



EXTENDING TEMPORARY PROTECTED STATUS FOR HONDURAS

COUNTRY CONDITIONS AND U.S. LEGAL REQUIREMENTS

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The **Central American Institute for Fiscal Studies (ICEFI)** is an independent think tank based in Guatemala that conducts research and prepares fiscal technical reports on Central America. ICEFI also provides information, counsel, and training regarding tax matters to legislatures, local authorities, and social and political organizations in the region. ICEFI aims to promote discussions and reflections on fiscal and tax matters to reach consensus and agreements that will lead to stronger societies and fair, democratic, and prosperous nations. Ricardo Castañeda, Jonathan Menkos, and Juan Urbina of ICEFI contributed to this report.

American University Washington College of Law (WCL) offers nationally and internationally recognized programs, and dedicated faculty provide students with the critical skills and values to have an impact in Washington, D.C. and around the world. Through its Immigrant Justice Clinic (IJC), WCL faculty and students provide representation on a broad range of cases and projects involving individual immigrants and migrants, and their communities, both in the D.C. area and overseas. LaSarah Pillado, Student Attorney with the IJC, contributed to this report.

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The **Central American Research Institute for Development and Social Change (INCIDE)** was founded in 2013 to contribute to the transformation and modernization of El Salvador and the rest of Central America through research, proposal generation, and leadership training. INCIDE aims to generative substantive and permanent debates regarding development alternatives and the future of democracy in the region, focusing particularly on structural and institutional reforms suggested by local stakeholders who have demonstrated a clear commitment to social justice and the strengthening of inclusive and efficient socio-economic models. Alexander Segovia of INCIDE contributed to this report.

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Flooding of Ulúa River in Honduras
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EXECUTIVE SUMMARY

Congress established Temporary Protected Status in 1990 to create a statutory mechanism for granting temporary relief to persons in the U.S. who are unable to return to their home countries due to armed conflicts, environmental disasters, or other extraordinary and temporary conditions. Currently, 10 countries are designated for TPS: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen. The power to make TPS designations rests with the Secretary of the U.S. Department of Homeland Security (DHS).

Section 244 of the Immigration and Nationality Act (INA), which enumerates key guidelines and procedures relating to TPS, specifies that notice of the TPS designation must be published in the Federal Register, along with a statement of the U.S. government's findings regarding conditions in the designated country. The DHS Secretary may designate a country for TPS for anywhere from 6 to 18 months.

At least sixty days before the end of the designated period, the DHS Secretary must review the conditions in the designated country, and consult with appropriate government agencies. If the conditions that led to the initial designation continue to exist, the DHS Secretary may extend the period of designation by an additional 6, 12, or 18 months. In making these extension decisions, the core consideration is whether the government of the designated country is able to adequately handle the return of its nationals.¹

On January 5, 1999, the U.S. government announced the designation of Honduras for TPS.² This designation was premised on the significant disruptions and damage caused by Hurricane Mitch, which had ravaged Honduras in late October 1998. The notice of designation laid out the U.S. government's findings that "due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals."³ TPS has been extended multiple times, through the present. The most recent TPS extension for Honduras was announced on May 16, 2016, for an 18-month period from July 6, 2016 to January 5, 2018.⁴ In the current political moment, there is significant speculation about whether TPS for Honduras will be extended beyond January 2018.

A detailed review of Federal Register notices from 1999 to the present reveals that the U.S. government has considered a broad range of factors when analyzing conditions in Honduras and the ability of the Honduran government to handle the return of its nationals. These factors can be grouped into six broad categories: climate and environment, economy, infrastructure, public health, safety and security, and governance.

In analyzing these factors, several themes emerge. First, the U.S. government has consistently considered the impact of subsequent natural disasters that have wrought havoc on Honduras and stalled recovery efforts from Hurricane Mitch. Second, the availability of employment opportunities and the overall economic vitality of the country are also critical to TPS extension decisions. The U.S. government has regularly invoked high unemployment rates and diminished economic activity as a justification for extending TPS. Third, TPS extension decisions closely scrutinize aspects of the country's infrastructure, including the availability of housing and basic utilities (such as sanitation and electricity), and the status of the country's road network. Along these lines, public health factors, such as the availability of food and water,

the capacity of the health care system, or the presence of malnutrition and disease, are likewise relevant to TPS extension decisions. Finally, the U.S. government has occasionally considered broader conditions of violence and political instability.

A present-day examination of these same factors compels the conclusion that TPS for Honduras should be extended. With respect to climate and the environment, Honduras remains extremely vulnerable to natural disasters. This year, Honduras has experienced an active hurricane season, significant forest fires, and tropical storms that have led to declarations of states of emergency throughout the country. These natural disasters have compromised aspects of the country's infrastructure, including electricity and running water, and have generated further displacement. Additional storms are expected in the remainder of the fall 2017 season.

