



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

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

**Fifth Installment**

**December 2018**

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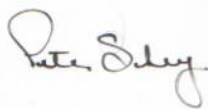
## Practice Advisory Forward

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

Manuals prepared by the Center are constantly being examined for improvements and updated to reflect current practices. Please feel free to email [pschey@centerforhumanrights.org](mailto:pschey@centerforhumanrights.org) if you would like to suggest updates or edits to portions of this practice advisory.



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## **I. Introduction**

This practice advisory acts as the sixth installment in a series about the United States' creation, utilization, and termination of several country's Temporary Protected Status ("TPS"). First, the sixth advisory will provide an overview of Honduras's designation for TPS. Second, the advisory will discuss the extension of Honduras's TPS. Third, there will be a discussion of the termination of Honduras's TPS. Lastly, the advisory will discuss Honduras's current country conditions and how these conditions support further extension of Honduran TPS.

Honduras's TPS designation was issued on January 5, 1999 by the Department of Homeland Security and former Attorney General Janet Reno.<sup>1</sup> Honduras's TPS has been extended on several dates commencing on May 11, 2000<sup>2</sup> and the final extension was granted on December 15, 2017.<sup>3</sup> It is important for TPS recipients and legal service providers to be familiar with Honduras's TPS designation, extensions, and terminations to help determine whether TPS recipients can continue to apply for TPS, to help determine if TPS recipients qualify for additional immigration benefits, such as, adjustment of status, deferred action status, asylum, etc.

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

On January 5, 1991, the DHS and former Attorney General Janet Reno designated Honduras for TPS, making protections available to those who have been, "continuously present

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<sup>1</sup> Designation of Honduras Under Temporary Protected Status Program, 64 Fed. Reg. 524 (Jan. 5, 1999).

<sup>2</sup> Extension of the Designation of El Salvador Under the Temporary Protected Status Program, 65 Fed. Reg. 30438 (May 11, 2000).

<sup>3</sup> Termination of the Designation of Honduras for Temporary Protected Status, 83 Fed. Reg. 26074 (June 05, 2018).

in the United States since January 5, 1999.”<sup>4</sup> This initial designation was set to run through July 5, 2000.<sup>5</sup>

In the same designation, DHS found, “Hurricane Mitch swept through Central America causing severe flooding and associated damaged in Honduras.”<sup>6</sup> DHS noted, “[b]ased on a thorough review by the Departments of State and Justice, the Attorney General finds that, due to the environmental disaster and substantial disruption of living conditions ... Honduras is unable, temporarily to handle adequately the return of Honduran nationals.”<sup>7</sup>

### **III. Extension of Honduran Temporary Protected Status**

Honduras’s TPS has been extended fourteen times from the country’s original designation on January 5, 1991. Since 1991, DHS and the Attorney General have reviewed the conditions in Honduras and determined, “that the conditions which led to the original designation are less severe, but continue to cause substantial disruption to living conditions in Honduras.”<sup>8</sup> The following factors have been cited to extend Honduran TPS: climate and environment, infrastructure, food insecurity, public health and safety, and unemployment and the economy.

#### **a. Honduras’s First TPS Extension**

On May 11, 2000 DHS and the Attorney General granted Honduras a 12-month extension citing, “[t]he conditions which led to the original designation are less severe, but continue to cause substantial disruption to living conditions in Honduras.”<sup>9</sup> To support this first extension

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<sup>4</sup> Designation of Honduras Under Temporary Protected Status Program, 64 Fed. Reg. 524 (Jan. 5, 1999).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 65 Fed. Reg. 30438 (May 11, 2000).

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

they noted, “[a]ccording to best estimates, roughly half of the destruction in Honduras remains unaddressed, and 12,000 people remain homeless while many more are in temporary shelters.”<sup>10</sup> The extension notice cited a memorandum produced by the Immigration and Naturalization Service and stated, “[i]n many cases, survivors of Mitch are in the same situation they were in a year ago with estimates of between 30,000 and 250,000 remaining in temporary shelters surviving on provisions from the World Food Program.”<sup>11</sup>

