# TPS Case Neg

### 1NC Immigrant Rights Frontline

#### 1) No impact - The US has exhausted its obligations to TPS recipients—they knew they were temporary when they accepted the protections

Ira Mehlman, media director at the [Federation for American Immigration Reform](http://fairus.org/) (FAIR), 10/26/2017

[“Temporary status for immigrants shouldn't mean permanent residency,”

<http://thehill.com/opinion/immigration/357305-temporary-status-for-immigrants-shouldnt-mean-permanent-residency> CBO DUDA]

Between now and Jan. 18, the deadlines for extending or terminating Temporary Protected Status (TPS) for 90 percent of all foreign nationals who hold that status will elapse. In complete disregard for the fact that the "T" in TPS stands for temporary, some 300,000 citizens of Honduras, El Salvador, and Haiti, have been allowed to remain and work in the United States as a result of natural disasters that struck those countries — as long ago as [1998 in the case of Honduras](https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-honduras). For a variety of reasons it is time to end TPS for these three nations. The United States has more than fulfilled its ethical obligation to assist these neighbors during their time of crisis. In all honesty, these countries were not exactly Gardens of Eden before they were struck by hurricanes and earthquakes. After billions in foreign aid and years of rebuilding, these countries are now functioning about as well as they did before the disasters hit and about as well as they are likely to function for the foreseeable future. The people who accepted our offer of TPS did so with the full understanding that the benefit was a temporary one and that, at some point, they would be required to leave. Lobbying by mass immigration advocates in this country and (shamefully) their own governments, which have come to rely on the remittances sent home by workers in this country, has managed to keep people here long after the immediate crises that triggered TPS.

#### 2) No impact—revoking TPS won't lead to Salvadoran exodus—Clinton-era policy proves

David Bier, immigration policy analyst at the Cato Institute, 1/11/2018

["Trump's Move against Salvadorans won't make them leave—or help US workers" Cato Institute, <https://www.cato.org/publications/commentary/trumps-move-against-salvadorans-wont-make-them-leave-or-help-us-workers> CBO DUDA]

Trump administration officials [announced](https://www.washingtonpost.com/world/national-security/trump-administration-to-end-provisional-residency-for-200000-salvadorans/2018/01/08/badfde90-f481-11e7-beb6-c8d48830c54d_story.html?utm_term=.11f2fe6651ad) this past week that the government would terminate provisional residency permits for about 200,000 Salvadorans next year. The decision is part of President Trump’s “America first” agenda, restricting the rights of immigrants in order to protect U.S. workers. But, as previous immigration experiments demonstrate, the policy will not aid American workers. And it certainly won’t make Salvadorans pack their bags. Trump’s order is likely to have the opposite effects. President George W. Bush [granted](https://www.uscis.gov/sites/default/files/files/pressrelease/BushElSalvadorEng_030201.pdf) Salvadorans temporary protected status (TPS) after devastating earthquakes hit El Salvador in 2001. He and President Barack Obama repeatedly extended the status. Beyond its humanitarian impact, TPS provides significant economic benefits. It doesn’t [give](https://fas.org/sgp/crs/homesec/RL34500.pdf) applicants access to any federal welfare — so there are few costs — but it does grant the legal right to work. And Salvadorans with TPS work at very high rates: [Eighty-eight percent](http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/) participate in the labor force, compared with [63 percent](https://fred.stlouisfed.org/series/CIVPART) of all Americans. Legal employment has helped Salvadorans achieve a relatively high standard of living. The median household income for Salvadorans with TPS [is](http://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/) $50,000, [higher](http://www.pewhispanic.org/2009/04/14/a-portrait-of-unauthorized-immigrants-in-the-united-states/) than the roughly $36,000 for unauthorized immigrants. Their higher wages, combined with the lack of public benefits, has been a big win for U.S. taxpayers. Canceling TPS will make it illegal for these Salvadorans to work, but it’s unlikely to force them home. In 1990, President George H.W. Bush granted TPS to some [185,000](https://www.csmonitor.com/1992/0909/09101.html) Salvadorans during the country’s civil war, and when President Bill Clinton canceled their status in 1996, [few](https://books.google.com/books?id=OMkpxcvrvRQC&pg=PA116&dq=by+continuing+to+live+and+work+in+the+United+states,+salvadorans+and+guatemalans+were+able+to+support&hl=en&sa=X&ved=0ahUKEwiEntzBqc7YAhWHmuAKHVQyBIIQ6AEIKTAA#v=onepage&q=by%20continuing%20to%20live%20and%20work%20in%20the%20United%20states%2C%20salvadorans%20and%20guatemalans%20were%20able%20to%20support&f=false) returned. Deportations [rose](https://u95007.eos-intl.net/eosfcsql01_U95007_Documents/StatisticalYearbook/StatYB1995.pdf) [only](https://www.dhs.gov/sites/default/files/publications/Yearbook_Immigration_Statistics_1997.pdf) slightly, and many Salvadorans just worked illegally until 2001. At this point, 28 years since the original TPS designation and 17 years since the subsequent one, the incentives to stay will be too large for any mass migration back to El Salvador. Trump can try to drive them out with immigration raids and increased deportations, as other presidents have tried, but the highest percentage of unauthorized immigrants deported in a given year is [2.1 percent](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cato.org_blog_obama-2Dstill-2Ddeporter-2Dchief&d=DwMF-g&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=zZ-ULk44Cmdk_g8Nibpw-jVetFWF8cmowsSgSjx8dqw&m=-aWDQvx1T1EO_TGEZ_JxsKMP84LyWbVdq0pmy3rYnwE&s=69AoUFSkY9sHgzqsixedszaNxg1ME-amkPW79SOg1J4&e=) - [three times](https://urldefense.proofpoint.com/v2/url?u=https-3A__www.cato.org_blog_trump-2Dadministration-2Dexpands-2Dinterior-2Dimmigration-2Denforcement&d=DwMF-g&c=RAhzPLrCAq19eJdrcQiUVEwFYoMRqGDAXQ_puw5tYjg&r=zZ-ULk44Cmdk_g8Nibpw-jVetFWF8cmowsSgSjx8dqw&m=-aWDQvx1T1EO_TGEZ_JxsKMP84LyWbVdq0pmy3rYnwE&s=m2qhNHxvw4hODDs8nKVgQGDgeRqB-M36NJH-jDu0CeE&e=) the amount this administration deported in 2017. Losing the legal right to work doesn’t prevent immigrants from finding jobs. They can use fake or borrowed documents from U.S. citizen family members, or employers can pay them off the books. Illegal employment, however, pays less than legal employment — employers [compensate](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4849139/) for taking the risk of hiring someone who may be here illegally.