Despite a modest recovery in recent years, serious challenges persist for the Honduran economy, including its susceptibility to adverse natural events, unemployment and chronic underemployment, and dependence on international assistance. Available data on labor market conditions show no significant improvement since the most recent TPS renewal. The national unemployment rate rose to 7.4 percent in mid-2016,⁵ with the country's urban centers registering rates between 8 and 12 percent.⁶ Over half of the labor force is underemployed, and prospects for job growth in the short-term remain limited to largely low-wage, low-skilled jobs.⁷ Honduras remains heavily dependent on remittance income for its economy stability.

With respect to infrastructure, Honduras continues to suffer from a severe housing shortage. A recent study by Habitat for Humanity found that Honduras suffers from a deficit of 1.1 million homes. In addition to the country's housing shortage, an estimated 1 million residents lack access to improved sanitation facilities, and approximately 638,000 lack access to safe water.⁸ The recurring environmental challenges in Honduras including droughts have also contributed to food insecurity in Honduras. The U.S. Agency for International Development found that Honduras scores approximately 35 percent worse than countries in the region on the Global Hunger Index. Chronic malnutrition can reach nearly 50 percent in rural areas of Honduras.⁹ Additionally, the capacity of the health system remains a primary concern in Honduras. According to a recent study, an estimated 18 percent of the population in Honduras does not have access to health services.¹⁰

The security situation in Honduras has continued to deteriorate dramatically since the initial TPS designation in 1999. Internal displacement resulting from conflict and violence remains on the rise: the Internal Displacement Monitoring Centre reported 16,000 new displacements in 2016 alone.¹¹ In addition, organized criminal violence associated with drug trafficking and gang activity has reached epidemic proportions in Honduras. The country's two largest urban centers, San Pedro Sula and Distrito Central (Tegucigalpa), are ranked among the top five most dangerous cities in the region. Street gangs operate throughout Honduras, running local drug networks, extorting businesses and individuals, terrorizing citizens, and serving as informants and hired assassins for larger criminal organizations.¹² Endemic corruption and impunity have also weakened the Honduran state's ability to meet the basic demands of its citizens.

These significant challenges in Honduras are consistent with those invoked by the Clinton, Bush, and Obama administrations in justifying prior TPS extensions. For the moment, Honduras remains unable to adequately handle the return of its nationals. TPS for Honduras should therefore be extended for an additional 18 months.

TEMPORARY PROTECTED STATUS: THE BASICS

Temporary Protected Status (TPS) is, as the name suggests, a temporary immigration status conferred upon nationals of designated countries or people without nationality who last lived in a designated country.¹³ Congress established TPS in the Immigration Act of 1990 to create a statutory mechanism for granting temporary relief to persons in the U.S. who are unable to return to their home countries due to armed conflicts, environmental disasters, or other extraordinary and temporary conditions.¹⁴ Currently, 10 countries are designated for TPS: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, and Yemen.¹⁵

GROUNDINGS FOR DESIGNATION

TPS is codified in Section 244 of the Immigration and Nationality Act (INA). Section 244 specifies that the Secretary of the U.S. Department of Homeland Security may, after consulting with appropriate government agencies, designate a country for TPS when one of three statutory conditions exist in the country.¹⁶ The three conditions are as follows:

(A) . . . there is an **ongoing armed conflict** within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;

(B) . . . (i) there has been **an earthquake, flood, drought, epidemic, or other environmental disaster** in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected, (ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and (iii) the foreign state officially has requested designation under this subparagraph; or

(C) . . . there exist **extraordinary and temporary conditions** in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.¹⁷

The INA requires that notice of the designation be published in the Federal Register.¹⁸ The notice must include a statement of the government's findings regarding conditions in the designated country, an effective date, and an estimate of the number of foreign nationals from the designated country who are eligible, or are likely to become eligible, for TPS during the effective period of designation.¹⁹ The Secretary may designate a country for TPS for anywhere from 6 to 18 months, with the possibility of future extensions.²⁰

ELIGIBILITY REQUIREMENTS AND APPLICATION PROCESS

Foreign nationals from designated countries must meet certain eligibility requirements to benefit from TPS. The principal eligibility requirements are the following:

- continuous physical presence in the United States since the most recent designation date²¹
- continuous residence in the United States since a date specified by the DHS Secretary²²

- admissibility as an immigrant, although the statute contains fairly broad waiver provisions, except for criminal or security-related inadmissibility grounds²³
- registration for TPS, per guidelines set by the DHS Secretary²⁴

The statute also lays out classes of individuals who are ineligible for TPS:

