



TPS Can Promote Stability and Recovery for Central American Countries Hit by Recent Hurricanes

By Silva Mathema and Tom Jawetz | December 21, 2020

In November, two deadly hurricanes, Eta and Iota, hit several Central American countries back to back, causing widespread devastation from high winds, landslides, mudslides, and flooding across Nicaragua, Guatemala, El Salvador, Honduras, and other countries. While it will take time to know the full extent of the damage, Oxfam reports that so far 11 million people have been affected throughout the region, with 800,000 evacuated from their communities.¹

The United States has responded by offering humanitarian assistance and financial and logistical support to aid in recovery and rebuilding efforts, including allocating \$48 million in humanitarian assistance through the U.S. Agency for International Development (USAID) to help Guatemala, Honduras, Nicaragua, and Colombia and providing rescue services and delivering aid through the U.S. Southern Command.² However, the United States can do more. Specifically, the U.S. Department of Homeland Security (DHS), in consultation with the State Department, should use its authority to designate Guatemala for Temporary Protected Status (TPS) and redesignate El Salvador, Honduras, and Nicaragua.³ Offering TPS to eligible nationals of designated countries who are already residing in the United States would allow them to apply for temporary permission to remain in the country and work lawfully rather than being forced to return to unsafe conditions in countries that are currently incapable of adequately receiving them. TPS was created by statute in 1990 for precisely this circumstance and is a key tool to both shelter and protect foreign nationals and to provide countries that have suffered cataclysmic damage the time and space they need to adequately rebuild.

Hurricane Eta, after making landfall in Nicaragua as a Category 4 hurricane on November 3, brought torrential rainfalls and high winds resulting in flooding and landslides that wiped out entire communities in Guatemala, Honduras, and Nicaragua.⁴ Two weeks later, Hurricane Iota, another Category 4 hurricane, made landfall in Nicaragua and followed a path similar to that of Eta, impacting communities already reeling from the first storm as well as many other communities.⁵ The twin hurricanes followed two tropical storms, Amanda and Cristobal, that at the beginning of the 2020 hurricane season caused deadly and destructive flooding and landslides in El Salvador.⁶

That these storms hammered countries already struggling to respond to the COVID-19 pandemic only heightens the challenges they will face in safely sheltering people displaced by the storms and eventually rebuilding and recovering from everything that was lost. Already, 404,500 people in Guatemala and Honduras are living in overcrowded temporary shelters where it is difficult or impossible for people to take necessary precautions to prevent the spread of COVID-19 as well as various mosquito-borne diseases such as dengue fever and malaria.⁷ According to Admiral Craig S. Faller, the head of the U.S. Southern Command, which performed lifesaving rescue missions before shifting to delivering aid to people in hard-to-access regions in Guatemala and Honduras, “The devastation is beyond compare. When you think about Covid, plus the double punch of these two massive, major hurricanes back to back—there are some estimates of up to a decade to recovery.”⁸

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The devastating impacts of hurricanes Eta and Iota

The physical destruction and economic damage wrought by hurricanes Eta and Iota are now drawing comparisons to Hurricane Mitch in 1998. Mitch, which was the second-deadliest hurricane ever recorded in the Atlantic, made landfall in Honduras and swept inland.⁹ The storm had a horrendous death toll of 11,000 people in Honduras and Nicaragua, causing more than \$3.8 billion in damage in Honduras alone and upward of \$6 billion in damage in total. Due to the extraordinary damage caused by the storm, the United States in January 1999 granted TPS to Honduran and Nicaraguan nationals in the United States on the grounds that the countries were “unable, temporarily, to handle adequately” the return of their nationals.¹⁰ According to the Department of State, the U.S. government contributed \$1.1 billion to Central American countries for reconstruction.¹¹

Some economists now believe that because Hurricane Eta, unlike Hurricane Mitch, caused so much devastation to San Pedro Sula—Honduras’ second-largest city and the country’s economic engine—that storm alone may have inflicted more economic damage on the country than Hurricane Mitch.¹² And that was before Hurricane Iota exacerbated the damage, entirely flooding the country’s largest airport located in San Pedro Sula and causing still more damage.¹³ According to preliminary estimates, Eta and Iota caused \$10 billion in economic damage to Honduras—an amount that is nearly 40 percent of its gross domestic product (GDP).¹⁴ The two hurricanes also ravaged the infrastructure of Honduras: According to the Comisión Permanente de Contingencias (COPECO), more than 88,000 homes were affected, and about 927 roads and 134 bridges were damaged or washed away.¹⁵ COPECO also reports that as of December 3, 368,901 people in Honduras were still isolated from humanitarian assistance.¹⁶ Entire areas along the northern coast of Honduras, mostly home to Afro-indigenous communities, were wiped out.¹⁷ Eta destroyed thousands of hectares of banana and coffee estates as well as other farms that grew crops such as beans, rice, corn, vegetables, and fruits.¹⁸ As residents gradually return to their communities, they are discovering that they have not just lost their homes and communities but also their livelihoods.¹⁹