**b. Honduras’s Second TPS Extension**

On May 8, 2001, the DHS and Attorney General John Ashcroft extended Honduras’s TPS and claimed that, “[d]espite indications of progress in recovery efforts ... sufficient damage from Hurricane Mitch persists ...”<sup>12</sup> In the second extension notice DHS highlighted that, “14,000 out of the approximate 50,000 victims of Hurricane Mitch remain in shelters,” and, “out of 60,000 housing units needed ... only 18,000 have actually been constructed.”<sup>13</sup>

**c. Honduras’s Third TPS Extension**

The DHS and Attorney General Ashcroft extended Honduras’s TPS for a third time on May 3, 2002 and recognized that, “[a]lthough there are strong indications of progress in recovery efforts, recent drought as well as flooding from Hurricane Michelle in 2001 compounded humanitarian, economic, and social problems ...”<sup>14</sup> They further explained, “such repeated environmental catastrophes have interrupted Honduras’ ability to recover from Hurricane Mitch

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

<sup>11</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 65 Fed. Reg. 30438 (May 11, 2000).

<sup>12</sup> Extension of the Designation of Honduras Under Temporary Protected Status Program, 66 Fed. Reg. 23269, 23270 (May 08, 2001).

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

<sup>14</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 23744, 23745 (May 05, 2003).

and, as a result, the country continues to lack the needed stability and infrastructure to support the return of its nationals.”<sup>15</sup>

To support the Secretary’s third extension on May 3, 2002, DHS relied on the DOS’s report which highlighted, “Hurricane Michelle affected more than 50,000 people and damaged 1,300 houses, compounding the reconstruction efforts following Hurricane Mitch.”<sup>16</sup>

Additionally, the INS Resource Center reported, “1,724 meters of bridges remain[ed] unfinished, ... 558 kilometers of road left to be rehabilitated, ... and 64 percent of homes destroyed ... remain in need of rebuilding or repair.”<sup>17</sup>

DHS recognized food insecurity as a country condition supporting an extension of Honduran TPS. They cited the BCIS Resource Information Center who stated, “prolonged drought as well as flooding ... have compromised food security and disrupted reconstruction efforts.”<sup>18</sup>

#### **d. Honduras’s Fourth TPS Extension**

To support their fourth extension issued on May 5, 2003, DHS and the Attorney General looked to the DOS for guidance. DOS claimed, “38% of Hondurans suffer from long-term ‘chronic’ malnutrition, and completion of water and sanitation projects have been delayed.”<sup>19</sup>

Additionally, the fourth extension recognized the need to extend TPS for Honduras in 2003 because, “smaller roads and other transportation infrastructure, have generally, not undergone

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<sup>15</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 23744, 23745 (May 05, 2003).

<sup>16</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 67 Fed. Reg. 22452, 22453 (May 03, 2002).

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

<sup>18</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 23744, 23745 (May 05, 2003).

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

repair.”<sup>20</sup> Necessary repairs were not completed because, “[a]s of June 2002, the European Union had provided less than 10% of it’s promised funding and less than 30% of all multilateral donations has been received and projects being funded by a number of non-U.S. donors [were] still underway.”<sup>21</sup>

**e. Honduras’s Fifth TPS Extension**

On November 3, 2004 DHS and Secretary of Homeland Security Tom Ridge published the fifth extended for Honduran TPS. DHS extended Honduras’ TPS, “due to continued reconstruction of infrastructure damaged by Hurricane Mitch.”<sup>22</sup> To support this conclusion, DHS cited DOS and stated only 42,768 of the<sup>23</sup> 82,828 houses destroyed or damaged have been rebuilt. Additionally, “reliable sources of electrical power remain a problem ... while some hydroelectric plant[s] ... [are] not functioning at prehurricane capacity.”<sup>24</sup>

**f. Honduras’s Sixth TPS Extension**

On March 31, 2006 DHS extended Honduras’s TPS for the sixth time. DHS and the Secretary of Homeland Security noted, “housing reconstruction was not completed in may areas.”<sup>25</sup> In addition the ORAIO report noted, “many key bridged have been destroyed, hampering additional recovery efforts.”<sup>26</sup> Lack of infrastructure has resulted in, “the displacement of 11,000 Hondurans, evacuation of 7,600 to temporary shelters, and damage to

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<sup>20</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 23744, 23745 (May 05, 2003).

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

<sup>22</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 69 Fed. Reg. 64084,64085 (Nov. 03, 2004).