- persons convicted of any felony or two or more misdemeanors committed in the United States²⁵
- persons who “ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion”²⁶
- persons convicted of a “particularly serious crime” and who are a danger to the community²⁷
- persons believed to have “committed a serious nonpolitical crime outside of the United States” prior to their arrival in the U.S.²⁸
- persons regarded as “a danger to the security of the United States”²⁹ and those who have engaged in terrorist activity³⁰
- persons who were “firmly resettled in another country” prior to arrival in the U.S.³¹

To formally register for TPS, a foreign national must complete and submit Form I-821 (Application for Temporary Protected Status) and Form I-765 (Application for Employment Authorization), with the appropriate filing fee.³² After U.S. Citizenship and Immigration Services (USCIS) receives the completed application, it will send notice of a biometrics services appointment, where digital fingerprints and photos are taken.³³ USCIS may request more information and may require that a foreign national appear for a USCIS office interview.³⁴ In practice, however, interviews for TPS applications are quite rare. USCIS will then notify the applicant of its decision in writing.³⁵

TPS beneficiaries cannot be detained or removed from the U.S. solely on the basis of their immigration status.³⁶ (A TPS beneficiary can be placed in removal proceedings for other reasons, such as criminal convictions that trigger immigration removal grounds.) TPS beneficiaries are also authorized to work in the United States throughout the TPS designation period, and may receive a document reflecting their authorization to work.³⁷

EXTENSION AND TERMINATION OF TPS STATUS

The statute instructs the DHS Secretary to review the conditions of the designated country at least sixty days before the end of the designated period.³⁸ As part of this review, the DHS Secretary must consult with appropriate government agencies and determine whether the conditions that led to the initial designation “continue to be met.”³⁹ If those conditions do continue to exist, the DHS Secretary may extend the period of designation by an additional 6, 12, or 18 months.⁴⁰ Conversely, if a country no longer satisfies the conditions for designation, the DHS Secretary must terminate the TPS designation.⁴¹

The DHS Secretary must publish information regarding the decision – whether an extension or termination – in the Federal Register.⁴² For extensions, the Federal Register notice should specify the basis for the extension and the period of extension.⁴³ For decisions to terminate TPS,

the Federal Register notice must likewise describe the basis for the determination.⁴⁴ The termination will not be effective for at least sixty days after the date the notice is published or, if later, the expiration date of the most recent extension.⁴⁵

RELATED FORMS OF PROTECTION IN U.S. IMMIGRATION LAW

Prior to the establishment of TPS, the Attorney General had granted humanitarian relief by designating certain countries for Extended Voluntary Departure (EVD) under Section 103(a)(1) of the INA.⁴⁶ The purpose of EVD was to provide temporary protection to foreign nationals who were not eligible for asylum or related protections because they were fleeing life-threatening conditions in their home country, such as natural disasters or the “existence of a generalized state of violence within a country.”⁴⁷ Under EVD, the Attorney General, upon the recommendation of the Secretary of State, designated countries on an “ad hoc” basis.⁴⁸ As a result, there were no standard factors applied in assessing whether a country should be designated for EVD, which resulted in broad and arbitrary discretion.⁴⁹

Additionally, the President has discretion to authorize Deferred Enforced Departure (DED) as part of his power to conduct foreign relations.⁵⁰ DED is not based in the statute and does not provide a lawful immigration status.⁵¹ It does, however, provide foreign nationals from designated countries with relief from removal for a specified period of time.⁵² DED designations are made through an Executive Order or Presidential Memorandum.⁵³ The only current DED-designated country is Liberia; this designation will expire on March 31, 2018.⁵⁴



Flooding on the Choluteca River following Hurricane Mitch / [NOAA Photo Library](#) / [Flickr](#) / [Creative Commons](#)

TPS FOR HONDURAS: AN ANALYSIS OF PRIOR DECISIONS

On January 5, 1999, the Attorney General announced the designation of TPS for Honduras, for an 18-month period from January 5, 1999 to July 5, 2000.⁵⁵ This designation was premised on the significant disruptions and damage caused by Hurricane Mitch, which had ravaged Honduras in late October 1998. The notice of designation laid out the U.S. government's findings that "due to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals."⁵⁶

Indeed, Hurricane Mitch was the deadliest Atlantic hurricane in over two centuries and one of the strongest storms ever observed in the Atlantic Basin.⁵⁷ The storm caused the loss of thousands of lives, displacement of thousands more, collapse of physical infrastructure, and severe damage to the country's socio-economic systems.⁵⁸ Globally, Honduras is considered to be among the countries most vulnerable to natural disasters, including those related to extreme weather events, and among the poorest in the Western Hemisphere.⁵⁹ According to the United Nations Development Programme, Hurricane Mitch set Honduras back economically and socially by 20 years.⁶⁰ It is therefore unsurprising that the U.S. government has extended TPS for Honduras through the present, while Honduras has attempted to recover from Hurricane Mitch and other intervening natural disasters.

