully recover, in part due to follow-on natural disasters that have severely undermined progress towards an economic recovery that would enable Nicaragua to adequately handle the return of its nationals”<sup>25</sup>. Additionally, the extension notice states “[c]ontinuing high rates of unemployment and underemployment estimated at 40 percent and coupled with scarce government resources spread thin by Hurricane Mitch recovery severely limit current employment opportunities for returning migrants”<sup>26</sup>.

The sixth extension was largely based on recommendations from a USCIS Office of Refugee, Asylum, and International Operations Report. Based off of these recommendations the extension notice found

agriculture remained devastated, housing projects had not been completed, and parts of the country continued to suffer... Living conditions in Nicaragua have worsened since the United States last extended TPS on November 3, 2004 due to Hurricane Beta and another serious storm. Flooding from Hurricane Beta and Tropical Storm Stan in October 2005 exacerbated Nicaragua’s continuing vulnerability... Thousands of people were severely affected and houses, churches, medical centers, and schools in several communities were destroyed... 80 percent of the buildings on the central Atlantic coast, where Hurricane Beta hit, were heavily damaged or destroyed.

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 71 Fed. Reg. 62 (March 31, 2006)

#### **G. Nicaragua’s Seventh TPS Extension (2007)**

On May 29, 2007 TPS was extended for Nicaragua for the seventh time. The notice highlights some of damage initially caused by Hurricane Mitch stating “Hurricane Mitch destroyed

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<sup>25</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 71 Fed. Reg. 62 (March 31, 2006)

<sup>26</sup> *Id.*

or disabled 70 percent of the roads and severely damaged 71 bridges. Over 1,700 miles of highway and access roads needed replacement”<sup>27</sup>, and “Nicaragua also suffered significant economic damage and reduced access to food following Hurricane Mitch. Over 100,000 acres of crops were destroyed by the hurricane, half of them life- sustaining food crops such as beans and corn.”<sup>28</sup>

After explaining the rationality behind the original TPS designation, the notice explains the necessity for extension, stating

The regions hardest hit by the hurricane continue to be the poorest and least developed in Nicaragua and the Government of Nicaragua is reporting hunger cases in the northern mountainous region. Additionally, landslides triggered by the heavy and sustained rains of the hurricane resulted in the loss of forest canopy. This problem has affected the environment, resulting in reduced rainfall and agricultural yields that are consistently below average. Export crops, such as coffee, sugar cane and bananas were also destroyed, to a lesser extent but not without resulting reductions in export income.

While the damage resulting from Hurricane Mitch in 1998 formed the basis of the initial designation of Nicaragua for TPS, the country has remained vulnerable and suffered damage during subsequent storms. Hurricane Beta and Tropical Storm Stan severely affected thousands of people, destroying houses, medical centers, and schools in October 2005.

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 72 Fed. Reg. 102 (May 29, 2007)

#### **H. Nicaragua’s Eighth TPS Extension (2008)**

On May 5, 2008 DHS extended TPS for Nicaragua for the eighth time. The extension notice explains

While the Pan-American highway has been repaired, most secondary roads have not. Temporary structures were never replaced and have deteriorated, and roads and other infrastructure that were damaged by the hurricane have been poorly rebuilt or not rebuilt at all. As of November 2007, Nueva Vida, a resettlement community of 15,000 people left destitute by Hurricane Mitch, faced an unemployment rate of approximately 90 percent. Furthermore, two of the five projects funded by the Inter-American

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<sup>27</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 72 Fed. Reg. 102 (May 29, 2007)

<sup>28</sup> *Id.*

Development Bank for post-Mitch reconstruction still awaited completion as of May 2008, including one project implementing sanitation measures at Lake Managua.

Additionally, since Hurricane Mitch, Nicaragua has been beset by other economic crises and natural disasters. Hurricane Felix devastated the Northern Atlantic Autonomous Region and affected neighboring departments of Nueva Segovia and Jinotega in September 2007. Hurricane Felix destroyed more than 20,450 homes along with 100 schools, clinics, community centers, and churches, killed more than 130 people, and caused an economic loss of approximately \$500 million. Tropical Depression Alma of late May 2008 exacerbated the damage caused by Hurricanes Felix and Mitch.

Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 73 Fed. Reg. 191 (Oct. 1, 2008)

Citing the above facts, the Secretary determined, “after consultation with the appropriate government agencies, that the conditions that prompted the designation of Nicaragua for TPS continue to be met.”<sup>29</sup>

#### **I. Nicaragua’s Ninth TPS Extension (2010)**

On May 5, 2010 TPS was extended because “Nicaragua continues to suffer from chronic poverty and food insufficiencies, which have compounded recovery challenges. Environmental disasters have destroyed over 100,000 acres of crops.”<sup>30</sup>

Explaining why it is necessary to allow TPS recipients to remain in the United States, the extension states that the recipients “return would aggravate Nicaragua’s deteriorating economy by increasing unemployment already exacerbated by the recent global economic crisis”<sup>31</sup>.

As with all the previous extensions, the ninth extension focuses heavily on the lack of infrastructure in Nicaragua. “Most rural roads in these regions have not been properly

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<sup>29</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 73 Fed. Reg. 191 (Oct. 1, 2008)

<sup>30</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 75 Fed. Reg. 86 (May 5, 2010)

<sup>31</sup> *Id.*

rehabilitated since Hurricane Mitch. Despite Millennium Challenge Corporation-sponsored road projects in some of the more populous areas of eastern Chinandega Department along the Honduran border, rural feeder roads remain in poor condition. They remain impassible during the rainy season”<sup>32</sup>. The notice continues by focusing not only on the lack of transportation infrastructure, but also schools, health centers, and homes. “A significant number of the 90 health centers and 400 health posts in isolated rural areas destroyed by Mitch have not been rebuilt. Some of the over 500 primary schools that suffered structural damage due to Mitch are still unusable”<sup>33</sup>.

Additionally, the ninth notice states two reasons for the lack of economic development. First, “[e]conomic development has also been hindered and disrupted by... weak and poorly constructed infrastructure, such as the poor condition of rural roads.”<sup>34</sup> Second, “[e]conomic development has also been hindered and disrupted by electoral fraud”<sup>35</sup>.

The ninth extension likewise explains the destruction caused by Nicaragua’s intervening natural disasters and storms. The notice states “more recent natural disasters have slowed the recovery from Hurricane Mitch. In September 2007, Hurricane Felix, a category 5 storm, struck the area affected by Hurricane Mitch and was followed by heavy rains and flooding... continued environmental disasters have damaged water supplies, leaving whole communities lacking potable water... Nicaragua continues to suffer from chronic poverty and food insufficiencies, which have compounded recovery challenges. Environmental disasters have destroyed over 100,000 acres of crops.”<sup>36</sup>

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<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> *Id.*

## **J. Nicaragua's Tenth TPS Extension (2011)**

On November 4, 2011 Nicaragua's TPS was extended due to chronic poverty, a lack of infrastructure, and political tensions. The notice explained the original destruction from Hurricane Mitch and the continued obstacles for the country, with a focus on the environmental disasters that Nicaragua is prone to.

Regarding environmental destruction and the resulting poverty and unemployment, the notice explains, "[a] significant challenge to long-term recovery has been the recurrence of... environmental disasters and ensuing damage in the years following Hurricane Mitch. Natural disasters that further impacted Nicaragua's economy since the devastating effects of Mitch include Hurricane Felix in 2007, Tropical Storm Alma and Tropical Depression 16 in 2008, Hurricane Ida in 2009, and Tropical Storm Matthew in 2010... Alma alone left more than 25,000 people homeless. Each of these environmental events has hampered the recovery efforts from Hurricane Mitch"<sup>37</sup>. Importantly, the notice states "Nicaragua is the second poorest country in the Western Hemisphere after Haiti"<sup>38</sup>. This designation as the second poorest country continues until today.

Regarding the growing political tension in the country, the notice states "political tension is increasing in Nicaragua, including violent demonstrations and seizures of government offices in certain northern areas along the Atlantic Coast. This area was heavily affected by Hurricane Mitch, and the increased tension could hinder the efforts of already-weak local institutions to

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<sup>37</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 76 Fed. Reg. 214 (Nov. 4, 2011)

<sup>38</sup> *Id.*

provide services and help reintegrate returned Nicaraguans”<sup>39</sup>.

Reviewing the lack of sustainable infrastructure, the notice explains “[a]s of 2009, reports showed that only about 55 health facilities, 159 schools, and over 1,600 homes were repaired or constructed”<sup>40</sup>.

Finally, regarding food insecurity and the lack of potable water, the notice states “[c]ritical food and potable water shortages were widespread as a result of Hurricane Mitch. Over 100,000 acres of crops were destroyed as a result of the hurricane, half of them life-sustaining food crops such as beans and corn. The coffee crop was also hard hit as officials estimated that 20–30% of coffee production had been lost. Crop recovery was hampered (and continues to be hampered) by later natural disasters... Food insufficiency remains a threat for a large portion of the Nicaraguan population”<sup>41</sup>.