<sup>23</sup> *Id.*

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

<sup>25</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 71Fed. Reg. 16328 (Mar. 31, 2006).

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



bridges and crops.”<sup>27</sup> They claimed, “[t]he housing shortage is a critical deficiency when considering whether Honduras could adequately handle the return of its nationals currently living in the United States under TPS.”<sup>28</sup>

**g. Honduras’s Seventh TPS Extension**

Continuing to be a key country condition, lack of adequate infrastructure led DHS to extend Honduras’ TPS on May 29, 2007. DHS reported, “housing reconstruction ha[s] still not been completed in many areas and much of the housing that was built lacked water and electricity.”<sup>29</sup> DHS found, “[a]n estimated 70 to 80 percent of Honduras’ transportation infrastructure was destroyed . . . and the majority of the country’s bridges and secondary roads were washed away, including 163 bridges and 6,000 km of roads.”<sup>30</sup>

DHS noted, “[a]ll health centers were fully operational and almost all schools has reopened by the end of 1999, and by the end of 2005 USAID and some other donors had completed their reconstruction projects in Honduras.”<sup>31</sup> Despite these improvements, “[t]he country continues, however, to rely heavily on outside assistance and faces daunting long-term development challenges with hundreds of thousands of people living in areas designated as “high risk,” awaiting completion of additional disaster mitigation projects.”<sup>32</sup> In addition to issues of infrastructure, “[c]urrent unemployment and underemployment rates range from 20 to 40 percent.”<sup>33</sup>

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<sup>27</sup> *Id.*

<sup>28</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 71 Fed. Reg. 16328 (Mar. 31, 2006).

<sup>29</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 72 Fed. Reg. 29529, 29530 (May 29, 2007).

<sup>30</sup> *Id.*

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

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

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

#### **h. Honduras's Eighth TPS Extension**

On October 1, 2008 DHS and the Attorney General extended Honduras's TPS citing public health and safety as the condition present justifying extension. DHS cited, "PRRAC program for water projects costing \$30 million is also near completion, [h]owever the drinking water systems and supplies of many Honduran communities still remain contaminated."<sup>34</sup> Additionally, "more than 600,000 Hondurans live in areas that are at high risk of flooding."<sup>35</sup>

#### **i. Honduras's Ninth TPS Extension**

On May 5, 2010 DHS and the Attorney General extended Honduras's TPS citing infrastructure, climate, and economy as the conditions present justifying extension. DHS state, "the erosion of agricultural land caused by Mitch has not been reversed, the increased sedimentation caused by Hurricane Mitch to many rivers and streams has not been reversed, causing them to rise above their banks and flood surrounding areas even with minimal levels of rain."<sup>36</sup> Natural disasters continue to plague Honduras, "flooding in October 2008 and an earthquake in May 2009, which have further delayed the recovery from Hurricane Mitch."<sup>37</sup> With the increase in flooding and sediment in Honduran rivers, DHS found there to be, "a decrease in land available for food production."<sup>38</sup>

Infrastructure remains a consistent problem for Honduras and in 2010 DHS asserted, "despite improvements in the road network, the infrastructure remains basic and vulnerable to

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<sup>34</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 73 Fed. Reg. 57133, 57134 (Oct. 1, 2008).

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

<sup>36</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 24734, 24735 (May 05, 2010).

<sup>37</sup> *Id.*

<sup>38</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 24734, 24735 (May 05, 2010).

further damage from adverse climatic conditions.”<sup>39</sup> This was evidenced in October 2008 when, “half of the country’s roads were damaged or destroyed in flooding caused by heavy continuous rains ...”<sup>40</sup>

The May 5, 2010 extension placed great importance on Honduras’ economy and unemployment and stated, “Honduras has a per capita gross domestic product of U.S. \$1,845 in 2008; an estimated 59 percent of Hondurans households live in poverty; and 36 percent of the labor force was unemployed or underemployed in 2008.”<sup>41</sup> Additionally, “the 2009 political crisis exacerbated the effects of the global economic downturn in Honduras by significantly reducing economic activity, particularly in the industrial and tourist sectors ...”<sup>42</sup> DHS provided further evidence of a slow economy in the May 5, 2010 extension by highlighting, “the government and people of Honduras continue to rely heavily on international assistance ...”<sup>43</sup>