#### 3) No impact – Dehumanization doesn't CREATE violence and oppression—it's correlation not causation

Aliza Luft, assistant professor in the department of sociology at UCLA, and Daniel Solomon, PhD candidate in government at Georgetown University, 5/25/2018

["How dangerous is it when Trump calls some immigrants ‘animals’?" Monkey Cage, Washington Post, <https://www.washingtonpost.com/news/monkey-cage/wp/2018/05/25/how-dangerous-is-it-when-trump-calls-some-immigrants-animals/?noredirect=on&utm_term=.5f4c7ca51b81> CBO DUDA]

Dehumanizing propaganda is a common precursor to genocide and other mass atrocities. But is there really a direct link between dehumanizing discourse and participation in violence? Simply hearing others called ‘animals’ or ‘vermin’ doesn’t cause violence. Rather, recent research suggests that promoting negative views of others can go only so far in motivating people to kill. In Rwanda, for example, Hutu militants issued [calls on the radio](http://migs.concordia.ca/links/RwandanRadioTrascripts_RTLM.htm) to exterminate inyenzi, the Kinyarwanda word for “cockroach.” But some Hutus refused to kill, saved Tutsis, or shifted stances from [killing to not killing neighbors](http://journals.sagepub.com/doi/abs/10.1177/0735275115587721). This suggests that the decision to commit murder and other violence was difficult for Hutu civilians. Dehumanizing propaganda alone didn’t persuade Hutus to suddenly turn on their Tutsi peers. Moreover, [research](http://journals.sagepub.com/doi/abs/10.1177/0032329207308181) that looks at the timing of radio broadcasts in Rwanda and when massacres occurred finds no correlation between dehumanizing discourse on the radio and individuals’ participation in genocide. Further, the dehumanizing propaganda wasn’t widely received in the majority of places where Tutsis were killed. Only 10 percent of Rwandans owned radio transmitters in 1994, and broadcast range had little reach in rural areas while genocide was national. “Hate radio” can’t explain why violence occurred almost everywhere. Maybe, though, Rwanda is unique. What can we learn from the Holocaust, that other classic case in which dehumanizing propaganda preceded genocide? Here, too, evidence suggests that calling Jews rats and vermin did little to motivate ordinary Germans to kill. In fact, historical [studies](https://www.amazon.com/Marching-into-Darkness-Wehrmacht-Holocaust/dp/0674725506/ref=sr_1_3?s=books&ie=UTF8&qid=1527017661&sr=1-3&keywords=waitman+beorn) indicate that “[ordinary men](https://www.amazon.com/Ordinary-Men-Reserve-Battalion-Solution/dp/B004HOZEV0)” in the Nazi killing machine often felt [disgusted and disturbed](https://www.amazon.com/Raul-Hilberg-Destruction-European-third/dp/B008UYLG6K) by their actions. From [Belarus](https://www.amazon.com/Marching-into-Darkness-Wehrmacht-Holocaust/dp/0674725506/ref=sr_1_3?s=books&ie=UTF8&qid=1527017661&sr=1-3&keywords=waitman+beorn) to [Poland](https://www.amazon.com/Ordinary-Men-Reserve-Battalion-Solution/dp/B004HOZEV0) and [throughout Soviet territory](https://www.amazon.com/Origins-Final-Solution-1939-March-Comprehensive/dp/0803259794), not all Germans who participated in violence against Jews saw them as a dehumanized mass that was easy to murder; many needed [liquor](https://academic.oup.com/hgs/article/30/1/1/1749473), [drugs](https://www.amazon.com/Blitzed-Drugs-Third-Norman-Ohler/dp/1328663795) and, eventually, [the concentration camp system](https://www.amazon.com/Origins-Final-Solution-1939-March-Comprehensive/dp/0803259794) to separate them (mentally, emotionally and physically) from their terrible tasks.

#### 4) No impact - Upholding human rights in legal discourse has failed to protect the rights of many – it’s not as universal as it’s supposed to be in practice

Posner, ‘14

(Eric, professor at the University of Chicago Law School, “The case against human rights”, The Guardian, December 4, https://www.theguardian.com/news/2014/dec/04/-sp-case-against-human-rights, accessed 5/27/18, DUDA-ZW)

And yet it is hard to avoid the conclusion that governments continue to violate human rights with impunity. Why, for example, do more than 150 countries (out of 193 countries that belong to the UN) engage in torture? Why has the number of authoritarian countries increased in the last several years? Why do women remain a subordinate class in nearly all countries of the world? Why do children continue to work in mines and factories in so many countries? The truth is that human rights law has failed to accomplish its objectives. There is little evidence that human rights treaties, on the whole, have improved the wellbeing of people. The reason is that human rights were never as universal as people hoped, and the belief that they could be forced upon countries as a matter of international law was shot through with misguided assumptions from the very beginning. The human rights movement shares something in common with the hubris of development economics, which in previous decades tried (and failed) to alleviate poverty by imposing top-down solutions on developing countries. But where development economists have reformed their approach, the human rights movement has yet to acknowledge its failures. It is time for a reckoning.

### Ext. – No TPS Exodus

#### Most TPS beneficiaries don’t plan on returning – many can already apply for permanent residence and others move to Canada or stay in the US

The Economist, ‘18

(“How will El Salvador cope with deportees from America?”, The Economist, The Americas, January 11, <https://www.economist.com/the-americas/2018/01/11/how-will-el-salvador-cope-with-deportees-from-america>, accessed 5/24/18, DUDA-ZW)

Just how many the United States will deport is unclear. Roberto Lorenzana, chief of staff of Salvador Sánchez Cerén, El Salvador’s president, estimates that around half of the 195,000 Salvadorean TPS holders will be eligible to apply for permanent residence. Many will do almost anything to avoid returning to their birthplace, including moving to Canada, which has an “express-entry” process for skilled workers. César Ríos of the Salvadorean Migrant Institute thinks no more than 15% of TPS holders will return to El Salvador and that virtually none will do so voluntarily. Many will stay in the United States illegally, even if they lose their jobs and homes.

### 1NC Northern Triangle Frontline

#### 1) Turn – Returning TPS recipients will boost the Salvadoran economy

Will Racke, Immigration and Foreign Policy Reporter, the Daily Caller News Foundation, 1/15/2018

["El Salvador’s Top Central Banker: Return Of TPS Holders Will Help Our Economy," <http://dailycaller.com/2018/01/15/el-salvadors-top-central-banker-return-of-tps-holders-will-help-our-economy/?print=1> CBO DUDA]

The Trump administration’s decision to phase out temporary protection from deportation for Salvadoran illegal immigrants was denounced by immigration activists in the U.S., but El Salvador’s top central banker says it could lead to big economic benefits for his country, one of the poorest in the Western Hemisphere. Last week, the Department of Homeland Security announced that roughly 200,000 Salvadoran nationals living in the U.S. are no longer eligible for a humanitarian program known as Temporary Protected Status (TPS). The Salvadoran TPS beneficiaries have until September 2019 to return to their home country or apply for another immigration status for which they may be eligible. [(RELATED: Trump Admin Winds Down Temporary Protected Status For 200,000 El Salvadorans)](http://dailycaller.com/2018/01/08/trump-admin-winds-down-temporary-protected-status-for-200000-el-salvadorans/) Returning TPS holders are likely to boost El Salvador’s economic performance because their labor

productivity and educational attainment are much higher than the national average, according to Oscar Cabrera, president of the central reserve bank. “In the case of the returning migrants from the U.S., the beneficial effects that impact the American economy would transfer in the long term to the economy of El Salvador, with those higher-skilled Salvadorans,” Cabrera said Friday, [according to Salvadoran newspaper Diario El Mundo](http://elmundo.sv/bcr-retornados-de-ee-uu-beneficiarian-a-la-economia/). Cabrera’s assessment diverges sharply from that of many immigration activists, who argue that El Salvador’s economy will suffer if remittances from Salvadoran nationals in the U.S. decline as they return to their home country. In 2016, El Salvadorans living abroad — mostly in the U.S. — sent back $4.57 billion in remittances, or about 17 percent of the country’s entire economy. Even with the prospect of reduced remittance flows, Cabrera believes the return of El Salvadorans from the U.S. will be a net positive in the long run. That’s because Salvadoran nationals living in the U.S. are now more highly educated than they were a generation ago. In 1980, just 16 percent of Salvadoran migrants in the U.S. has a high school education, but that figure has grown to about 39 percent in recent years, according to Cabrera. “We see then a brain drain,” he said, but this time toward El Salvador.