#### **K. Nicaragua’s Eleventh TPS Extension (2013)**

On April 3, 2013, TPS was extended due to chronic poverty, the lack of infrastructure, schools, homes, health centers, safe water, and the continued intervening environmental disasters in the country.

Like the tenth extension, the eleventh extension states, “Nicaragua is considered the poorest and least developed country in Central America and the second poorest country in the Western Hemisphere after Haiti”<sup>42</sup>. This designation has not changed and remains today.

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<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> *Id.*

<sup>42</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 78 Fed. Reg. 64 (April 3, 2013)

Regarding the economy, the notice states “Nicaragua’s poor economy has slowed down reconstruction efforts, undermining Nicaragua’s capacity to absorb additional Nicaraguan nationals... Weak global commodity prices and decreased profits for Nicaraguan exports will negatively impact the country’s gross domestic product”<sup>43</sup>.

Regarding the lack of transportation infrastructure, the notice states, “[I]andslides and floods destroyed entire villages and caused extensive damage to the transportation network, housing, medical and education facilities, water supply and sanitation facilities, and the agricultural sector.”<sup>44</sup> Importantly, the notice highlight that “only 12 percent of Nicaragua’s roads are paved”<sup>45</sup>. Today only 14% of roads are paved.<sup>46</sup>

In regards to schools, homes, and health centers, the notice states, “[t]he U.S. Agency for International Development (USAID) and the European Union have only constructed or rehabilitated approximately 150 schools and approximately 50 health units. By some estimates, the number of homes destroyed or damaged by Hurricane Mitch ranged as high as 145,000, reportedly leaving approximately 500,000 homeless. International organizations have constructed and rehabilitated only a few thousand homes. These programs, however, have reconstructed a mere fraction of the homes that were damaged or destroyed, resulting in a net housing deficit.”<sup>47</sup>

In regards to water security, the notice explains “more than 50 percent of the rural population does not have access to safe water”<sup>48</sup>.

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<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> <https://www.cia.gov/library/publications/the-world-factbook/fields/2085.html>

<sup>47</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 78 Fed. Reg. 64 (April 3, 2013)

<sup>48</sup> *Id.*

Finally, like all past extensions, the eleventh extension notice highlights the destructive natural disasters that continue to effect Nicaragua. The notice explains “[s]ince Hurricane Mitch, various hurricanes, tropical depressions, and tropical storms have resulted in loss of life, affected thousands of individuals, and caused further damage to homes, infrastructure, and the economy in Nicaragua. Most recently, in October 2011, heavy rains associated with Tropical Depression 12E caused further damages totaling approximately \$445 million USD. These natural disasters have been the biggest challenge towards achieving sustainable long-term post Hurricane Mitch recovery in the areas affected by Mitch. They have compounded the initial devastation and resulting disruption in living conditions caused by Hurricane Mitch”<sup>49</sup>.

#### **L. Nicaragua’s Twelfth TPS Extension (2014)**

On October 16, 2014 TPS was extended because “Nicaragua’s poor economy has slowed down reconstruction efforts, undermining Nicaragua’s capacity to absorb additional Nicaraguan nationals... Weak global commodity prices and decreased profits for Nicaraguan exports will negatively”<sup>50</sup>.

The twelfth extension, like the eleventh extension, highlights that “only 12 percent of Nicaragua’s roads are paved”<sup>51</sup>. This is very relevant since today only 14% of roads are paved.<sup>52</sup>

As is the case with all on Nicaragua’s TPS extensions, the twelfth extension focuses on Nicaragua’s environmental vulnerability stating, “Nicaragua lies in a region vulnerable to hurricanes, tropical storms, seasonal rains, volcanoes and earthquakes, all of which have

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<sup>49</sup> *Id.*

<sup>50</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 79 Fed. Reg. 200 (Oct. 16, 2014)

<sup>51</sup> *Id.*

<sup>52</sup> <https://www.cia.gov/library/publications/the-world-factbook/fields/2085.html>

occurred in the years since Mitch. Consequently, the need for reconstruction, infrastructure improvement, and disaster preparedness projects remains ongoing.”<sup>53</sup>

#### **M. Nicaragua’s Thirteenth TPS Extension (2016)**

Most recently, on May 16, 2016 TPS was extended because “[t]he regions most devastated by Hurricane Mitch continue to be the poorest and least developed in the country. Nicaragua is particularly vulnerable to recurring natural disasters and the impact of climate change, and its resilience to such threats is severely limited by poverty, lack of infrastructure, and governance challenges”<sup>54</sup>.