#### **j. Honduras’s Tenth TPS Extension**

On November 4, 2011 DHS extended Honduras’ TPS for the tenth time. Even after the destruction brought on by Hurricane Mitch, Honduras continued to suffer from subsequent natural disasters. In the tenth designation extension, DHS found, “there have been a series of natural disasters in Honduras, the most recent being flooding from Tropical Storm Agatha in May 2010, a strong earthquake in May 2009, and severe flooding I October 2008.”<sup>44</sup> DHS

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<sup>39</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 24734, 24735 (May 05, 2010).

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

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

<sup>42</sup> *Id.*

<sup>43</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 68 Fed. Reg. 24734, 24735 (May 05, 2010).

<sup>44</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 76 Fed. Reg. 68488, 68489 (Nov. 4, 2011).

continued to support their 2011 extension and noted, “hunger and near-starvation were widespread in many villages and 4.2 million people lost access to running water.”<sup>45</sup>

DHS relied on a report issued by the United Nations Development Programme and the UN report concluded, “Honduras ... [is] one of the poorest, more vulnerable countries in the world.”<sup>46</sup> As iterated in DHS’ eleventh extension of Honduras’ TPS, “Hurricane Mitch set Honduras back economically and socially more than 20 years.”<sup>47</sup>

#### **k. Honduras’s Eleventh TPS Extension**

In the April 3, 2013 extension DHS relied on statistics provided by the World Bank and stated, “water sources continue to be threatened by deforestation and erosion, and Honduras’s largest source of fresh water is heavily polluted.”<sup>48</sup> Furthermore, “Honduras suffered a drought in June 2012, and both a tropical depression and tropical storm in 2011,” which, “have compounded the initial devastation and substantial disruption of living conditions caused by Hurricane Mitch.”<sup>49</sup>

DHS continues to cite infrastructure as a country condition warranting extension of Honduras’s TPS. They noted, “projects to address housing shortages funded by a \$30 million loan approved by the Inter-American Development Bank in 2006 remain in the implementation

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<sup>45</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 76 Fed. Reg. 68488, 68489 (Nov. 4, 2011).

<sup>46</sup> *Id.*

<sup>47</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 76 Fed. Reg. 20123, 20124 (April 3, 2013).

<sup>48</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 78 Fed. Reg. 20124, 20125 (April 3, 2013).

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

phase.”<sup>50</sup> Additionally, “despite expansion of electrical services in Honduras, only half of the rural population currently has access to electricity.”<sup>51</sup>

### **I. Honduras’s Twelfth TPS Extension**

On October 16, 2014 DHS and the Attorney General extended Honduras’s TPS citing climate and environment, infrastructure, food insecurity, and unemployment and the economy as the conditions present justifying extension of Honduras’s TPS. The federal notice indicated, “[o]ver the last 5 years, Honduras has continued to suffer a series of environmental events that have significantly impeded economic development and recovery, compounding the disruption in living conditions caused by Hurricane Mitch.”<sup>52</sup> Additionally, in 2014, the TPS notice states, “Honduras is considered to be among the countries that are the most vulnerable to natural disasters, including those related to extreme weather events. Although recovery efforts have been implemented, the United Nations Development Programme states that Mitch economically and socially set-back Honduras by twenty years.”<sup>53</sup>

When discussing infrastructure DHS claimed, “[e]stimates of damaged or destroyed dwellings and the resulting homelessness vary.” They found, “[l]ocal government and non-governmental organization figures indicate the destruction of homes by Hurricane Mitch ranges between approximately 35,000 and 66,000. Reports also indicate that between 44,150 and 285,000 individuals were left homeless as a result of Hurricane Mitch.”<sup>54</sup> Furthermore in 2014,

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<sup>50</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 78 Fed. Reg. 20124, 20125 (April 3, 2013).

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

<sup>52</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 79 Fed. Reg. 62170, 62172 (October 16, 2014).

<sup>53</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 79 Fed. Reg. 62170, 62172 (October 16, 2014).