#### **2) No solvency—the Northern Triangle is already on a collision course with disaster due to multiple factors—TPS won’t make a difference**

Atlantic Council, American think tank in the field of international affairs, May 2017

[Building a Better Future A Blueprint for Central America’s Northern Triangle, Atlantic Council independent task force report, <http://publications.atlanticcouncil.org/northern-triangle/assets/AC_Northern_Triangle.pdf> CBO DUDA]

Central America’s Northern Triangle is at a crossroads. The region has seen 50,000 murders over the past three years, along with high-profile corruption scandals that have tested overburdened institutions and stirred public dis - satisfaction. Lack of economic opportunity, weak governance, and criminality have led to nearly 10 percent of El Salvador, Guatemala, and Honduras’s thirty million residents leaving in recent years. The status quo cannot continue domestically or with regard to US policy. Without a major recalibration of both US strategy and that of the three countries, the chal - lenges faced in the region today will increasingly lead to bleak long-term national prospects and a more direct effect on US national security interests. This report provides a new di - rection for how to regain posi - tive momentum. It is the product of an independent, multisector task force launched in Septem - ber 2016 by the Atlantic Council’s Adrienne Arsht Latin America Center. Composed of high-level policy makers, business executives, and civil society lead - ers from each of the Northern Triangle countries plus the United States, the task force addresses regional challenges with practical, impact-driven solutions. The recommendations in this report are informed by a public opinion survey conducted by CID-Gallup in the Northern Triangle countries in fall 2016. It found high levels of distrust in virtually all institutions and a desire for more international assistance. Based on the poll’s responses and ad - ditional consultations, the recommendations fall into three interconnected categories: sustainable economic development, rule of law, and security.

#### 3) Turn – returning TPS recipients will boost the Salvadoran government's efforts to fight corruption and human rights abuses, solving the humanitarian crisis

Andrew R. Arthur, Resident Fellow in Law and Policy, Center for Immigration Studies, 1/18/2018

["Return of TPS Recipients Will Be a Boon to the Salvadoran Economy" <https://cis.org/Arthur/Return-TPS-Recipients-Will-Be-Boon-Salvadoran-Economy> CBO DUDA]

Not all the benefits that will accrue to El Salvador as a result of the return of those individuals are tangible, however. The Department of State (DOS) "El Salvador 2016 Human Rights Report" [states](https://www.state.gov/documents/organization/265798.pdf): The principal human rights problems stemmed from widespread extortion and other crime in poor communities throughout the country. They included widespread corruption; weak rule of law, which contributed to high levels of impunity and government abuse, including unlawful killings by security forces, discrimination, and delay and lack of compliance with court rulings; and violence against women and girls (including by gangs), gender discrimination, and commercial sexual exploitation of women and children. According to a 2016 CID Gallup poll, more than one in five families claim to have been victims of violent crimes. In improving the economic conditions in that country as a whole, returning Salvadoran TPS recipients will mitigate these problems. Further, it is doubtful that those returning nationals, having lived for almost two decades in a country with strict adherence to the rule of law, will stand idly aside while such abuses occur. Notably, DOS reports that the government in El Salvador has taken "steps to dismiss and prosecute some officials in the security forces, the executive branch, and the justice system who committed abuses." The Salvadoran government will likely find in its returning TPS nationals strong supporters for those efforts.

#### 4) No impact—TPS won't lead to a drop-off in remittances—growth in the US economy offsets

Will Racke, Immigration and Foreign Policy Reporter, the Daily Caller News Foundation, 1/15/2018

["El Salvador’s Top Central Banker: Return Of TPS Holders Will Help Our Economy," <http://dailycaller.com/2018/01/15/el-salvadors-top-central-banker-return-of-tps-holders-will-help-our-economy/?print=1> CBO DUDA]

Some Salvadoran economists doubt that Trump’s decision will cause remittances to decline sharply, even though about one in five senders of money to El Salvador from U.S is a TPS beneficiary, according to a central bank survey. Carlos Pérez, an advisor to Salvadoran think tank FUNDE, says losses from returning TPS beneficiaries will be offset by remittances from non-TPS Salvadorans in a growing U.S. economy. “The American economy has grown in recent years,” Perez said, [according to El Mundo](http://elmundo.sv/el-21-de-los-que-envian-remesas-esta-bajo-el-tps/). “We won’t see a drop in remittances, perhaps a drop in the rate of growth, but it’s not a substantial impact that strongly affects the economy.” El Salvador has been a TPS-designated country since 2001, when former President George W. Bush approved temporary protections in response to a series of devastating earthquakes. Though TPS was intended to be a short-term humanitarian program, successive administrations extended protections to El Salvador on the basis of other natural disasters and poor economic conditions there.

#### 5) Status quo solves—Qatar will take in Salvadoran deportees, preventing negative impacts

Yakir Pimentel, Research Consultant at SB Analytics, 2/12/2018

["The Impact 200,000 Returning Expats Will Have on El Salvador," <https://internationalbanker.com/finance/impact-200000-returning-expats-will-el-salvador/> CBO DUDA]

#### The Salvadoran stock exchange—the Bolsa de Valores de El Salvador—has yet to see any material impacts from this announcement. Likely due to the exchange’s concentration on the country’s major industries such as textiles, the BVES should see little impact in the short-term. However, potential impacts of this US policy change stand to increase risk in the country. Tensions in the Central American nation are already high owing to political tensions left over from the country’s long-ended civil war. With a 2-percent drop in GDP currently staring the country in the face and an influx of potentially unemployable expats, the government will be under extreme pressure to broker a solution to this anxiety. With cash under threat from dropping remittances and the country’s fragile stability under threat, the government of President Salvador Sanchez Ceren has been busy looking for solutions. While some analysts expect a small minority of Salvadorans to return home, Salvadoran lawmakers are still under immense pressure to clinch these solutions. For instance, the Salvadoran foreign minister, Hugo Martinez, met with his Qatari counterpart to discuss Salvadoran migrants potentially working in the Middle Eastern country. Temporary employment in the Gulf kingdom could be a quick and lucrative solution to the as-yet unseen problem. While no details have been released about this potential plan, the countries’ leaders are on the right track to maintain El Salvador’s economic stability.