The most recent TPS extension for Honduras was announced on May 16, 2016, when the DHS Secretary extended TPS for an additional eighteen months, from July 6, 2016 to January 5, 2018.⁶¹ The DHS Secretary, in consultation with the U.S. Department of State, determined that "conditions in Honduras supporting its designation for TPS persist because Hurricane Mitch and subsequent environmental disasters have substantially disrupted living conditions . . . such that Honduras remains unable, temporarily, to adequately handle the return for its nationals."⁶²

In the current political moment, there is significant speculation about whether TPS for Honduras will be extended beyond January 2018. As described above, the TPS statute provides only very general guidance regarding the factors that underlie TPS decisions in the context of environmental disasters. The statute does not specify precisely what constitutes a "substantial . . . disruption of living conditions" nor does it detail factors relevant to whether a country can "handle adequately the return [of its] nationals."⁶³ The U.S. government has, however, articulated the relevant criteria through numerous Federal Register notices relating to TPS for Honduras. In these notices, the U.S. government has specified the conditions in Honduras that have compelled extensions of TPS in the past. An analysis of these notices provides a roadmap of the factors that should shape the government's decision regarding any future extension.

The table beginning on the next page details the initial TPS designation for Honduras, along with the subsequent re-designation decisions. Information was derived from the Federal Register notices. Full references to each of the Federal Register notices are included in the appendix.

Notice Date	Key Facts	Country Conditions Factors Cited
January 5, 1999	<p>Effective Dates: 18-month designation, from January 5, 1999 until July 5, 2000.</p> <p>Basis for TPS Designation: “[D]ue to the environmental disaster and substantial disruption of living conditions caused by Hurricane Mitch, Honduras is unable, temporarily, to handle adequately the return of Honduran nationals.”</p>	<ul style="list-style-type: none"> • Hurricane Mitch caused “severe flooding and associated damage in Honduras.”
May 11, 2000	<p>Effective Dates: 12-month extension, from July 6, 2000 until July 5, 2001.</p> <p>Summary: “The conditions which led to the original designation are less severe, but continue to cause substantial disruption to living conditions in Honduras... which continues to be unable, temporarily, to handle adequately the return of its nationals. . . . Honduras has made little progress in recovering from Hurricane Mitch and . . . the minor reconstruction that has taken place has not sufficiently countered the devastation to warrant the termination of TPS.”</p>	<ul style="list-style-type: none"> • “According to best estimates, roughly half of the destruction in Honduras remains unaddressed, and 12,000 people remain homeless while many more are in temporary shelters.” • Survivors of Mitch were reported to be “in the same situation they were in a year ago with estimates of between 30,000 and 250,000 remaining in temporary shelters surviving on provisions from the World Food Program.”
May 8, 2001	<p>Effective Dates: 12-month extension, from July 6, 2001 until July 5, 2002.</p> <p>Summary: “[S]ufficient damage from Hurricane Mitch persists and . . . Honduras remains temporarily unable to handle adequately the return of over 100,000 nationals.”</p>	<ul style="list-style-type: none"> • “14,000 out of the approximate 50,000 victims of Hurricane Mitch remain in shelters.” • “[O]ut of 60,000 housing units needed after Hurricane Mitch, only about 18,000 have actually been constructed.”
May 3, 2002	<p>Effective Dates: 12-month extension, from July 6, 2002 until July 5, 2003.</p> <p>Summary: Despite progress in recovery efforts, “recent droughts as well as flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998, making the country unable, temporarily, to handle the return of approximately 105,000 nationals. . . . [The] “repeated environmental catastrophes have interrupted Honduras’ ability to recover from Hurricane Mitch and, as a result, the country continues to lack the needed stability and infrastructure to support the return of its nationals.”</p>	<ul style="list-style-type: none"> • Hurricane Mitch had “killed more than 5,000 people, damaged over 440,000 homes, destroyed over 100 bridges and washed away countless roads.” • “Honduras was also seriously affected by a drought and hurricane [in 2001], causing further destruction and emergency conditions.” • “Hurricane Michelle affected more than 50,000 people and damaged 1,300 houses, compounding the reconstruction efforts following Hurricane Mitch.” • According to government reports, Hurricane Mitch and subsequent climatic disasters “ha[d] produced major problems of food insecurity,