The notice continues, “Nicaragua has experienced a series of environmental disasters that have exacerbated the persisting disruptions caused by Hurricane Mitch and significantly compromised Nicaragua’s ability to adequately handle the return of its nationals... Much of the country is suffering from a prolonged regional drought, which, combined with the coffee rust epidemic in Central America, has negatively impacted livelihoods and food security.”<sup>55</sup>

Regarding infrastructure and reconstruction the notice states, “[t]ransportation infrastructure in the regions hardest hit by Hurricane Mitch has not been properly rehabilitated since the storm and has been damaged by subsequent flooding... Hurricane Mitch and subsequent environmental disasters have had a significant negative effect on Nicaragua’s infrastructure. Only a fraction of the 41,000 homes that were damaged or destroyed by Hurricane Mitch have been reconstructed. Heavy rains, flooding, and earthquakes have continued to

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<sup>53</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 79 Fed. Reg. 200 (Oct. 16, 2014)

<sup>54</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 81 Fed. Reg. 94 (May 16, 2016)

<sup>55</sup> *Id.*

destroy or degrade the country's housing stock, leaving Nicaragua with a chronic housing deficit... Damage to many schools and health care facilities caused by Hurricane Mitch continues to go unrepaired. Consequently, the need for reconstruction, infrastructure improvement, and disaster preparedness projects remains ongoing."<sup>56</sup>

Regarding the subsequent natural disasters that Nicaragua has been subjected to, the notice states, "Nicaragua has experienced a series of environmental disasters that have exacerbated the persisting disruptions caused by Hurricane Mitch and significantly compromised Nicaragua's ability to adequately handle the return of its nationals. Much of the country is suffering from a prolonged regional drought, which, combined with the coffee rust epidemic in Central America, has negatively impacted livelihoods and food security."<sup>57</sup>

Importantly, the most recent extension, like the tenth and eleventh extensions, highlights that "only 12 percent of Nicaragua's roads are paved, representing the lowest percentage in Central America."<sup>58</sup> Today only 14% of roads are paved.<sup>59</sup>

#### **IV. Termination of Nicaragua's Temporary Protected Status**

By notice dated December 15, 2017 Secretary Kirstjen Nielsen terminated TPS for Nicaragua. The termination notice states, "The Secretary has determined that conditions for Nicaragua's 1999 designation for TPS on the basis of environmental disaster due to the damage caused by Hurricane Mitch are no longer met. It is no longer the case that Nicaragua is unable, temporarily, to handle adequately the return of nationals of Nicaragua. Recovery efforts relating

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<sup>56</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 81 Fed. Reg. 94 (May 16, 2016)

<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> <https://www.cia.gov/library/publications/the-world-factbook/fields/2085.html>

to Hurricane Mitch have largely been completed. The social and economic conditions affected by Hurricane Mitch have stabilized, and people are able to conduct their daily activities without impediments directly related to damage from the storm”<sup>60</sup>.

Specifically, the notice states

Nicaragua received a significant amount of international aid to assist in its Hurricane Mitch-related recovery efforts, and many reconstruction projects have now been completed. Hundreds of homes destroyed by the storm have been rebuilt. The government of Nicaragua has been working to improve access to remote communities and has built new roads in many of the areas affected by Hurricane Mitch, including the first paved road to connect the Pacific side of the country to the Caribbean Coast, which is nearly completed. Access to drinking water and sanitation has improved. Electrification of the country has increased from 50% of the country in 2007 to 90% today. Nearly 1.5 million textbooks have been provided to 225,000 primary students of the poorest regions of the country. Internet access is also now widely available. In addition, Nicaragua’s relative security has helped attract tourism and foreign investment. The Nicaraguan economy has strengthened due to increased foreign direct investment and exports of textiles and commodities

Termination of the Designation of Nicaragua for Temporary Protected Status, 82 Fed. Reg. 240 (December 15, 2017)

This misleading statement distorts the reality of Nicaragua’s current social and economic condition. Secretary Nielsen states that rural children have received textbooks and the internet without explaining the basis of these facts. However, there is no mention of textbooks, nor the internet, in any of the thirteen TPS extensions. Textbooks and the internet have never been factors for Nicaragua’s TPS designation.