#### 6) No impact – treaty between the US and El Salvador prevents the US from rapidly deporting

Christopher Woody, reporter and editor at Business Insider, 1/17/2018

["Trump's latest immigration crackdown threatens the economy — both in the US and in El Salvador" <http://www.businessinsider.com/trump-ending-tps-el-salvador-threatens-economy-2018-1> CBO DUDA]

The US and Salvadoran governments have [an agreement](https://www.economist.com/news/americas/21734477-united-states-wants-expel-up-200000-salvadoreans-both-they-and-their-home-country) that limits the number of deportation flights to eight a week, each carrying no more than 135 people. Under the deal, the US can't send more than 56,000 people back to El Salvador each year. A significant increase in the number returnees would further strain the limited resources the government and civil-society groups have to assist people arriving in the country, many of whom haven't been there in more than a decade. Salvadoran TPS holders in the US are typically in their 40s and are used to wages higher than are offered in El Salvador, and many who return are likely to struggle to find work and settle there. Ones who do enter the labor force in El Salvador may take jobs that are already filled, Thale said. "While they occupy relative low-skilled jobs in the United States, in El Salvador they would look like mostly bilingual, relatively skilled workers," Thale told Business Insider. "What they'll probably do is displace other Salvadorans, and those people, who are less skilled and ... pushed out of the workforce in a terrible economy with ... a lot of crime and violence, will probably emigrate to the United States."

#### 7) No impact – reduced remittances will be offset by increased government redistribution

Acevedo, ‘18

(Jesse, lecturer in political science at UCLA, “What will happen to El Salvador when the U.S. ends the protected status of Salvadoran immigrants?”, The Washington Post, February 22, <https://www.washingtonpost.com/news/monkey-cage/wp/2018/02/22/salvadorans-will-lose-tps-status-heres-how-this-may-impact-the-countrys-march-elections/?utm_term=.0995705f76f3>, accessed 5/23/18, DUDA-ZW)

Economists and political scientists tend to argue that remittance recipients in developing countries will reject redistribution and government services. Here’s one example of why: Remittances may allow households to access private medical services rather than rely on public clinics. The argument, then, is that greater flows of remittances to countries like El Salvador help keep politicians off the hook in terms of providing public services. This argument relies on the underlying assumption that remittance inflows are stable and increasing. And it’s a reasonable assumption for TPS countries such as El Salvador — remittances increased annually, commensurate with increased migration. But the Great Recession provides a snapshot of what happens when remittances suddenly decline. Recipients favored redistribution — they expect their governments to step up. So a conventional view on remittances might expect recipients to once again opt out of public services as remittances recovered. However, my findings show that recipients continued to favor redistribution even after families began to see more money from relatives in the United States. How will the TPS program affect Salvadoran politics? I argue that the Great Recession in the United States meant remittance recipients in Latin America no longer viewed their external income as a stable source of cash. Remittances provide economic security, and Great Recession undermined that promise. The loss of this income exposed recipients to additional economic risks and created uncertainty about future income. This, in turn, led recipients to favor redistribution as protection against external economic risk. The support for redistribution persisted even as remittances recovered, due to that experience of income loss and uncertainty. The remittances sent by Salvadorans and other Central Americans with TPS provide a valuable economic resource to households in the home country. It’s likely that the loss of TPS status, and the loss of the ability of wage earners from these countries to work legally in the United States, will cause recipient households in countries like El Salvador to demand more government services to make up for losses in remittance income.

### Ext. – Turn – Deportations Help El Salvador

#### Turn – returning Salvadorans have acquired human capital and wealth—they will provide a huge boost to El Salvador's economy

Andrew R. Arthur, Resident Fellow in Law and Policy, Center for Immigration Studies, 1/18/2018

["Return of TPS Recipients Will Be a Boon to the Salvadoran Economy" <https://cis.org/Arthur/Return-TPS-Recipients-Will-Be-Boon-Salvadoran-Economy> CBO DUDA]

On January 15, 2018, however, the Daily Caller [presented](http://dailycaller.com/2018/01/15/el-salvadors-top-central-banker-return-of-tps-holders-will-help-our-economy/?print=1) a different view of that decision. Specifically, an article published on that date indicated that Oscar Cabrera, the president of the Salvadoran central reserve bank had suggested that the return of that country's TPS beneficiaries was "likely to boost El Salvador's economic performance because their labor productivity and educational attainment are much higher than the national average." In particular, the article quoted Cabrera as stating: "In the case of the returning migrants from the U.S., the beneficial effects that impact the American economy would transfer in the long term to the economy of El Salvador, with those higher-skilled Salvadorans." It continued: Even with the prospect of reduced remittance flows, Cabrera believes the return of El Salvadorans from the U.S. will be a net positive in the long run. That's because Salvadoran nationals living in the U.S. are now more highly educated than they were a generation ago. In 1980, just 16 percent of Salvadoran migrants in the U.S. had a high school education, but that figure has grown to about 39 percent in recent years, according to Cabrera. The CIA World Factbook [states](https://www.cia.gov/library/publications/the-world-factbook/geos/es.html) that in 2016 remittances represented approximately 17.1 percent of El Salvador's gross domestic product, and that those remittances flowed to approximately a third of all the households in that country. Salvadoran TPS [recipients](https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-el-salvador) have had the opportunity to live and work in the United States for a minimum of just less than 17 years at this point, and by the date on which that status is set to terminate, they will have been here for a minimum of 18 and one-half years. Presumably during that period of time, they have accumulated not just skills and education, but also rather significant amounts of capital, including bank accounts and real property. The transfer of that capital to El Salvador will likely have a significant effect on that country's economy, similar to the potential economic effects that [repatriation](https://www.usnews.com/news/top-news/articles/2017-12-19/factbox-whats-in-the-final-republican-tax-bill) of capital accumulated by U.S. companies abroad as result of the recently passed tax bill will have on the American economy.

#### Returning Salvadorans will boost the economy and fight corruption

Andrew R. Arthur, Resident Fellow in Law and Policy, Center for Immigration Studies, 10/18/2017

["Should DACA Recipients Become 'Cultural Ambassadors' to their Home Countries?" <https://cis.org/Arthur/Should-DACA-Recipients-Become-Cultural-Ambassadors-Their-Home-Countries> CBO DUDA]

It is beyond cavil that a population of nationals, who have lived in the United States, where such corruption is denounced by government officials, the press, and civil society, would resist this malfeasance after they have returned home. They would be a strong force for change and improvement, and could help to bring about needed reforms. The same is true of El Salvador. Economically, while the CIA World Factbook [reports](https://www.cia.gov/library/publications/the-world-factbook/geos/es.html) it is: The smallest country in Central America geographically, El Salvador has the fourth largest economy in the region. With the global recession, real GDP contracted in 2009 and economic growth has since remained low, averaging less than 2% from 2010 to 2014, but recovered somewhat in 2015-16 with an average annual growth rate of 2.4%. Remittances accounted for approximately 17.1% of GDP in 2016 and were received by about a third of all households. In 2006, El Salvador was the first country to ratify the Dominican Republic-Central American Free Trade Agreement, which has bolstered the export of processed foods, sugar, and ethanol, and supported investment in the apparel sector amid increased Asian competition. In September 2015, El Salvador kicked off a five-year $277 million second compact with the Millennium Challenge Corporation - a US Government agency aimed at stimulating economic growth and reducing poverty - to improve El Salvador's competitiveness and productivity in international markets. Although El Salvador has a nascent economy, it is one that would benefit from an influx of human capital, and especially from workers who are well educated and familiar with the outside world. El Salvador is in a better corruption perceptions index position than Mexico. Transparency International ranks El Salvador 95 out of 176 countries, tying it with Argentina, Benin, Kosovo, Maldives, and Sri Lanka. That said, it is still a country that would benefit from an influx of citizens raised in a culture that did not countenance corruption, and there is no doubt that upon return, El Salvador's DACA recipients would militate for improvement and change.