		<p>unemployment and displacement of citizens" and "resulted in significant setbacks to full economic recovery from the damages sustained in 1998."</p> <ul style="list-style-type: none"> • Reconstruction efforts were further hindered by delays in disbursements of aid needed to rebuild, resulting in "1,724 meters of bridges remaining unfinished and 558 kilometers of road left to be rehabilitated." • "[A]pproximately 64% of homes destroyed during Hurricane Mitch remain in need of rebuilding or repair."
May 5, 2003	<p>Effective Dates: 18-month extension, from July 6, 2003 until January 5, 2005.</p> <p>Summary: "[Various] setbacks, in addition to problems caused by the subsequent flooding and droughts, render Honduras unable to handle adequately the return of its nationals. Consequently, the conditions under which Honduras was designated for TPS still exist."</p>	<ul style="list-style-type: none"> • Hurricane Mitch had "killed more than 5,000 people, damaged over 440,000 homes, destroyed over 100 bridges and washed away countless roads." • "[R]ecent droughts as well as flooding from Hurricane Michelle in 2001 have added to the humanitarian, economic, and social problems initially brought on by Hurricane Mitch in 1998." • According to the BCIS Resource Information Center, "a prolonged drought as well as flooding from Hurricane Michelle have compromised food security and disrupted reconstruction efforts." • Reports indicate that "38% of Hondurans suffer from long-term 'chronic' malnutrition." • "[W]ater and sanitation projects have been delayed," and "over 500 projects have not yet begun." • Delays in aid disbursement have further hindered the reconstruction efforts, leading to delays "in work to repair damaged buildings and to construct new schools for relocated communities." • "[S]maller roads and other transportation infrastructure have, generally, not undergone repair."
November 3, 2004	<p>Effective Dates: 18-month extension, from January 6, 2005 until July 5, 2006.</p> <p>Summary: "Due to continued reconstruction of infrastructure damaged by Hurricane Mitch...extension of TPS designation is warranted because Honduras remains</p>	<ul style="list-style-type: none"> • DOS notes that of the "82,828 houses destroyed or damaged by Hurricane Mitch, only 42,768 have been rebuilt." • "Honduras is still recovering from damage to its water and power supplies . . . Reliable sources of electrical power remain a problem." Urban water systems are still being rebuilt and hydroelectric plants are not

	unable, temporarily, to adequately handle the return of its nationals."	operating at full capacity.
March 31, 2006	<p>Effective Dates: 12-month extension, from July 6, 2006 until July 5, 2007.</p> <p>Summary: The "conditions that initially gave rise to the designation continue to exist and Honduras cannot provide adequate housing for its nationals currently residing in the U.S. and has yet to recover fully from Hurricane Mitch."</p>	<ul style="list-style-type: none"> • Some of the reconstruction projects are still incomplete. • The country's housing shortage was a "critical deficiency" as "[h]ousing reconstruction was not completed in many areas." • Hurricane Beta and other serious storms in 2005 "affected approximately 50 communities, causing the displacement of 11,000 Hondurans, evacuation of 7,600 to temporary shelters," and wide devastation of the northeastern departments, including damage to roads, bridges, and crops. • As of early 2006, data on housing construction efforts in "cases that required relocation, infrastructure, and personnel for health and education services, as well as employment opportunities, were reported to be unavailable."
May 29, 2007	<p>Effective Dates: 18-month extension, from July 6, 2007 until January 5, 2009.</p> <p>Summary: "The country . . . still faces significant social and economic stress caused by the [1998] environmental disaster."</p>	<ul style="list-style-type: none"> • Hurricane Mitch resulted in the severe damage or destruction of "80,000 to 200,000" dwellings. While the U.S. government and NGOs had made some progress, "housing reconstruction had still not been completed in many areas and much of the housing that was built lacked water and electricity." • "In those cases where people were required to be relocated, infrastructure and personnel for health and education services, as well as employment opportunities, were unavailable." • "An estimated 70 to 80 percent of Honduras' transportation infrastructure was destroyed [by Hurricane Mitch]. The majority of the country's bridges and secondary roads were washed away, including 163 bridges and 6,000 km of roads." • Though the country's road network had been restored in November 2006, infrastructure remained "basic and vulnerable to additional damage depending on weather conditions." • Honduras "continues . . . to rely heavily on outside assistance and faces long-term development challenges[.]" • As of 2007, "hundreds of thousands of