In terms of Secretary Nielsen’s statement regarding the “strengthened” economy, “Nicaragua still has the lowest level of GDP per capita in Central America”<sup>61</sup> and

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<sup>60</sup> Termination of the Designation of Nicaragua for Temporary Protected Status, 82 Fed. Reg. 240 (December 15, 2017)

<sup>61</sup> <https://borgenproject.org/poverty-rate-in-nicaragua/>

“unemployment, which averages 12 percent for the country, exceeds 20 percent among poor rural families and many migrate to urban areas or abroad for work”<sup>62</sup>.

The designation as the second poorest country in the Western Hemisphere is not new. In 2011, TPS was extended because “Nicaragua is the second poorest country in the Western Hemisphere after Haiti”<sup>63</sup>. Although Nicaragua continues to hold this rank, with no improvement, the Trump Administration has chosen to overlook this fact.

## **V. Nicaragua’s Current Country Conditions**

Unlike prior extensions, DHS and Secretary Nielsen failed to mention the ongoing natural disasters Nicaragua has recently experienced and the remaining food and water scarcity, political tension, and lack of infrastructure that have not changed since the previous TPS extensions.

### **A. Climate and Environment**

Two months before the termination of TPS, in October 2017, Tropical Storm Nate slammed into Nicaragua, killing 15 people<sup>64</sup> and causing “extensive damage to infrastructure in Nicaragua”<sup>65</sup>. 1,600 households were affected, 11 departments/31 municipalities were affected, more than 30,000 people were affected, and 5,953 houses were damaged<sup>66</sup>. “Before the storm hit,

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<sup>62</sup> *Id.*

<sup>63</sup> Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 76 Fed. Reg. 214 (Nov. 2, 2011);

<sup>64</sup> Tropical Storm Nate Kills 22 in Central America Amid Flooding and Landslides (Oct. 7, 2017); available at <https://www.nytimes.com/2017/10/07/world/americas/storm-nate-destruction-central-america.html>

<sup>65</sup> <http://www.bbc.com/news/world-latin-america-41520672>

<sup>66</sup> Tropical Storm Nate – Oct. 2017; available at <https://reliefweb.int/disaster/tc-2017-000148-nic>

the country had already endured two weeks of heavy rainfall that had left the ground saturated.”<sup>67</sup>

According to the International Monetary Fund (IMF)’s 2017 Country Report for Nicaragua, “[c]limatic disasters increased by 326 percent during 1970- 2010, driven mainly by the growth of storms, which increased by 453 percent. Storms in Central America and the Caribbean increased fivefold, while other climate disasters increased by over 400 percent and 300 percent, respectively”<sup>68</sup>. Additionally, the IMF Report states, “[d]uring 1950-2014, there were 478 disaster events<sup>69</sup> in the CAPDR<sup>70</sup> region. While the land and population of the region is less than one percent of the world’s total, the number of disasters in the region account for over 5 percent of the total events in the world during this period”<sup>71</sup>.

Even more alarming, “Nicaragua is the fourth country in the world by number of disasters”<sup>72</sup> and “[a]ccording to the international disaster database maintained by the Center for Research on the Epidemiology of Disasters (EM-DAT),<sup>73</sup> there were 78 disaster events during

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<sup>67</sup> Tropical Storm Nate Kills 22 in Central America Amid Flooding and Landslides (Oct. 7, 2017); available at <https://www.nytimes.com/2017/10/07/world/americas/storm-nate-destruction-central-america.html>

<sup>68</sup> IMF Country Report 17/174 (June 2017), pg 26; available at

<http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>

<sup>69</sup> 44 droughts, 78 earthquakes and volcanic activities, 188 floods and landslides, and 113 storms.

<sup>70</sup> Costa Rica, El Salvador, Guatemala, Honduras, Nicaragua, Panama and Dominican Republic.

<sup>71</sup> IMF Country Report 17/174 (June 2017), pg 26; available at

<http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>

<sup>72</sup> After Honduras, Myanmar and Haiti, based on Global Climate Risk Index 1996-2015 data (Kreft, Eckstain and Melchior, 2017). The Climate Risk Index indicates the level of exposure and vulnerability to extreme events.

<sup>73</sup> The EM-DAT database includes all disasters meeting one of the following criteria: 10 people killed, 100 people affected (injured, homeless, or requiring immediate assistance such as food, water, sanitation, and medical assistance), a declaration of a state of emergency, or a call for international assistance. It contains essential core data on the occurrence and impact of over 22,000 mass disasters in the world from 1900 to 2016. The database is compiled from various sources, including UN agencies, non-governmental organizations, insurance companies, research institutes and press agencies.

1900-2016 in Nicaragua, indicating a frequency of 0.7 disasters per year.”<sup>74</sup> Furthermore, “[t]he impact of disasters on GDP growth and fiscal revenue in Nicaragua is estimated to be among the highest in [the region]”<sup>75</sup>.