### Ext. – Turn – Deportations Help El Salvador

#### **Lack of human capital is hurting El Salvador—they need educated workers**

Atlantic Council, American think tank in the field of international affairs, May 2017

[Building a Better Future A Blueprint for Central America’s Northern Triangle, Atlantic Council independent task force report, <http://publications.atlanticcouncil.org/northern-triangle/assets/AC_Northern_Triangle.pdf> CBO DUDA]

Inadequate educational opportunities exacer - bate disadvantages for Northern Triangle youth. In 1984, the National Bipartisan Commission on Central America, led by Henry Kissinger, identified reforming the region’s schools as a critical step toward stability and prosperity. 42 Since then, the adult literacy rate and primary school attendance have improved—more than 85 percent of children attend primary school now—but public schools still fail to prepare students for today’s globalized job market. 43 In Guatemala and Honduras, less than half of eligible children attend secondary school, 44 while in El Salvador in 2015, more than 39,000 children were forced to drop out due to gang violence. 45 The lack of economic mobility caused by insuffi - cient education makes joining a gang or another illegal group one of the only choices available in a region where unemployment and underemploy - ment abound. The other option for youth is to head north to the United States in search of opportunity.

### 1NC Solvency Frontline

#### 1) Turn—ending TPS is good—affirming the “temporary” aspect of temporary protective status makes it more likely that TPS will be granted in the future, helping more immigrants in need

Paul Rosenweig, senior fellow at the R Street Institute, 1/9/2018

[“Ending Temporary Protective Status,” <https://www.lawfareblog.com/ending-temporary-protected-status> CBO DUDA]

First, and in defense of DHS, this determination really is consistent with the spirit of the law, which was intended to be a temporary mark of forebearance not a permanent grant of legal presence for those effected by disaster. Second, and relatedly, it is not unreasonable to suppose that being able to terminate a "temporary" status will actually make it more likely that TPS will be granted in the future when called for. I can certainly attest to a great reluctance to consider TPS grants while I was at DHS precisely because of the concern that "temporary" was code for "permanent." If we can put the "T" back in TPS, that might actually result in greater generosity of spirit. That's a positive goal and a good outcome from this decision (and the related decisions that Trump has made on other TPS designations).

#### 2) Status quo solves – Court cases will overturn Trump's rejection of TPS—the courts will recognize that it's based in racial animus

Elie Mystal, Executive Editor of Above the Law and the Legal Editor for [More Perfect](http://www.wnyc.org/shows/radiolabmoreperfect), 3/15/2018

[“[Trump Sued (Again) Over Temporary Protected Status For Haitian Refugees](https://abovethelaw.com/2018/03/trump-sued-again-over-temporary-protected-status-for-haitian-refugees/)” <https://abovethelaw.com/2018/03/trump-sued-again-over-temporary-protected-status-for-haitian-refugees/> CBO DUDA]

Lost in the shuffle over Donald Trump’s comments that certain non-white immigrants come from [“shithole countries”](https://www.washingtonpost.com/politics/trump-attacks-protections-for-immigrants-from-shithole-countries-in-oval-office-meeting/2018/01/11/bfc0725c-f711-11e7-91af-31ac729add94_story.html?utm_term=.741a35949c90) was the fact that Trump was revoking “temporary protected status” for thousands of people living in America. One of those allegedly s-hole countries was Haiti. Trump has allegedly said that everybody in Haiti has AIDS. I know that this is a very difficult legal concept for Trump supporters to understand, but “we all know that non-white people are worse than white people” is NOT a sufficient legal grounds for new law. Having the “guts” to spew racist stereotypes is NOT a legally sound basis for policy. Trump can say whatever he wants, but his statements are evidence towards the intent of his policies. If his statements are racist, you CAN infer that his policies are meant to be racist, and RACISM IS NOT A JUSTIFICATION FOR LAW. What it is is “arbitrary and capricious,” and that is exactly what Trump is being sued for now. A group of Haitian plaintiffs, represented by lawyers from [The National Immigration Project of the National Lawyers Guild](https://www.nationalimmigrationproject.org/pr/2018_14Mar_tps-haiti.html) and a few Biglaw attorneys from [Mayer Brow](https://www.mayerbrown.com/)n working pro-bono, have asked for an injunction to stop Trump’s revocation of TPS. The group claims 50,000 Haitians, along with their 27,000 children, would be affected. They filed in the Eastern District of New York. … And they don’t all have AIDS. As with so many legal actions against Trump, at the heart of the complaint are the president’s own words: 57. After his election, President Trump continued to voice his animus toward immigrants of color and Haitians in particular. In June 2017, during a meeting in the Oval Office with then-DHS Secretary Kelly and Secretary of State Tillerson, President Trump reacted to a document listing how many immigrants had received visas to enter the U.S. in 2017. Upon learning that 15,000 Haitian people had received such visas, President Trump stated they “all have AIDS.” During that same meeting, President Trump also learned that 40,000 immigrants from Nigeria had received visas to enter the U.S. in 2017. He reacted by stating that, once they had seen the U.S., these Nigerian immigrants would never go back to their “huts” in Africa. 58. On January 11, 2018, during a White House meeting with several U.S. Senators, the President disparaged a draft immigration plan that protected people from Haiti, El Salvador, and some African countries, asking “Why are we having all these people from shithole countries come here?” President Trump further denigrated Haitians, asking “Why do we need more Haitians?” and ordered the bill’s drafters to “take them out.” In this meeting, the President further expressed his preference for more immigrants from places like Norway, where the population is more than 90 percent white. Haiti’s population, by contrast, is over 95 percent Black. Again, the concept here is that having a preference for immigrants based on race is an arbitrary policy. But there is another legal angle here that Trump supporters don’t seem to get that his lawsuit attacks head on. Trumpsters are nothing if not “literalists.” They see what is directly in front of their face, and almost nothing else. The Earth? “Looks flat to me.” Racial stereotypes are wrong? “Why are there so many black people in the NBA then?” Consent? “She doesn’t have any bruises on her face.” Temporary protected status? “Exactly, TEMPORARY.” The earthquake that sent so many Haitians heading to our shores happened in 2010. In Trumpworld, Haitians should no longer need to stay here because… well, they don’t have any kind of knowledge about how long it takes a poor nation to recover from a natural disaster, but 2010 sounds like a long time ago so it’s time for them to go. The complaint explains that Haiti has not recovered, and DHS considered none of this when implementing Trump’s “eww AIDS” strategy: 93. Reviews of country conditions in Haiti made in the weeks prior to the November 20, 2017 decision to terminate TPS demonstrate that the country continues to experience the extraordinary and temporary conditions for which Haiti was designated for TPS in 2010 and re-designated for TPS in 2011. The conditions include: (i) internal displacement: More than 37,000 people remain in IDP camps, with tens of thousands more displaced but not recorded in official statistics due to lack of tracking or reclassification; (ii) a housing and physical infrastructure crisis: many people who left camps settled in equally inadequate homes, many of which were damaged by the earthquake and have not been repaired. For example, upwards of 200,000 live in Canaan, a makeshift, informal settlement created shortly after the earthquake whose inhabitants lack access to basic services — including water, health care, and waste management one of the world’s worst cholera epidemics; (iv) grave hunger and malnutrition, with more than one million people facing severe food insecurity, greatly exacerbated by the massive destruction of crops, livestock, and infrastructure in Haiti’s southern peninsula by Hurricane Matthew in October 2016; (v) political instability and security risks, including the risk of gender-based violence. The United Nations Peacekeeping force played an important role in stabilizing Haiti. Its replacement with a smaller force has generated concern that Haiti lacks necessary police presence. Nearly one quarter of police supervisory positions remain unfilled, and the police have a presence in fewer than half of Haiti’s 570 communal sections; and (vi) a widening fiscal deficit, with economic growth slowing to one percent and public expenditures on the rise to meet post-Matthew reconstruction needs. Ironically, it is the slow process of earthquake recovery — that Trump reduces to mere s\*\*\*hole status — that proves Trump’s decision to revoke TPS status was done more out of racial animus than any fact-based assessment of the situation. So far, courts have been pretty strong in telling Trump that racism isn’t a sufficient basis for immigration policy. I don’t expect the E.D.N.Y and eventually the Second Circuit to buck that trend.