		<p>people" remained living in areas designated as "high risk" as they awaited "completion of additional disaster mitigation projects."</p> <ul style="list-style-type: none"> • Unemployment and underemployment rates range from 20% to 40%.
October 1, 2008	<p>Effective Dates: 18-month extension, from January 6, 2009 until July 5, 2010.</p> <p>Summary: Honduras "remains unable, temporarily, to adequately handle the return of its nationals, as required for TPS designations based on [the 1998] environmental disaster."</p>	<ul style="list-style-type: none"> • Hurricane Mitch destroyed "80,000 to 200,000" dwellings in Honduras. While the U.S. government and NGOs had made some progress, "much of this housing still lacks water and electricity." • According to the Honduran government, as of May 2006, "more than 600,000 Hondurans "live in areas that are at high risk of flooding." • "[T]he drinking water systems and supplies of many Honduran communities . . . remain[ed] contaminated."
May 5, 2010	<p>Effective Dates: 18-month extension, from July 6, 2010 until January 5, 2012.</p> <p>Summary: Recovery from Hurricane Mitch is still incomplete. With infrastructure challenges, a deteriorating economy, political instability, and continued reliance on international assistance, Honduras remains "unable to handle adequately the return of Hondurans in the United States who are TPS beneficiaries".</p>	<ul style="list-style-type: none"> • Hurricane Mitch destroyed or severely damaged "80,000 to 200,000" dwellings in Honduras. While NGOs had made some progress in repairing or building housing units, "much of the housing still lacked water and electricity." • According to the Honduran government, as of May 2006, "more than 600,000 Hondurans "live in areas designated as 'high risk' for flooding." • The erosion of agricultural land and increased sedimentation of rivers and streams caused by Hurricane Mitch had not yet been reversed, decreasing "land available for food production" and increasing the "likelihood of flooding, landslides, and forest fires." • "[I]n those cases where people had to be relocated, infrastructure and personnel for health and education services, as well as employment opportunities, were reported to be unavailable." • Infrastructure continues to remain "basic and vulnerable to further damage from adverse climatic conditions." • As of October 2008, "half of the country's roads were damaged or destroyed in flooding caused by heavy continuous rains brought by Tropical Depression Sixteen." • "[O]ther natural disasters have

		<p>occurred since Hurricane Mitch, including flooding in October 2008 and an earthquake in May 2009, which have further delayed the recovery from Hurricane Mitch. These disasters . . . have also caused extensive additional disruption in the affected regions and much of the damaged infrastructure still has not been repaired or replaced.”</p> <ul style="list-style-type: none"> • The return of TPS holders “would greatly aggravate Honduras’ deteriorating economy by increasing unemployment.” As of 2008, “an estimated 59% of Honduran households lived in poverty and 36% of the labor force was unemployed or underemployed[.]” • “Honduras had a per capita gross domestic product of U.S. \$1,845 in 2008[.]” • “The 2009 political crisis exacerbated the effects of the global economic downturn in Honduras by significantly reducing economic activity, particularly in the industrial and tourist sectors, and increasing unemployment.”
November 4, 2011	<p>Effective Dates: 18-month extension, from January 6, 2012 until July 5, 2013.</p> <p>Summary: Honduras’s infrastructure remains vulnerable to natural disasters. The addition of thousands of returning nationals from the United States could “fuel social tensions and cause an escalation in violence. The country’s security situation is critical, and its infrastructure remains fragile, which negatively affects Honduras’ ability to re-assimilate Hondurans currently in the United States with TPS.”</p>	<ul style="list-style-type: none"> • “Honduras is ranked by the United Nations Development Programme as one of the poorest, most vulnerable countries in the world.” • “In 2008, the national commissioner of the Honduran emergency response center observed that Hurricane Mitch weakened the country to such an extent that subsequent smaller scale disasters have had a much greater impact.” • “In 2009, Oxfam International ranked Honduras number one world-wide amongst countries most affected by extreme weather events from 1998 to 2007[.]”, which has resulted in “severe, continuing, and sustained damage to its infrastructure,” most recently, with an earthquake in May 2009 and Tropical Storm Agatha in 2010. Despite the receipt of international assistance, “Honduras still faces long-term development challenges as a result of Hurricane Mitch and subsequent natural disasters.” • “Currently, only half of the rural

		<p>population has access to electricity, with better access in urban areas."</p> <ul style="list-style-type: none"> • Despite improvements to the country's transportation infrastructure, it "remained basic and vulnerable to further damage from adverse climactic conditions," as evidenced by flood-related damage caused in 2008 by Tropical Depression 16. • Although Honduras had largely overcome the food shortages following Hurricane Mitch, the country "still imports certain foodstuffs in large quantities." Likewise, a significant World Bank project "to improve the sustainability, efficiency and reliability of Honduras's water supply and sanitation services" remained ongoing, and "Honduras's largest source of fresh water, the Lago de Yojoa, remains heavily polluted." • "Honduras was hit hard by the recent global economic downturn." While there are signs of recovery, there are insufficient opportunities for youth entering the labor force. The addition of returned nationals could exacerbate social tensions and violence.
<p>April 3, 2013</p>	<p>Effective Dates: 18-month extension, from July 6, 2013 until January 5, 2015.</p> <p>Summary: "Since Hurricane Mitch, a series of natural disasters (such as tropical storms, other hurricanes, and earthquakes) have plagued Honduras, resulting in additional floods, damaged infrastructure, and loss of life. . . . These natural disasters have compounded the initial devastation and substantial disruption of living conditions caused by Hurricane Mitch. . . . Accordingly, the conditions caused by Hurricane Mitch continue to exist."</p>	<ul style="list-style-type: none"> • "Despite some recovery, the government and people of Honduras continue to rely heavily on international assistance, and recovery from Hurricane Mitch is still incomplete." • Hurricane Mitch had affected "1.5 million people, killing approximately 5,600 people, injuring approximately 12,000 people, and leaving thousands homeless." • An estimated "70% of crops were destroyed" by Hurricane Mitch, causing mass food shortages. The Hurricane also compromised the country's health and education infrastructure. • Hurricane Mitch damaged or destroyed between 85,000 and 149,000 homes. While some projects have been completed, others "remain in the implementation phase." Despite ongoing efforts, "only half of the rural population currently has access to electricity." • While significant improvements had been made to the road network, the

