

United States Senate

WASHINGTON, DC 20510

October 10, 2024

The Honorable Joseph R. Biden, Jr.
President
1600 Pennsylvania Ave. NW
Washington, DC 20500

Dear President Biden,

We write to urgently request that your administration provide temporary humanitarian protections for Guatemalan nationals living in the United States by either designating the country for Temporary Protected Status (TPS) or authorizing Deferred Enforced Departure (DED) for Guatemalan nationals.

Today, the majority of Guatemalans who would benefit from the designation of TPS have lived in the United States for many years and are deeply integrated into the fabric of American families, communities, and local economies. Of the estimated 1,000,000 total potential beneficiaries of a TPS designation for Guatemala, approximately 300,000 arrived earlier than 2010 and have resided in the U.S. for more than fourteen years. An additional 260,000 arrived in the U.S. in the 2010s. Approximately 298,000 U.S. citizen children are estimated to live with these potential TPS beneficiaries nationwide.¹

Providing these humanitarian protections will reinforce the relationship that the United States is developing with the new, democratically elected government under President Bernardo Arevalo. President Arevalo has committed to taking steps to try to ameliorate many of the conditions that have long been neglected by previous leaders.

However, his new administration transmitted a letter in April 2024 to Secretary of State Antony Blinken expressing its request for a TPS designation, recognizing that it will take time for these steps to improve conditions. As noted in this letter, Guatemala presently faces significant and overlapping natural disasters leading to food insecurity, corruption, and violence that impede the ability of Guatemalan nationals currently in the United States to return home safely at this time.

Guatemala has long experienced significant environmental disasters, which have worsened food insecurity and displaced a sizable amount of the population. According to the Integrated Food Security Phase Classification's (IPC) most recent report on acute food insecurity in Guatemala, during the 2023 lean season from June to August, it was projected that nearly one-quarter of the country's population (4.3 million) experienced insecurity. Additionally, nearly half of Guatemalan children under 5 (46.5 percent) experience chronic malnutrition—the highest rate in Latin America and the sixth highest worldwide.

¹ <https://www.fwd.us/news/temporary-protected-status-report-2024/>

Guatemala also faces other extraordinary and temporary conditions that prevent nationals from returning safely, such as widespread violence against marginalized communities including women and Indigenous people, corruption, and attacks on human rights defenders and journalists. These conditions are detailed in the State Department's 2023 Human Rights Report. The State Department's Bureau of International Narcotics and Law Enforcement Affairs (INL) further details how drug trafficking organizations maintain significant influence over many parts of Guatemala, especially along its borders, and pose a threat to citizen safety.

Despite the efforts underway under the new administration, a sober assessment of conditions in the country today would support the conclusion that Guatemala is unable to adequately handle the return of the significant number of nationals currently in the United States.

Unlike TPS, which is an authority granted to the Secretary of Homeland Security by Congress, Deferred Enforced Departure is a presidential power derived from the constitutional authority in Article II to conduct foreign relations. There is precedent both for the use of DED to offer protection to people from a country where they would face political repression or serious threat to their lives if they were forced to return, as well as in recognition of the foreign policy interests of the United States. The use of the DED authority is an alternative route to protecting Guatemalan nationals in the United States at this time.

For the reasons discussed above, it is warranted and urgently necessary that your administration provide temporary humanitarian protections for Guatemalan nationals living in the United States by either designating the country for Temporary Protected Status (TPS) or authorizing Deferred Enforced Departure (DED) for Guatemalan nationals.

We thank you for your consideration of this request.

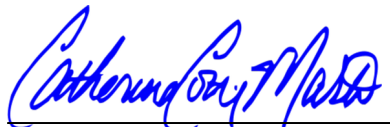
Sincerely,



Benjamin L. Cardin
United States Senator



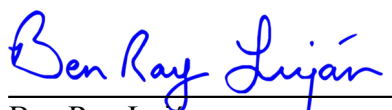
Chris Van Hollen
United States Senator



Catherine Cortez Masto
United States Senator



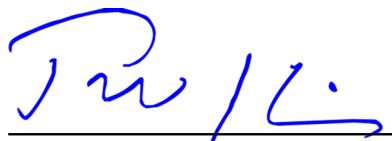
John Hickenlooper
United States Senator



Ben Ray Lujan
United States Senator



Michael F. Bennet
United States Senator



Tim Kaine
United States Senator



Tammy Duckworth
United States Senator



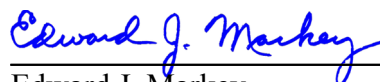
Christopher A. Coons
United States Senator



Cory A. Booker
United States Senator



Mark R. Warner
United States Senator



Edward J. Markey
United States Senator



Christopher S. Murphy
United States Senator



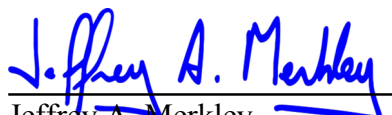
Bernard Sanders
United States Senator



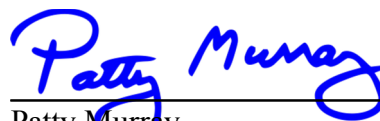
Jacky Rosen
United States Senator



Alex Padilla
United States Senator



Jeffrey A. Merkley
United States Senator




Patty Murray
United States Senator



Mazie K. Hirono
United States Senator



Martin Heinrich
United States Senator



Jack Reed
United States Senator



Richard Blumenthal
United States Senator

cc: The Honorable Antony J. Blinken, Secretary, Department of State
The Honorable Alejandro N. Mayorkas, Secretary, Department of Homeland Security