#### 3) Turn—Courts—A. Cancelling TPS has a silver lining—it will set the courts up to reject Trump's racist immigration policies

Massoud Hayoun, contributing writer to the Pacific Standard, 5/9/2018

["The White House's Decision to Terminate Hondurans' Temporary Protected Status May Aid Lawsuits Against Its Immigration Policy"https://psmag.com/social-justice/the-white-houses-decision-to-terminate-hondurans-temporary-protected-status-may-aid-lawsuits-against-its-immigration-policy CBO DUDA]

The Trump administration's decision to cancel [Temporary Protected Status](https://psmag.com/tag/temporary-protected-status) for [Hondurans](https://psmag.com/tag/honduras) living in the United States will strip legal status from around 60,000 people. But for immigration activists, there may be a silver lining: The decision, which manifestly ignores security concerns in Honduras, could bolster legal challenges against earlier TPS cancelations affecting hundreds of thousands of Haitians, [Salvadorans, and other escapees from natural and political disaster](https://psmag.com/social-justice/the-trump-administration-is-set-to-deport-hundreds-of-thousands-of-salvadorans). [Several](https://www.aclusocal.org/en/press-releases/tps-holders-and-their-children-filing-lawsuit-against-trump-administration) [pending](http://www.haitilibre.com/en/news-24140-haiti-flash-diaspora-tps-lawsuit-of-the-naacp-against-the-dhs-is-reinforced.html) lawsuits challenge the validity of the Department of Homeland Security's decision to rescind TPS protections for U.S. residents from countries including Haiti and El Salvador. Those suits argue that the DHS's decision was not premised on a careful consideration of whether those countries are now safe enough for the TPS recipients to return; instead, they say, the decisions were inspired by what they charge is the administration's racist and anti-immigrant animus. The decision to rescind TPS protections for Hondurans living in the U.S., announced Friday, came as a shock to observers of Honduran affairs. Honduras suffers from persistent political turmoil, rampant [gang](https://psmag.com/environment/cocaine-traffickers-are-turning-swaths-of-central-american-rainforest-into-money-laundering-ranches) violence, and a notoriously high homicide rate. Despite the Honduran government touting what it [reports](https://www.reuters.com/article/us-honduras-violence/honduras-murder-rate-fell-by-more-than-25-percent-in-2017-government-idUSKBN1ER1K9) as a decline in murders in recent months, analysts [warn](https://www.washingtonpost.com/world/the_americas/honduras-regrets-us-move-to-end-temporary-protected-status/2018/05/05/a52cc7c6-5033-11e8-85c1-9326c4511033_story.html?utm_term=.5c06645ff5bd) that the situation there has by no means improved to a degree that would allow Washington to safely repatriate Hondurans residing in the U.S. In addition to Honduras, Haiti, and El Salvador, the administration has canceled TPS protections for people from Liberia, Nepal, Sudan, and Nicaragua—many of whom have lived in the U.S. for decades. Despite economic and political developments in Haiti and El Salvador, the situations there remain dire, observers say, warning that a decision to remove TPS designations from these countries may amount to a death sentence for some. "Reports from Honduras are troubling and lead us to believe conditions in the country have not improved at all," says [Jorge-Mario Cabrera](http://www.chirla.org/content/jorge-mario-cabrera), a spokesman for the Coalition for Humane Immigrant Rights advocacy organization. "TPS should not have been canceled for Honduras, El Salvador, or Haiti unless we believe human life is worthless and these people deserve to live lives of misery and despair." The DHS decision on Honduras comes just weeks after the National Immigration Project of the National Lawyers Guild released [documents](http://www.nipnlg.org/PDFs/practitioners/our_lit/impact_litigation/2018_16Apr_foia-tps-haiti.pdf), obtained through Freedom of Information Act requests, on the decision to terminate Haiti's TPS designation. Those documents reveal that the decision to terminate Haiti's TPS protections actually ran counter to DHS findings that many of the circumstances that drove Washington to grant Haitians TPS in the first place persist. That, combined with [reports](https://www.nbcnews.com/politics/white-house/trump-referred-haiti-african-countries-shithole-nations-n836946) that Trump personally derided Haiti, El Salvador, and the entire continent of Africa as "shithole" nations, has fueled the multiple ongoing lawsuits charging that the administration's decision to terminate TPS protections was motivated by anti-immigrant sentiment and racism, and not a serious assessment of the facts on the ground.

#### B. The Impact—It's key for Courts to call out Trump's racism—the alternative is to normalize his administration, and to threaten the American Republic

Dahlia Lithwick, legal analyst for Slate, 4/30/2018

[“No Time to Pretend,” <https://slate.com/news-and-politics/2018/04/the-courts-and-press-put-themselves-at-risk-by-treating-donald-trump-like-a-normal-president.html> CBO DUDA]