		<p>"transportation infrastructure remains basic and vulnerable to further damage from adverse climactic conditions." Development projects relating to the rehabilitation and improvement of roads remain active.</p> <ul style="list-style-type: none"> • Hurricane Mitch caused severe damage to both the water and sewer systems in urban and rural Honduras, exposing the population to serious health risks. Despite improvements, water and sanitation projects are still ongoing. "[W]ater sources continue to be threatened by deforestation and erosion, and Honduras's largest source of fresh water (the Lago de Yojoa) is heavily polluted." • Honduras was affected by a drought in June 2012, and both a tropical depression and tropical storm in 2011. Honduras is considered "one of the poorest and most vulnerable countries in the world."
<p>October 16, 2014</p>	<p>Effective Dates: 18-month extension, from January 6, 2015 until July 5, 2016.</p> <p>Summary: "Hurricane Mitch devastated Honduras in October 1998, killing 5,657 people and injuring 12,272 people. Hurricane Mitch destroyed tens of thousands of homes and a large portion of Honduras's infrastructure, as well as causing outbreaks of disease. . . . Honduras has continued to suffer a series of environmental events that have significantly impeded economic development and recovery, compounding the disruption in living conditions caused by Hurricane Mitch."</p>	<ul style="list-style-type: none"> • In 2014, Honduras experienced both Tropical Storm Hanna (which caused deaths and infrastructure damage) as well as a drought that has caused crop failures and shortages of staple food items, contributing to food insecurity. • "In 2013, 25% of the country's coffee crops were affected by climate-related rust fungus, which resulted in a significant reduction in producer incomes and employment opportunities in rural areas." • Flooding in 2011 "killed 29 people, and affected nearly 70,000 others, damaging infrastructure, housing, and crops. This included "the destruction of more than 60 percent of basic grain plantings in some southern areas of the country." • Hurricane Mitch caused significant damage to dwellings in Honduras, leaving anywhere between 44,150 and 285,000 individuals homeless. Persons forced to relocate internally "reportedly lacked employment opportunities and access to health and educational services." • Hurricane Mitch destroyed between 60 and 70 percent of the transportation infrastructure, "including as many as 189 bridges." Road improvement and

		<p>rehabilitation projects remained active.</p> <ul style="list-style-type: none"> • In 2011, Honduras sustained an estimated “\$205 million in material losses as a result of floods and landslides,” affecting “houses, agriculture, and infrastructure in southern Honduras.” Flooding caused damage to the Pacific region’s shrimp industry, and to the melon and cantaloupe plantations in Valle and Choluteca. • Hurricane Mitch damaged water and sewer systems in urban and rural Honduras, exposing the population to serious health risks. Water and sanitation projects are still ongoing.
<p>May 16, 2016</p>	<p>Effective Dates: 18-month extension, from July 6, 2016 until January 5, 2018.</p> <p>Summary: “Since the last extension of Honduras’ TPS designation, Honduras has experienced a series of environmental disasters that have exacerbated the persisting disruptions caused by Hurricane Mitch and significantly compromised the Honduran state’s ability to adequately handle the return of its nationals. Additionally, climate fluctuations between heavy rainfall and prolonged drought continue to challenge recovery efforts.”</p>	<ul style="list-style-type: none"> • “Damages from Hurricane Mitch in Honduras were estimated at more than \$5 billion.” • “Despite rebuilding efforts, Honduras still faces a housing deficit of 1.1 million homes, with 400,000 families requiring a new home and 750,000 homes in need of improvement.” • Honduras remains “one of the poorest countries in the Western Hemisphere, with over 65 percent of the population living in poverty.” • Dramatic increases in mosquito-borne diseases, particularly dengue and chikungunya, were reported in 2014 and 2015. “The system of public hospitals is failing under this threat; in July 2015 the president of Honduras’ medical school warned that public hospitals in Honduras were barely able to provide medicine for common illnesses, let alone an epidemic of chikungunya. In rural areas, the health care system does not have the capacity to meet the needs of the local population.” • A prolonged regional drought beginning summer of 2014 heavily affected Honduras, “leading to significant crop losses in 2014 and 2015, massive layoffs in the agricultural sector, negative impacts on hygiene, and an increase in food insecurity and health risks.” The agricultural sector “continued to suffer from the impacts of a regional coffee rust epidemic,” which had affected livelihoods and weakened the country’s economy.