Referring to the two hurricanes and the coronavirus pandemic, the government official responsible for managing Honduras' response reflected, "Honduras is facing probably the greatest catastrophe of its history . . . We never thought and never imagined that we would have three emergencies of this magnitude in one year."²⁰

Guatemala is faring no better. The hurricanes severely damaged villages and communities, many of which are remote and indigenous, and destroyed roads and bridges, cutting off vital means of transportation and communication.²¹ Thousands of families across communities are reported to have limited to no access to food or water services.²² While the damage is still being assessed in Guatemala, reports indicate that more than 22,000 hectares of crops including maize, bananas, corn, beans, and cocoa have been wiped out.²³ Oxfam estimated that nearly 71,000 homes, 500 roads, and 79 bridges were damaged or destroyed.²⁴ The Secretaría de Planificación y Programación de la Presidencia in Guatemala is tasked with estimating the loss and damage caused by the two hurricanes and helping the country plan for recovery.²⁵ As of November 30, some communities were still submerged, raising concerns about the need to potentially relocate entire populations.²⁶ Guatemala's national disaster response coordination body, Coordinadora Nacional para la Reducción de Desastres de Guatemala, has requested international aid, stating that the impacts of Hurricane Eta exceeded the government's capacity to respond.²⁷

The Nicaraguan government estimated that Eta and Iota caused \$743 million in damages.²⁸ More than 150,000 houses were damaged or destroyed in the country, along with schools, health care facilities, and 98 percent of the road network.²⁹ Oxfam reported that the storms destroyed or damaged more than 5,000 hectares of crops, along with drowning thousands of animals.³⁰ The damage to El Salvador from the hurricanes is best understood as compounding the problems facing the country after two powerful tropical storms, Amanda and Cristobal, drenched the country in May and June 2020. Those two earlier storms caused flooding and landslides that resulted in substantial damage to El Salvador's infrastructure and agricultural production.³¹ Amanda and Cristobal forced 12,600 people into temporary shelters, damaged or destroyed 2,800 hectares of crops, affected 22,000 farmers, and pushed 336,300 people into severe food insecurity.³² Due to hurricanes Eta and Iota, the Ministry of Agriculture and Livestock of El Salvador reported widespread loss of crops such as corn and beans, and the Federation of Vegetables and Fruits of El Salvador and the Salvadoran Chamber of Small and Medium Agricultural Producers (CAMPO) together estimated the loss at around \$8 million, and that was just from Eta alone.³³ Oxfam reported that as of December 15, 42,000 hectares of beans and crops have been destroyed in El Salvador.³⁴

One underlying problem in the region, which was significantly worsened by the economic and physical damage of the hurricanes, is pervasive food insecurity. Two years ago, the World Food Programme (WFP) warned that prolonged periods of drought resulting from climate change threatened to leave 2 million people in Central America without adequate food.³⁵ In July—before the hurricanes hit the region—the WFP

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warned that “COVID-19-induced hunger” was placing people in Guatemala, Honduras, and El Salvador at the greatest risk of starvation and death in all of Latin America.³⁶ In Guatemala, for example, due to COVID-19, the number of people facing hunger has increased to 1.2 million, an increase of 570,000 from early 2020.³⁷ According to the Famine Early Warning Systems Network, the loss of crops and livelihoods caused by hurricanes Eta and Iota is expected to drive up food prices and exacerbate food insecurity in several parts of Guatemala, Honduras, and Nicaragua.³⁸ Due to the magnitude of the devastation, the Guatemalan and Honduran presidents have already made repeated requests for international assistance for recovery efforts and to mitigate the impacts of climate change in the future.³⁹

The ongoing COVID-19 pandemic and economic fallout will significantly compromise hurricane recovery efforts