<sup>54</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 79 Fed. Reg. 62170, 62172 (October 16, 2014).

the TPS notice states, “[i]n 2011, the Economic Commission for Latin America and the Caribbean estimated that Honduras sustained approximately \$205 million in material losses as a result of floods and landslides, which most heavily affected houses, agriculture, and infrastructure in southern Honduras”<sup>55</sup>

To support their decision to extend Honduras’s TPS DHS highlighted, “Honduras is experiencing a drought that has caused crop failures and shortages of staple food items, contributing to food insecurity, similar to a drought experienced in 2012.”<sup>56</sup> Finally that recorded that, “[i]n 2013, 25 percent of the country’s coffee crops were affected by climate-related rust fungus, which resulted in a significant reduction in producer incomes and employment opportunities in rural areas.”<sup>57</sup>

### **m. Honduras’s Thirteenth TPS Extension**

On May 16, 2016 TPS was extended due to the fact that,

Honduras has experienced a series of environmental disasters that have exacerbated the persisting disruptions caused by Hurricane Mitch and significantly compromised the Honduran state’s ability to adequately handle the return of its nationals. Additionally, climate fluctuations between heavy rainfall and prolonged drought continue to challenge recovery efforts. Toward the end of 2014, Honduras suffered damage from severe rains, landslides, and flooding, as well as from the heavy winds associated with Tropical Storm Hanna.

Extension of the Designation of Honduras Under Temporary Protected Status Program, 81 Fed. Reg. 30331, 30333 (May 16, 2016).

In addition to climate issues Honduras continued to face issues with infrastructure. The thirteenth extension notice stated, “although some of the destroyed infrastructure and housing

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

<sup>56</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 79 Fed. Reg. 62170, 62172 (October 16, 2014).

<sup>57</sup> Extension of Designation of Honduras Under Temporary Protected Status Program, 79 Fed. Reg. 62170, 62172 (October 16, 2014).

has been rebuilt, Honduras continues to suffer the residual effects of the storm. The United Nations Development Programme has stated that Hurricane Mitch set Honduras back economically and socially by 20 years.”<sup>58</sup> Additionally, in May 2016, “despite rebuilding efforts, Honduras still has a housing deficit of 1.1 million homes, with 400,000 families requiring a new home and 750,000 homes in need of improvement.”<sup>59</sup>

Food insecurity continues to plague Honduras and, “[a] prolonged regional drought, which began in the summer of 2014, has ... lea[d] to significant crop losses in 2014 and 2015, massive layoffs in the agricultural sector, negative impacts on hygiene, and an increase in food insecurity and health risks.”<sup>60</sup>

DHS discussed issues of public health and safety. They noted, “Honduras saw a dramatic increase in mosquito-borne diseases, particularly dengue and chikungunya, in 2014 and 2015.”<sup>61</sup> The extension notice continues, “[t]he system of public hospitals is failing under this threat; in July 2015 the president of Honduras’ medical school warned that public hospitals in Honduras were barely able to provide medicine for common illnesses, let alone an epidemic of chikungunya. In rural areas, the health care system does not have the capacity to meet the needs of the local population.”<sup>62</sup>

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<sup>58</sup> Extension of the Designation of Honduras Under Temporary Protected Status Program, 81 Fed. Reg. 30331, 30333 (May 16, 2016).

<sup>59</sup> *Id.*

<sup>60</sup> Extension of the Designation of Honduras Under Temporary Protected Status Program, 81 Fed. Reg. 30331, 30333 (May 16, 2016).

<sup>61</sup> Extension of the Designation of Honduras Under Temporary Protected Status Program, 81 Fed. Reg. 30331, 30333 (May 16, 2016).

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

Finally, DHS referenced Honduras's unemployment and economy and found that, "Honduras is one of the poorest countries in the Western Hemisphere, with over 65 percent of the population living in poverty."<sup>63</sup>

**n. Honduras's Fourteenth TPS Extension**

On December 15, 2017 DHS and the Secretary of Homeland Security, "did not make a determination on Honduras's designation by November 6, 2017, the statutory deadline, and did not elect to extend the designation beyond the automatic six months."<sup>64</sup> Since DHS did not make a determination, "TPS designation for Honduras is automatically extended for 6 months ..."<sup>65</sup>

**V. Termination of Honduras's Temporary Protected Status**

On June 05, 2018 Secretary Kristjen Nielsen terminated TPS for Honduras claiming, "the conditions supporting Honduras's 1999 designation for TPS on the basis of environmental disaster due to damage caused by Hurricane Mitch in October 1998 are no longer met."<sup>66</sup> DHS found, [r]ecover and reconstruction efforts relating to Hurricane Mitch have largely been completed," and, "social and economic conditions affected by the hurricane have stabilized, and people are able to conduct their daily activities without impediments directly related to damage from the hurricane."<sup>67</sup>

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<sup>63</sup> Extension of the Designation of Honduras Under Temporary Protected Status Program, 81 Fed. Reg. 30331, 30333 (May 16, 2016).