## **B. Chronic Poverty and Economy**

According to the World Food Programme and International Monetary Fund (IMF)<sup>76</sup>, “[a]lmost 30 percent of the families in the country live in poverty and over 8 percent struggle in extreme poverty, surviving on less than US \$1.25 daily”.<sup>77</sup>

In January 2018, USAID found “[a]lthough Nicaragua has made progress in improving education and health services and establishing a free market economy since 1990, it remains the second poorest country in the Western Hemisphere, with significant social inequities, particularly in rural areas.”<sup>78</sup>

In January 2018, the Central Intelligence Agency (CIA) reported, “Nicaragua, the poorest country in Central America and the second poorest in the Western Hemisphere, has widespread underemployment and poverty. GDP growth of 4.5% in 2017 was insufficient to make a significant difference.”<sup>79</sup>

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<sup>74</sup> IMF Country Report 17/174 (June 2017), pg 28; available at <http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>

<sup>75</sup> IMF Country Report 17/174, Nicaragua, (June 2017), pg 31; available at <http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>

<sup>76</sup> According to the 2017 International Monetary Fund (IMF)’s 2017 Country Report for Nicaragua, “29.6 percent of the Nicaraguan population lived under the national poverty line.”<sup>76</sup>

<sup>77</sup> <http://www1.wfp.org/countries/nicaragua>

<sup>78</sup> Gross national income is \$4,747; Human Development Report, UNDP, (2018); available at <https://www.usaid.gov/nicaragua>

<sup>79</sup> Nicaragua is ranked 124<sup>th</sup> most unequal in the world; Human Development Report, UNDP, (2018); available at <https://www.cia.gov/library/publications/the-world-factbook/geos/nu.html>

The United Nations Development Programme reports that Nicaragua has one of the lowest gross national incomes in the world<sup>80</sup>, and also one of the highest rates of inequality in the world<sup>81</sup>.

In January 2018, USAID reported “[a]ccording to official government sources, the unemployment rate in Nicaragua is estimated at 7.8 percent, but this figure does not include an estimated 65 percent of workers employed in the informal sector.”<sup>82</sup>

According to the Borgen Project, “Nicaragua still has the lowest level of GDP per capita in Central America”<sup>83</sup> and “unemployment, which averages 12 percent for the country, exceeds 20 percent among poor rural families and many migrate to urban areas or abroad for work”<sup>84</sup>.

The United Nations Development Programme (UNDP) reports that currently 60% of the population is employed, however 40% of that is considered “vulnerable employment” meaning “Percentage of employed people engaged as unpaid family workers and own-account workers.”<sup>85</sup>

The World Bank’s Water and Sanitation Program reports that 15.8% of the population has a daily income of under US\$1.25 a day and 31.9% have a daily income under \$US 2.00.<sup>86</sup>

### **C. Safety, Security, and Political Tensions**

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<sup>80</sup> <http://hdr.undp.org/en/indicators/141706>

<sup>81</sup> <http://hdr.undp.org/en/indicators/138806>

<sup>82</sup> <https://www.usaid.gov/nicaragua>

<sup>83</sup> <https://borgenproject.org/poverty-rate-in-nicaragua/>

<sup>84</sup> *Id.*

<sup>85</sup> Human Development Report, UNDP, (2018); available at <http://hdr.undp.org/en/indicators/43006>

<sup>86</sup> Nicaragua, the Cost of Inadequate Sanitation, WSP (2013), pg. 9; available at <https://www.wsp.org/sites/wsp.org/files/publications/Economics-of-Sanitation-Initiative-Nicaragua.pdf>

On April 23, 2018 the United States Department of State released a Level 3 Travel Advisory for Nicaragua due to “crime and civil unrest”.<sup>87</sup> The travel advisory states

On April 23, 2018, the U.S. government ordered the departure of U.S. government family members and authorized the departure of U.S. government personnel.

Political rallies and demonstrations are occurring daily, often with little notice or predictability. Some protests result in injuries and deaths. Demonstrations typically elicit a strong response that has in the past included includes the use of tear gas, pepper spray, rubber bullets, and live ammunition against participants and occasionally have devolved into looting, vandalism, and acts of arson. Ability to purchase food and fuel may be limited, and access to the Sandino airport in Managua may be blocked. Both the Government of Nicaragua and the U.S. Embassy in Managua are limited in the assistance they can provide. Travel by U.S. government personnel within Nicaragua is restricted, and additional restrictions on movements by U.S. government personnel outside of U.S. diplomatic facilities may be put in place at any time, depending on local circumstances and security conditions, which can change suddenly.