While the damage from the hurricanes alone is sufficient to warrant TPS designations for the affected countries, it is important to understand how the ongoing coronavirus pandemic and its economic fallout will further complicate the ability of these countries to safely and adequately accept the return of their nationals from abroad and to swiftly rebuild. Particularly in Guatemala and Honduras, ongoing corruption and years of neglect and mismanagement have aggravated these governments’ capacity to respond to the storms.⁴⁰ Even before the hurricanes hit, Guatemala, Honduras, Nicaragua, and El Salvador had weak health care systems struggling to adequately fight the spread of the virus.⁴¹ In Guatemala, there were reports of undertesting, overcrowded hospitals, delays in paying doctors, and lack of basic medical supplies and personal protective equipment in hospitals.⁴² According to a Honduran scientist, in mid-summer that country was performing only a limited number of tests each day and had a small number of machines to process them; the country’s hospitals were also at or near capacity.⁴³ At a time when public health facilities were already stretched thin, hurricanes Eta and Iota made things worse, significantly increasing the need for adequate public health resources while causing severe physical damage to health care facilities throughout the region: The Pan American Health Organization (PAHO) reported that the hurricanes damaged more than 400 health facilities in Honduras and more than 200 health facilities in Guatemala.⁴⁴ PAHO also reported that a total of 640 COVID-19 testing centers in Honduras and Nicaragua were hit by the hurricanes.⁴⁵ Not only will the damage to the health care infrastructure of these nations further weaken their ability to respond to the pandemic, but it also will make it more difficult to address injuries and illnesses resulting from the lack of clean water, sanitation, and adequate nutrition that is increasingly pervasive in many regions.

Moreover, hurricanes Eta and Iota forced hundreds of thousands of people into precarious situations that will likely trigger a substantial increase in the spread of COVID-19. Crowded shelters in Honduras, for example, lack basic hygiene supplies, sanitation, and personal protective equipment, and tight, enclosed spaces make social distancing

difficult or impossible.⁴⁶ Honduran health authorities recently reported a 33 percent COVID-19 positivity rate in those shelters, and PAHO reported that thousands of people sheltering in the Cortés Department, which includes San Pedro Sula, lack access to health care.⁴⁷ The risk of further coronavirus outbreaks will persist not only while people remain in shelters and displaced from their homes but also as the arduous work of rebuilding destroyed communities and infrastructure begins. Sofia Letona, the director of aid group Antigua to the Rescue, predicts that the countries “are facing an imminent health crisis . . . Not just because of Eta and Iota, but also because these communities are completely unprotected from a second wave of Covid.”⁴⁸ This problem also is not going to dissipate anytime soon. While some parts of the world, including the United States, have already begun inoculating people with COVID-19 vaccines and anticipate making vaccines available to the general public next year, vaccines are expected to become widely available in these Central American countries only by as late as 2023.⁴⁹

The interplay between the damage caused by the hurricanes and the significantly compromised public health resources in these countries is a crucial factor in support of designating Guatemala and redesignating Honduras, El Salvador, and Nicaragua for Temporary Protected Status. For example, although the Department of Homeland Security designated Haiti for TPS in 2010, a mere nine days after a devastating earthquake hit the country, it redesignated the country for TPS just 16 months later in part because the nation’s weakened health care system was unable to control a post-earthquake cholera outbreak that had at the time infected nearly 200,000 people, taken 4,000 lives, and threatened to spread nationwide.⁵⁰ Similarly, the likely spread of the coronavirus throughout the affected countries beyond its current levels, coupled with the damage sustained to their health care infrastructures, makes it highly unlikely that these Central American countries could safely or adequately accommodate the return of their nationals currently living abroad.

The economic damage caused by the coronavirus will further complicate rebuilding efforts. As a result of the pandemic and even before the hurricanes made landfall, El Salvador, Honduras, Guatemala, and Nicaragua were all projecting major contractions in their national economies. Roughly 500,000 jobs were lost or suspended during Honduras’ three-month quarantine period earlier this year, and El Salvador and Guatemala were projected to see 200,000 and 104,000 formal job losses, respectively, as a result of the pandemic.⁵¹

Several Central American countries meet the standards for TPS

There are three statutory bases upon which DHS can make a TPS designation: 1) in the case of an ongoing armed conflict in the country that would pose a serious threat to the safety of returned foreign nationals; 2) where a natural disaster such as a hurricane, an earthquake, or an epidemic causes substantial damage to living conditions that render

the foreign country temporarily unable to adequately handle the return of its nationals; and 3) if the secretary of homeland security concludes that some “other extraordinary and temporary conditions” exist in the country that prevent nationals from safely returning, provided the grant of TPS is not contrary to U.S. national interest.⁵²

Based upon the level of economic damage; loss of homes and livelihoods; exacerbated and widespread food insecurity; and destruction of critical infrastructure such as roads, bridges, airports, and public health facilities resulting from these two unprecedented hurricanes—particularly in the middle of an ongoing pandemic that has already wreaked havoc on the countries’ public health systems and economies—the Central American countries affected by hurricanes Eta and Iota already qualify for TPS designations based upon one or two of the grounds provide in the statute.⁵³ In the coming months, these countries will undoubtedly see food insecurity, public health crises, homelessness, and poverty worsen as already fragile public systems are placed under even greater pressure.