[Why assume this is a Rich Little kind of year](https://slate.com/news-and-politics/2018/04/whca-president-backs-away-from-michelle-wolf-who-she-refers-to-only-as-the-entertainer.html) when it plainly is not? While those seem like reasonable enough questions to ask of both our journalists and our jurists, if you listened to the oral arguments on the travel ban case last week, it was clear the presumption of regularity is in the ascendancy. [As my colleague Mark Stern pointed out](https://slate.com/news-and-politics/2018/04/the-supreme-court-treated-donald-trumps-travel-ban-like-any-other-case-thats-a-terrible-sign.html), the majority of the court viewed those arguments as a regular day at the office, even if such a view required blinkering themselves both to human suffering and twitchy lawyering. By the time it received its third cleansing rinse, Solicitor General Noel Francisco’s soothing talk of “interagency review” and the transformational nature of the oath of office fell on some grateful and relieved judicial ears. This, despite the fact that Francisco may have given [misinformation to the justices](https://lawfareblog.com/was-supreme-court-given-accurate-information-during-travel-ban-argument) in [more than one way](https://slate.com/news-and-politics/2018/04/did-noel-francisco-mislead-the-supreme-court-about-trumps-current-muslim-ban-position.html). Also consider that in one of the key exchanges of the morning, Justice Elena Kagan hypothesized an imaginary, hypothetical, “out of the box” anti-Semitic president. To that, Francisco responded, apparently perfectly seriously, “We don’t have those, your honor.” Assume for a moment that court-watchers are correct and the majority of justices are suffering from travel ban fatigue. Maybe the airport protests were remarkable and the racist claims of 2017 were irksome, but as time passes it’s ever easier to impute normality to the whole executive branch and move on. Why would that happen? My simple guess is that the court has just endured two consecutive terms of fragility and public debate, months upon months in which the justices have been kicked around like a soft football. They’re certainly more aware than ever that the institution’s sole public asset is its public legitimacy. With [neither a purse nor a sword](https://www.jstor.org/stable/1960864?seq=1#page_scan_tab_contents) to protect it, even ambivalent justices might go with selective blindness and a poker face. And given that any judge who has ruled against Donald Trump has been decried as part of the faceless, unprincipled “[judicial resistance](https://slate.com/news-and-politics/2018/04/the-judicial-resistance-didnt-save-daca-jeff-sessions-ineptitude-did.html),” it must be overwhelmingly tempting to pretend that Trump is getting better and better at being a semi-normal president. But Trump isn’t getting better. His administration is rampant with corruption and self-dealing and scandals. The press and the courts should be mobilized to notice this. Yet Trump spent the weekend in Michigan destabilizing his own Justice Department and calling [out immigration statutes as corrupt](http://www.mlive.com/expo/erry-2018/04/bab779dc196618/ten_highlights_from_donald_tru.html). He attacked the news media as “fake and dishonest.” And at the Washington Hilton, the [comedian presumably conscripted to address the fact](https://www.nytimes.com/2018/04/30/opinion/michelle-wolf-white-house-correspondents-dinner.html) that nothing about any of that was normal was taken to task for doing so, [publicly disavowed by an organization of journalists](https://slate.com/news-and-politics/2018/04/whca-president-backs-away-from-michelle-wolf-who-she-refers-to-only-as-the-entertainer.html) for violating a professional norm of civility and the tone of carefree bonhomie. As [Masha Gessen correctly notes](https://www.newyorker.com/news/our-columnists/how-michelle-wolf-blasted-open-the-fictions-of-journalism-in-the-age-of-trump), the White House correspondents’ dinner depends upon a set of “fictions about civility and performance. There is a fiction that holds that journalists and their subjects can eat and socialize together and yet maintain the distance necessary to continue performing their professional roles.” Gessen’s description of journalistic fictions just as easily fits the Supreme Court in the travel ban case: The same fiction continues to dominate our public sphere. In this story, Trump performs the role of President, albeit poorly, and those in the media maintain a strained civility in their coverage of him. In this story, the statement that the President is a racist is still controversial. In this story, the media can discuss his affair with a porn star, and even the question of whether he used a condom, without undermining respect for the office. This is an essential pretense, because respect for the office of the President is indeed a value that should transcend the current Presidency. What Gessen is describing here is the journalistic equivalent of the solicitor general’s claims about the “presumption of regularity.” The press doesn’t just need the norms of civility and truth. For its own self-preservation, it’s also required to pretend every day that a president who has no corresponding regard for norms and truth actually does. It’s not just about preserving access and couture gowns. The [press is far more fragile than we care to believe](https://www.nytimes.com/2017/01/25/opinion/dont-expect-the-first-amendment-to-protect-the-media.html). And if anything, the courts are even more fragile. If the arguments in Trump v. Hawaii revealed anything at all, it’s that, to preserve its legitimacy, the judicial branch also requires imbibing and performing the polite little fiction that this presidency is basically normal. To do anything less—to cite to tweets, to call blatant religious animus what it is—is to jeopardize the presumption of regularity that attaches not just to the executive branch but to the court itself. Institutions that are under constant assault depend on both their own fictions of regularity and those relating to other institutions. For the courts to function creditably, the other institutions must be normal, too. The alternative is cross-institutional nihilism, which may explain why Justice Anthony Kennedy, often the justice most susceptible to inveighing against the erosion of civility and truth and the rule of law, seems almost willfully blinkered to the ways this president poisons all of them. For the court to be dignified, the president must be presidential, even if that president is Donald Trump. Last week, we witnessed two institutions charged with protecting constitutional democracy cave in to protect themselves. These behaviors, intended as acts of institutional self-protection, are in reality moments of self-immolation. Each is an attack on truth and truth-seeking, rooted in the hope that the institutions themselves will survive. But institutions that must pretend that Donald Trump is a competent, functioning president to preserve their own legitimacy are at risk of becoming exactly the kinds of compromised entities he wants them to be.

### Ext. Turn – Future TPS

#### Turn – extending TPS indefinitely will increase resistance to future uses of TPS—the American public will reject it if it means permanent immigration

Ira Mehlman, media director at the [Federation for American Immigration Reform](http://fairus.org/) (FAIR), 10/26/2017

[“Temporary status for immigrants shouldn't mean permanent residency,”

<http://thehill.com/opinion/immigration/357305-temporary-status-for-immigrants-shouldnt-mean-permanent-residency> CBO DUDA]

To remedy these sorts of situations in the future, Rep. [Mo Brooks](http://thehill.com/people/mo-brooks) (R-Ala.) has introduced the TPS Reform Act, [H.R. 2604](https://www.congress.gov/bill/115th-congress/house-bill/2604), which would establish clear time limitations and statutory tests that must be met to grant the TPS designation.The lack of clear guidelines for when TPS protections should be offered or extended jeopardizes the program itself. Without reasonable assurance that the protections are temporary, and not a backdoor to permanent immigration, the American public will become increasingly resistant to granting TPS to others in cases where it might be warranted. No doubt having to return home will be inconvenient and disruptive to their lives, but that is more of an argument against giving in to pleas for repeated extensions of TPS than it is in favor of granting yet another one. Likewise, ending TPS will cause some short-term disruption to the home countries from the loss of the remittances. However, in the long run, these nations stand to gain far more from the reintegration of their own citizens who, with the benefit of the education and work experience they have gained in the United States, are positioned to help their countries build stronger economies that do not rely on sending their best people abroad.

### Ext. – Status Quo Solves – Courts

#### It's clear that Trump's TPS cancellations have racial motivations—they will win

Brian D. O’Neill, immigration and employment lawyer, 2/22/2018

[“Federal Lawsuit: Trump Ending TPS For Haitians, Salvadorans Was Racially Motivated” <https://www.oneill-law.net/single-post/2018/02/22/Federal-Lawsuit-Trump-Ending-TPS-For-Haitians-Salvadorans-Was-Racially-Motivated> CBO DUDA]

The Associated Press reports that on February 21, 2018 Haitian and Salvadoran immigrants sued President Donald Trump in federal district court in Boston, Massachusetts, arguing that the Republican administration’s decision to end Temporary Protected Status for qualified citizens of these countries now in the US, shielding them from deportation, was racially motivated. It claims Trump’s move to rescind the program was rooted in animus against immigrants of color, citing comments made by Trump on the campaign trial and in office. More information is available here. <https://talkingpointsmemo.com/news/lawsuit-trump-end-tps-haitian-salvadoran-immigrants-racially-motivated>. In my view the suit has substantial merit.