Violent crime, such as sexual assault and armed robbery, is common. Police presence and emergency response are extremely limited outside of major urban areas. U.S. government personnel are prohibited from using public buses and mototaxis and from entering the Oriental Market in Managua and gentlemen’s clubs throughout the country due to crime. U.S. government personnel require special authorization to travel to the Northern and Southern Caribbean Coast Autonomous Regions due to crime and transportation safety concerns.

U.S. Department of State Travel Advisory, Level 3: Reconsider travel (April 23, 2018), available at <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Nicaragua.html>

Such political unrest has been growing for years and has been well-documented by the United States and its agencies. Earlier this year USAID reported, “the 2011 and 2016 presidential and legislative elections and 2012 municipal elections were marred by significant irregularities. In 2014 the National Assembly approved constitutional changes that further weakened

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<sup>87</sup> <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Nicaragua.html>

democratic institutions. Several human rights concerns also remain, including limits of freedom of expression and freedom of press, and the closing of civil society space”<sup>88</sup>.

According to the most recent United States Department of State Human Rights Report for Nicaragua

The principal human rights abuses were restrictions on citizens’ right to vote, biased policies to realize single-party dominance, and increased government harassment and intimidation of nongovernmental organizations (NGOs) and civil society organizations.

Additional significant human rights abuses included arbitrary police arrest and detention of suspects, including abuse during detention; harsh and life-threatening prison conditions with arbitrary and lengthy pretrial detention; obstacles to freedom of speech and press, including government intimidation and harassment of journalists and independent media, as well as increased restriction of access to public information, including national statistics from public offices. There was also widespread corruption, including in the police, CSE, Supreme Court of Justice (CSJ), and other government organs; societal violence, particularly against women and lesbian, gay, bisexual, transgender, and intersex (LGBTI) persons; trafficking in persons; discrimination against ethnic minorities and indigenous persons and communities; societal discrimination against persons with disabilities; discrimination against persons with HIV/AIDS; and violations of trade union rights.

The government rarely took steps to prosecute officials who committed abuses, whether in the security services or elsewhere in government. Impunity remained a widespread problem.

Nicaragua 2016 Human Rights Report, U.S. Department of State, (2016), pg. 1; available at <https://www.state.gov/documents/organization/265814.pdf>

Regarding corruption and flawed elections, the U.S. State Department report found “[t]he law provides criminal penalties for official corruption; however, the government did not enforce the law effectively, and officials frequently engaged in corrupt practices with impunity... Cases of mismanagement of these funds by public officials were reportedly handled personally by

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<sup>88</sup> <https://www.usaid.gov/nicaragua>

members of the ruling party, rather than by the government entities in charge of oversight of public funds.”<sup>89</sup> The State Department Human Rights Report continues by explaining

Nicaragua is a multiparty constitutional republic, but actions by the ruling Sandinista National Liberation Front (FSLN) party resulted in de facto concentration of power in a single party, with an authoritarian executive branch exercising significant control over the legislative, judicial, and electoral functions. The Supreme Electoral Council (CSE) announced in November the re-election of President Daniel Ortega Saavedra of the FSLN following an electoral process regarded as deeply flawed by domestic organizations and the international community. The elections also expanded the ruling party’s supermajority in the National Assembly, which previously allowed for changes in the constitution that extended the reach of executive branch power and the elimination of restrictions on re-election for executive branch officials and mayors. Observers noted serious flaws during the 2012 municipal elections and 2014 regional elections.

Nicaragua 2016 Human Rights Report, U.S. Department of State, (2016), pg. 1; available at <https://www.state.gov/documents/organization/265814.pdf>

Furthermore, “[t]here were several reports the government or its agents committed arbitrary or unlawful killings, many during confrontations with illegal armed groups in the northern part of the country; however, a lack of clear and impartial investigations into deaths made attribution difficult. Human rights organizations and independent media alleged some killings were politically motivated.”<sup>90</sup>

#### **D. Infrastructure, Housing, and Displacement**

In terms of infrastructure, reconstruction activities, and new roads, according to the CIA there are 23,897 km of roads in Nicaragua<sup>91</sup>. Only 3,346 km of these roads are paved<sup>92</sup>. That

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<sup>89</sup> Nicaragua 2016 Human Rights Report, U.S. Department of State, (2016), pg. 18; available at <https://www.state.gov/documents/organization/265814.pdf>