TPS was created by Congress 30 years ago to address precisely this type of situation. For starters, the two powerful hurricanes that swept across the region have unquestionably created a “substantial, but temporary, disruption of living conditions” that has rendered—together with the other problems discussed above—these countries unable to adequately handle the return of their nationals.⁵⁴ As the governments of Guatemala and Honduras have already requested that the United States designate their countries for TPS—a necessary condition for a TPS grant predicated on Section 244(b)(1)(B) of the Immigration and Nationality Act (INA)—the incoming Biden administration could swiftly move to publish designation notices in the Federal Register.⁵⁵ Moreover, the damage done to these two countries and to Nicaragua and El Salvador by the two hurricanes, combined with the strains placed on their public health infrastructures as a result of the coronavirus pandemic and the earlier tropical storms that damaged El Salvador, constitutes just the type of “extraordinary and temporary conditions” that have warranted TPS designations in the past. Because a request for TPS by the foreign state is not required for designations made pursuant to Section 244(b)(1)(C) of the INA, the incoming administration could use this authority to support a designation of Guatemala for TPS and redesignations of Honduras, Nicaragua, and El Salvador.

In addition to protecting foreign nationals from returning to unsafe conditions abroad, another salutary effect of TPS is that it is one way the United States can help countries recover and rebuild. With TPS, individuals already in the United States will qualify for work authorization, which will likely increase the flow of remittances to their family members in these countries who are looking to put their lives back together. Remittances make up a sizable portion of the gross domestic product of Honduras, Guatemala, Nicaragua, and El Salvador, with the greatest share of remittances coming from the United States.⁵⁶ Moreover, even before the hurricanes caused so much destruction to the region, senior State Department and U.S. Embassy officials in El Salvador and Honduras warned in 2017 that terminating TPS for current beneficiaries

would overwhelm the countries' ability to effectively reintegrate returnees and would contribute to further destabilization and human insecurity. A Minority Staff Report prepared for the Foreign Relations Committee of the U.S. Senate concluded that the Trump administration's decision to expeditiously terminate TPS designations for the two countries was politically motivated.⁵⁷

The report also noted that State Department officials warned that ending the current designations would spur an increase in irregular migration to the United States. As some are now predicting an increase in out-migration from Central America due to the increasingly acute lack of food and economic opportunity, issuing new TPS designations or redesignations for the affected countries to prevent additional strain and promote investment could instead help provide the stability and support needed to mitigate this phenomenon.⁵⁸ Importantly, a recent study examining past TPS designations and redesignations found no evidence that TPS contributed to an increase in arrivals in subsequent years.⁵⁹

Conclusion

Following consultation with the State Department, the Department of Homeland Security should exercise its authority to designate or redesignate, as appropriate, several Central American countries for TPS. Granting TPS—together with providing immediate and medium-term humanitarian assistance that is channeled through international and local civil society organizations, given the extraordinarily high levels of government corruption in several countries—can help the United States reestablish its role in promoting human rights, economic stability, and human security in the region. During his time as vice president, President-elect Joe Biden led the U.S. effort to address the root causes of migration and forge an alliance for prosperity with El Salvador, Guatemala, and Honduras; even before the devastation of the coronavirus and these two recent hurricanes, the approach taken by the Trump administration greatly undermined this work.⁶⁰ A decision to designate Guatemala for TPS and redesignate Honduras, Nicaragua, and El Salvador could be announced as part of a comprehensive plan by the Biden administration to promote human security and stability in the region, which would include additional humanitarian support and diplomatic engagement. Such designations could also follow or be announced in conjunction with a decision to vacate and redo the six flawed TPS reviews performed by the Trump administration that resulted in terminations that remain halted during the pendency of ongoing legal challenges.⁶¹

An offer of TPS to people from the affected Central American countries will stand in particular contrast to the approach of the current administration, which has not only worked to end existing TPS designations but has also contributed to the international spread of the coronavirus through its reckless detention and deportation prac-

tices.⁶² Hundreds of people deported to Guatemala, for instance, tested positive for COVID-19 upon arrival, prompting Guatemalan government officials several times to halt deportation flights that were worsening the nation's public health crisis.⁶³ The incoming Biden administration should promptly use the authority provided to it by Congress to protect human life and promote recovery and rebuilding.

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The authors would like to thank Victoria Gass from Oxfam and Daniella Burgi-Palomino from the Latin America Working Group for their feedback, as well as Sofia Carratala from the Center for American Progress for providing research support.

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