#### **TPS lawsuits will succeed and overturn Trump's decisions**

ACLU of Southern California 3/12/2018

["200,000 People Could Be Forced Out of the Country by Trump Action" <https://www.aclusocal.org/en/press-releases/tps-holders-and-their-children-filing-lawsuit-against-trump-administration> CBO DUDA]

SAN FRANCISCO — Nine people with Temporary Protected Status (TPS) and five United States citizen children of TPS holders are today filing a lawsuit against the federal government to stop the unlawful termination of TPS for more than 200,000 people living in the U.S. and to protect the tens of thousands of U.S. citizen children whose parents would be forced to leave under the administration’s policy. The lawsuit was filed in U.S. District Court in San Francisco by the ACLU Foundation of Southern California, the National Day Laborer Organizing Network (NDLON), and the law firm of Sidley Austin LLP. The Trump administration adopted a new, far narrower interpretation of the federal law governing TPS, and then used that interpretation to terminate TPS status for all individuals from El Salvador, Haiti, Nicaragua, and Sudan. Many of the TPS-holders from those countries have resided in the U.S. for 20 or more years, but will be forced out of the country if the administration’s new policy remains in effect. Their U.S. citizen children will then be forced to either separate from their parents or leave the only country they have ever known. "These American children should not have to choose between their country and their family," said Ahilan Arulanantham, advocacy and legal director of the ACLU of Southern California. "I have lived here almost twice as long as I ever lived in El Salvador. My home and family are here," said Orlando Zepeda, a 51 year old father of two children and a member of the National TPS Alliance, a coalition established and led by TPS holders with a mission to defend TPS. "The decision to end TPS for El Salvador and other countries was devastating. Today we join together to say that it was also illegal." "With the stroke of a pen, this administration upended the lives of hundreds of thousands of people lawfully residing in the United States for years and sometimes decades," said Emi MacLean, staff attorney for NDLON. "But in terminating TPS in the way that it did, this administration was exercising authority it did not have." The complaint also argues that the administration's restrictive view of the TPS laws was unconstitutional as it was adopted to further the administration's anti-immigrant, white supremacist agenda. Earlier this year, during a negotiation over the fate of people who have TPS status, Trump referred to the affected nations as "shithole countries." The plaintiffs are members of diverse organizations fighting to defend TPS, including the National TPS Alliance, CARECEN-Los Angeles, the International Union of Painters and Allied Trades (IUPAT), UNITE-HERE, and African Communities Together. Their lawsuit is the first to challenge the TPS terminations on behalf of the American children of TPS holders, and the first to challenge all four of the TPS terminations that have taken place under the Trump administration.

### Ext. Turn – Courts Call out Trump

#### It's essential that the courts reject Trump's racist policies

Dahlia Lithwick, legal analyst for Slate, 4/30/2018

[“No Time to Pretend,” <https://slate.com/news-and-politics/2018/04/the-courts-and-press-put-themselves-at-risk-by-treating-donald-trump-like-a-normal-president.html> CBO DUDA]

But that binary model is too simplistic, and it elides the problem that both journalism and the law face when they rely on their own immutable norms to protect themselves. Over the weekend, we saw what happens when the norms of “civil discourse” among journalists collapsed in the face of Michelle Wolf’s comedic takedown. And at the Supreme Court, during last week’s oral arguments in the travel ban case, Trump v. Hawaii, we were transported to a bizarre world in which [this president was discussed as if he were a normal head of state](https://slate.com/news-and-politics/2018/04/the-supreme-court-treated-donald-trumps-travel-ban-like-any-other-case-thats-a-terrible-sign.html). Start first with the fact that Trump has been assailing both the media and the courts since before he took office, going after the press as “[the enemy of the American people](https://www.nytimes.com/2017/02/17/business/trump-calls-the-news-media-the-enemy-of-the-people.html)” and trashing “so-called judges.” Consider that both the press and the courts have struggled ever since with their professional responsibilities: Do we pretend everything is unfolding just as we would in a Mitt Romney administration, or do we set ourselves up as the resistance, in a move that will discredit the institutions themselves? We’ve muddled through that conundrum with varying degrees of success by toggling between calling out that which is legitimately dangerous while also striving to preserve the norms of dignity and civility and sanity that our institutions depend upon. All year, as the travel ban has worked its way through the federal courts, we’ve watched the [Trump administration insist that this president deserves](https://www.nytimes.com/2017/09/28/opinion/contributors/travel-ban-lessons-trump.html) “the [presumption of regularity](http://www.slate.com/articles/news_and_politics/politics/2017/05/we_can_t_let_trump_shake_away_his_past_decisions.html).” As law professors [Sandy Levinson and Mark Graber argued this past winter](https://poseidon01.ssrn.com/delivery.php?ID=67808212302902409408409609608906907203808506808705708709212612502509908901812312010800405803712401700501606912000107308806600200104304404602809206901012709701602302403509502709212311812409300001110811500), it’s not just the courts being called upon to treat Donald Trump like he is a regular president. The Defense Department has taken the same posture, warning Congress that Trump must have the same power to launch a nuclear war as any other president because, [per an Obama-era DoD official](https://www.washingtonpost.com/powerpost/senators-deadlock-in-debate-over-whether-to-restrain-trumps-nuclear-launch-authority/2017/11/14/491a994a-c95b-11e7-8321-481fd63f174d_story.html?utm_term=.6feb67e16adb), “if we were to change the decision-making process because of a distrust of this president that would be an unfortunate decision for the next president.” As Graber and Levinson point out, academic discussions on the contours of executive power meant one thing before 2016 and another thing now, precisely because, as they put it, no legal scholar opining on executive power “considered the possibility that a bigoted, uninformed, serial liar would assume the powers of the oval office.” The question they put forward is whether constitutional decision-makers, when interpreting Article II, “ought to take into account that Americans have elected a chief executive manifestly unfit to exercise the longstanding powers of the presidency?” The two scholars, after laying out the case, conclude that “the constitutional clause ‘the President shall be Commander-in-Chief’ should be interpreted in light of the assumption that the president is a mature adult whom one would, at the bare minimum, feel comfortable hiring to watch over one’s own children.” In the absence of such a commander-in-chief, they say, judges are sometimes forced to “improvise” when constitutional systems break down. As they explain, in the context of the travel ban litigation: Donald Trump, on the campaign trail declared he would prevent Muslims from immigrating to the United States. His first travel ban looked suspiciously like a Muslim ban. President Trump declared the executive order a travel ban. Lower courts were therefore correct in taking the President at his word rather than taking seriously the novel arguments administrative lawyers made in court when defending the constitutionality of the travel ban. They have no problem with the fact that appellate court judges took Trump’s tweets and campaign statements into account when reaching the conclusion that the second executive order’s “stated national security interest was provided in bad faith, as a pretext for its religious purpose.” Citing Brown v. Board, Levinson and Graber conclude that “constitutional decision makers have no more reason to assume that Donald Trump’s executive orders are based on rational policy judgments than the Warren Court had to believe that segregated schools were grounded in reasonable pedagogy.” To be sure, [Levinson and Graber have their critics](https://lawfareblog.com/neutral-principles-and-presumption-regularity-era-trump), and the [academic debate is well worth review](https://blog.simplejustice.us/2017/05/11/the-death-of-the-presumption-of-regularity/). But my concern about their call to reject this presumption of regularity around Trump isn’t a normative one so much as a descriptive one. They are asking judges to recognize that the president just isn’t normal—that he lies and has others lie on his behalf and that his contempt for regular order precludes them from assuming that he’s acting in good faith. It is the formal, marble-coated echo of the arguments advanced about the White House correspondents’ dinner: Why should members of an institution the president wants to destroy treat him with dignity and decorum?