<sup>90</sup> Nicaragua 2016 Human Rights Report, U.S. Department of State, (2016), pg. 2; available at <https://www.state.gov/documents/organization/265814.pdf>

<sup>91</sup> <https://www.cia.gov/library/publications/the-world-factbook/fields/2085.html>

<sup>92</sup> *Id.*

accounts to only 14% of the roads being paved. In the three most recent extensions, 2013, 2014, and 2016, the fact that only 12% of roads were paved was a basis for the necessity of extending TPS for the country. A 2% increase in paved roads and a “nearly complete” paved road from the Atlantic Ocean to the Pacific Ocean does not improve the living conditions for the majority of people. Furthermore, there is no discussion in the termination notice of any type of recovery in the hardest hit area, the North<sup>93</sup>. Without paved roads, access to rural areas during the rainy system continues to be severely restricted.

### **E. Public Health and Education**

In January 2018, USAID reported “On the average, Nicaraguans complete fewer than five years of schooling.”<sup>94</sup>

According to the 2017 International Monetary Fund (IMF)’s 2017 Country Report for Nicaragua, “[b]uilding standards are inadequate to face the risks of disasters and are insufficiently enforced, which could further exacerbate the costs of disasters. According to United Nations Office for the Reduction of Disasters (UNISDR) and the Center for the Coordination of Natural Disaster Prevention in Central America (CEPREDENAC approximately 70 percent of the housing constructions do not provide sufficient security against disasters.”<sup>95</sup>

### **F. Food Insecurity and Potable Water**

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<sup>93</sup> “Hurricane Mitch brought extremely heavy rainfall causing severe flooding in Nicaragua. Damage from flooding was extensive throughout the north and northwest.... The hardest hit areas, Nicaragua’s mountainous north and isolated Atlantic coast, continue to be the poorest and least developed in the country.” Extension of the Designation of Nicaragua Under the Temporary Protected Status Program, 76 Fed. Reg. 214 (Nov. 4, 2011)

<sup>94</sup> <https://www.usaid.gov/nicaragua>

<sup>95</sup> IMF Country Report 17/174, Nicaragua, (June 2017), pg 29; available at <http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>

In January 2018, USAID reported “[o]ne out of every six children in Nicaragua is malnourished”<sup>96</sup>.

According to the World Bank’s Water and Sanitation, only 48% of Nicaragua’s population has access to sanitation with the entire eastern part of the country having less than 3% access to a sewer connection<sup>97</sup>.

WaterAid states that “over a million people [in Nicaragua] still don't have clean water and one in four people don't have a decent toilet”<sup>98</sup>.

The Borgen Project reports “at least 100 children die annually from diseases such as diarrhea, which is largely caused by unsafe drinking water and poor sanitation. Much of Nicaragua’s water is unsafe due to contamination from chemicals used in mining and agriculture.”<sup>99</sup>

## **VI. Conclusion**

Prior to the Trump administration and the 2017 termination, DHS conducted careful review of Nicaragua’s current country conditions and whether those conditions reflect extreme and temporary problems with respect to climate and environment, safety and security, infrastructure, economy, public health, and food insecurity justifying Nicaragua’s original designation and extension of TPS.

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<sup>96</sup> <https://www.usaid.gov/nicaragua>

<sup>97</sup> Nicaragua, the Cost of Inadequate Sanitation, WSP (2013), pg. 6-7; available at <https://www.wsp.org/sites/wsp.org/files/publications/Economics-of-Sanitation-Initiative-Nicaragua.pdf>

<sup>98</sup> <https://www.wateraid.org/us/where-we-work/nicaragua>

<sup>99</sup> Water Quality in Nicaragua: Poor, But Getting Better (June 2017); available at <https://borgenproject.org/water-quality-in-nicaragua/>

As outlined by the current country conditions above, Nicaragua continues to suffer from food and water insecurity, political corruption, lack of infrastructure, chronic poverty and underemployment. Additionally, Nicaragua is particularly vulnerable to environmental disasters and has been adversely affected by droughts, floods, hurricanes, storms, and earthquakes almost on an annual basis since its designation of TPS in 1999.<sup>100</sup>

Yet despite the numerous, consistent, and clear reports from the U.S. State Department, IMF, CIA, World Bank, various non-profit organizations and U.N. agencies, the Trump Administration has ignored all reports and recommendations, and inexplicitly terminated TPS for Nicaragua.

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<sup>100</sup> IMF Country Report 17/174 (June 2017), pg 28; available at <http://www.imf.org/en/Publications/CR/Issues/2017/06/27/Nicaragua-Selected-Issues-45009>