<sup>64</sup> Extension of the Designation of Honduras Under Temporary Protected Status 82 Fed. Reg. 59630 (Dec. 15, 2017).

<sup>65</sup> *Id.*

<sup>66</sup> Termination of the Designation of Honduras for Temporary Protected Status, 83 Fed. Reg. 26074 (June 05, 2018).

<sup>67</sup> *Id.*



DHS recognized, “on-going challenges related to coffee rust,” but claimed, “coffee bean production is up and Honduras is currently the third largest Arabica producer in the world.”<sup>68</sup>

They further supported termination by stating,

[d]rought conditions Honduras has previously dealt with are not currently impacting the country, with USAID reporting as of January 2018 that sufficient seasonal rainfall had led to higher agricultural production compared to recent years and an increase in employment opportunities, resulting in improvements in the food security situation in many parts of the country.

Termination of the Designation of Honduras for Temporary Protected Status, 83 Fed. Reg. 26074 (June 05, 2018).

DHS emphasized a change in Honduras’s infrastructure noting, “recent construction figures show sustained growth in 2017, with residential projects growing by 10% with respect to 2016, and commercial projects growing by 18% over the same period.”<sup>69</sup> They continued, “[r]econstruction programs have helped to address Honduras’s ongoing housing shortage and improve infrastructure, in particular, roads and bridges.”<sup>70</sup>

To further support termination DHS alleged that, “Honduras’s economy is steadily improving.”<sup>71</sup> They supported this claim through statistics and noted, “[t]he Honduran economy grew by 3.7% in 2-16, and its GDP annual growth rate is projected to trend around 4.90% by the end of the first quarter of 2018.”<sup>72</sup>

#### **IV. Honduras’s Current Country Conditions**

DHS and Secretary Nielsen’s 2018 termination notice inadequately analyzes Honduras’s current country conditions and the conditions that led to Honduras’s TPS determination. DHS

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<sup>68</sup> *Id.*

<sup>69</sup> Termination of the Designation of Honduras for Temporary Protected Status, 83 Fed. Reg. 26074 (June 05, 2018).

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> *Id.*

placed great emphasis on the effects of subsequent natural disasters on Honduras's climate and environment, infrastructure, food insecurity, public health and safety, and unemployment and economy. The 2018 termination notice provides a cursory analysis of Honduras's infrastructure and economy but ignores the plight presented in prior notices and Honduras's food insecurity, public health and safety, and unemployment.

**a. Climate and Environment**

DHS has not analyzed the current effects that climate and environment play on Honduran society. According to USAID, “significant challenges to human development include natural disasters such as hurricanes, flooding, drought and environmental degradation, which ruins crops and prevents access to food and other basic necessities.”<sup>73</sup>

The Food and Agriculture Organization of the United Nations (FAO) reported that “[t]he Dry Corridor in Central America, in particular Guatemala, Honduras and El Salvador, is experiencing one of the worst droughts of the last ten years with over 3.5 million in need of humanitarian assistance” and that “[r]ecent estimates indicate that about 461 000 people suffer from moderate or severe food insecurity.”<sup>74</sup>

Due to extreme flooding “[o]n 23 October 2017... the [Honduran] government declared a state of emergency due to the presence of the weather system in the departments of Cortés, Atlántida, Yoro, Colón, Islas de la Bahía and Gracias a Dios. The weather system brought heavy rainfall, which caused rivers and gorges to flood. As of 29 October 2017, a red alert was in effect for the departments Gracias a Dios, Yoro, Islas de la Bahía, Cortés, Atlántida and Colón, while a yellow alert was in place for departments Olancho, Santa Bárbara and Francisco Morazán and a

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<sup>73</sup> *Honduras: Nutrition Profile*, USAID (June 2014) available at [https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras\\_NCP.pdf](https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras_NCP.pdf)

<sup>74</sup> *Central American Dry Corridor Situation Report*, Food and Agriculture Organization of the United Nations (June 29, 2016), available at <http://www.fao.org/3/a-br092e.pdf>

green alert for the departments of Copán, Comayagua, La Paz, Valle, Choluteca, Lempira, Ocotepeque, Intibucá and El Paraíso.”<sup>75</sup>

### **b. Infrastructure**

On August 12, 2017, The Economist produced an article entitled, *Honduras Experiments with Charter Cities*, and they stated that Honduras’, “infrastructure is rudimentary and in poor repair.”<sup>76</sup> The article references a statistical chart that places Honduras’ 99 worst out of 138 countries in terms of infrastructure.<sup>77</sup> A report produced by GardaWorld states, “Honduras’s infrastructure is poor and long traffic delays can affect cargo delivery schedules, especially near customs processing points.”<sup>78</sup>

In October 2017, Telesur reported on Honduras’s infrastructure claiming that heavy rains, “are also causing mudslides and significant damage to infrastructure in [Honduras], flooding homes, damaging highways and taking out trees.” They continued, “[t]he Honduran capital of Tegucigalpa has since seen significant damage to its infrastructure.”<sup>79</sup>

### **c. Food Insecurity**

On May 10, 2018, the World Food Program highlighted the current issue of food insecurity in Honduras. The World Food Program stated, “[r]ecurrent natural disasters and a

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<sup>75</sup> Emergency Plan of Action, International Federation of Red Cross and Red Crescent Societies (November 8, 2017), available at

<https://reliefweb.int/sites/reliefweb.int/files/resources/MDRHN011do.pdf>

<sup>76</sup> *Honduras Experiments with Charter Cities*, The Economist (Aug. 12, 2017) available at: <https://www.economist.com/news/americas/21726121-central-american-country-has-bold-plan-attract-investment-it-not-going>

<sup>77</sup> *Id.*

<sup>78</sup> *Honduras Country Report*, GARDAWORLD <https://www.garda.com/crisis24/country-reports/honduras>

<sup>79</sup> *Flood, Landslides Kill 5 People in Honduras, Nicaragua*, Telesur (October 2017) <https://www.telesurtv.net/english/news/Floods-Landslides-Kill-5-People-in-Honduras-Nicaragua-20171027-0014.html>.

susceptibility to the effects of climate change contribute to food insecurity.”<sup>80</sup> They continued, “[w]eather extremes such as prolonged drought and hurricanes severely affect the ability of subsistence farmers to produce enough food to feed their families, and [t]hese issues have a major impact on the food security of the country’s most vulnerable people.”<sup>81</sup>

A report produced by USAID on January 19, 2018 noted, “one in four children suffers from chronic malnutrition.”<sup>82</sup> Ascertained from a previous report, USAID highlighted, “an estimated 1.5 million Hondurans face hunger at some point each year, and regular, prolonged droughts affect the food and nutritional security of the most vulnerable populations in the southern and western regions.”<sup>83</sup>

#### **d. Public Health and Safety**

On January 10, 2018, the U.S. Department of State issues a Level 3 travel advisory for Honduras stating, “violent crime, such as homicide and armed robbery, is common.”<sup>84</sup> DOS furthered, “violent gang activity, such as extortion, violent street crime, rape, and narcotics and human trafficking is widespread, [and] [l]ocal police and emergency services lack the resources to respond effectively to serious crime.”<sup>85</sup>

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<sup>80</sup> *Honduras*, World Food Program (May 10, 2018) available at <http://www1.wfp.org/countries/honduras>

<sup>81</sup> *Id.*

<sup>82</sup> Food Assistance Fact Sheet, USAID (January 19, 2018); *available at* <https://www.usaid.gov/honduras/food-assistance>

<sup>83</sup> Honduras: Nutrition Profile, USAID (June 2014); *available at* [https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras\\_NCP.pdf](https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras_NCP.pdf)

<sup>84</sup> *Travel Advisory*, U.S. Department of State, Bureau of Consular Affairs (January 10, 2019), *available at* <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/honduras-travel-advisory.html>

<sup>85</sup> *Id.*

In June 2014, USAID provided insight into Honduras' public health and safety and noted, "Honduras has the highest homicide rate in the world, which costs an estimated 10 percent of GDP."<sup>86</sup>

A 2018 Crime and Safety Report from the US Department of State announced that "[t]he U.S. Department of State has assessed Tegucigalpa as being a **CRITICAL**-threat location for crime directed at or affecting official U.S. government interests"<sup>87</sup> and "[s]ince 2010, Honduras has had one of the highest murder rates in the world."<sup>88</sup>

The 2018 Crime and Safety Report also reported

The U.S. Department of State has issued a Travel Advisory for Honduras since 2012 to caution American travelers about high crime rates. Most resort areas and tourist destinations have lower levels of crime and violence than other areas of the country, though still high by international standards. While citizen security is the government's highest priority, it continues to face difficult challenges. The majority of serious crimes, including those against U.S. citizens, are never solved. There are no areas in major urban cities that are deemed free of violent crime.

Honduras 2018 Crime and Safety Report, United States Department of State, Bureau of Diplomatic Security (April 3, 2018); available at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=23798>

Furthering the idea that Honduras should continue to benefit from TPS the US Department of State in their 2017 Human Rights Report stated

Impunity existed in many cases, however, as evidenced by lengthy judicial processes, few convictions of perpetrators, and failures to prosecute intellectual authors of crimes. Perpetrators in emblematic cases dating back many years, such as the 2009 killing of the antidrug czar Julian Aristides Gonzalez, continued to enjoy impunity. Organized criminal elements, including local and transnational gangs and narcotics traffickers, were significant perpetrators of violent crimes and committed acts of murder,

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<sup>86</sup> *Honduras: Nutrition Profile*, USAID (June 2014); available at [https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras\\_NCP.pdf](https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras_NCP.pdf)

<sup>87</sup> Honduras 2018 Crime and Safety Report, United States Department of State, Bureau of Diplomatic Security (April 3, 2018); available at <https://www.osac.gov/pages/ContentReportDetails.aspx?cid=23798>

<sup>88</sup> *Id.*

extortion, kidnapping, torture, human trafficking, intimidation, and other threats and violence directed against human rights defenders, judicial authorities, lawyers, the business community, journalists, bloggers, and women and other members of vulnerable populations

Honduras 2017 Human Rights Report, US Department of State (2017); available at <https://www.state.gov/documents/organization/277585.pdf>

#### **e. Unemployment and Economy**

The World Bank Report emphasized on May 10, 2018, “[i]n rural areas, approximately one out of 5 Hondurans live in extreme poverty, or on less than US \$1.90 per day.”<sup>89</sup>

USAID produced a factsheet on January 19, 2018 that sheds more light on the current economic plight in Honduras. They state, “65 percent of the population lives below the poverty line.”<sup>90</sup> They recognize, “four years of consecutive drought ... [has] exacerbated food insecurity among poor households.”<sup>91</sup> Furthermore, USAID noted, “[i]mproved growth, however, has not translated into reduction in poverty levels; 60 percent of the population live in poverty and 36 percent in extreme poverty, with the highest burden on the rural and indigenous populations.”<sup>92</sup>

### **V. Conclusion**

For the last nine years Hondurans have been protected by their TPS status. Their security and protection should continue because Honduras continues to suffer from issues with their climate and environment, infrastructure, food insecurity, public health and safety, and unemployment and economy. The Trump Administration has not done their due diligence in

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<sup>89</sup> *World Bank Report*, Honduras, <http://www.worldbank.org/en/country/honduras> (last checked May 10, 2018)

<sup>90</sup> *Food Assistance Fact Sheet*, USAID (January 19, 2018); available at <https://www.usaid.gov/honduras/food-assistance>

<sup>91</sup> *Id.*

<sup>92</sup> *Honduras: Nutrition Profile*, USAID (June 2014); available at [https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras\\_NCP.pdf](https://www.usaid.gov/sites/default/files/documents/1864/USAID-Honduras_NCP.pdf)

analyzing Honduras' current country conditions rather they cherry picked Honduras' country conditions and provided a cursory analysis.

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