These Federal Register notices illustrate the broad range of factors that the U.S. government has considered when analyzing the existing disruptions in Honduras and the ability of the Honduran government to handle the return of its nationals. As reflected in the table below, these factors can be grouped into six broad categories: Climate and Environment, Economy, Infrastructure, Public Health, Safety and Security, and Governance.

**Country Conditions Factors Cited by the U.S. Government in
TPS Designation and Extensions for Honduras**

Climate and Environment

- Hurricane Mitch (1999, 2000, 2001, 2002, 2003, 2004, 2006, 2007, 2008, 2010, 2011, 2013, 2014, 2016)
- Drought (2002, 2003, 2013, 2014, 2016)
- Deforestation (2013)
- Erosion (2010, 2013)
- Earthquakes (2010, 2011, 2013, 2014)
- Floods/flood concerns (1999, 2002, 2003, 2006, 2008, 2010, 2011, 2013, 2014, 2016)
- Forest fire concerns (2010)
- Landslides or mudslides/landslide concerns (2010, 2011, 2013, 2014, 2016)
- Pollution of water sources (2011, 2013)
- Subsequent hurricanes and tropical storms
 - Hurricane Michelle, 2001 (2002, 2003)
 - Hurricane Beta, 2005 (2006)
 - Tropical depressions (2010, 2011, 2013)
 - Tropical storms (2011, 2013, 2013, 2014, 2016)
- Torrential/heavy rains (2010, 2011, 2013, 2016)
- Coffee rust epidemic (2014, 2016)

Economy

- Economic losses/decreased economic activity/economic stress (2002, 2003, 2007, 2010, 2011, 2013, 2014, 2016)
 - Crop failures/damage to crops (2006, 2013, 2014, 2016)
 - Industrial and tourist sectors (2010)
 - Shrimp industry (2014)
- Long-term development challenges (2007, 2011, 2013, 2014, 2016)
- Poverty (2010, 2011, 2013, 2016)
- Reliance on outside/international assistance (2000, 2002, 2003, 2007, 2008, 2010, 2011, 2013)
- Unemployment/underemployment (2002, 2006, 2007, 2010, 2011, 2014, 2016)
 - Youth unemployment (2011)
 - Coffee industry (2014)
 - Agricultural sector layoffs (2016)

Infrastructure

- Homes damaged or destroyed/housing needs (2001, 2002, 2003, 2004, 2006, 2007, 2008, 2010, 2011, 2013, 2014, 2016)
- Schools damaged or destroyed/educational system incapacity (2003, 2006, 2007, 2010, 2011, 2013, 2014)

- Hospitals/health centers damaged or destroyed (2003, 2011, 2013)
- Sanitation/sewage/water system damage (2003, 2004, 2008, 2011, 2013, 2014)
- Impact to road network/bridges (2002, 2003, 2006, 2007, 2010, 2011, 2013, 2014, 2016)
- Access to electricity (2004, 2007, 2008, 2010, 2011, 2013)
- Vulnerability to further damage by adverse climatic conditions (2007, 2010, 2011, 2013, 2014)

Public Health

- Deaths/fatalities (2002, 2003, 2010, 2011, 2013, 2014, 2016)
- Food/water insecurity (2002, 2003, 2007, 2008, 2010, 2011, 2013, 2014, 2016)
- Malnutrition (2003)
- Health system incapacity (2006, 2007, 2010, 2014, 2016)
- Drought-related impacts on hygiene (2016)
- Disease (2014, 2016)
 - Dengue and chikungunya in 2014 and 2015 (2016)

Safety and Security

- Population displacement (2002, 2006, 2007, 2010, 2011, 2013, 2014, 2016)
- Homelessness/shelter housing (2000, 2001, 2003, 2006, 2013, 2014)
- Security concerns/potential for escalating violence (2011)

Governance

- Political crisis in 2009 (2010)

In analyzing these factors, several themes emerge. First, **the U.S. government has consistently considered the impact of subsequent natural disasters**, such as Hurricane Michelle, Hurricane Beta, and other tropical storms and depressions. While Hurricane Mitch and its aftereffects led to the original designation, the intervening impact of subsequent natural disasters is relevant to extension decisions. In this regard, the U.S. government has construed the TPS statute somewhat broadly, suggesting that the “environmental disaster” that informs the extension decision need not be the weather event that led to the original designation. Rather, subsequent weather events that stall recovery efforts are relevant to the analysis.

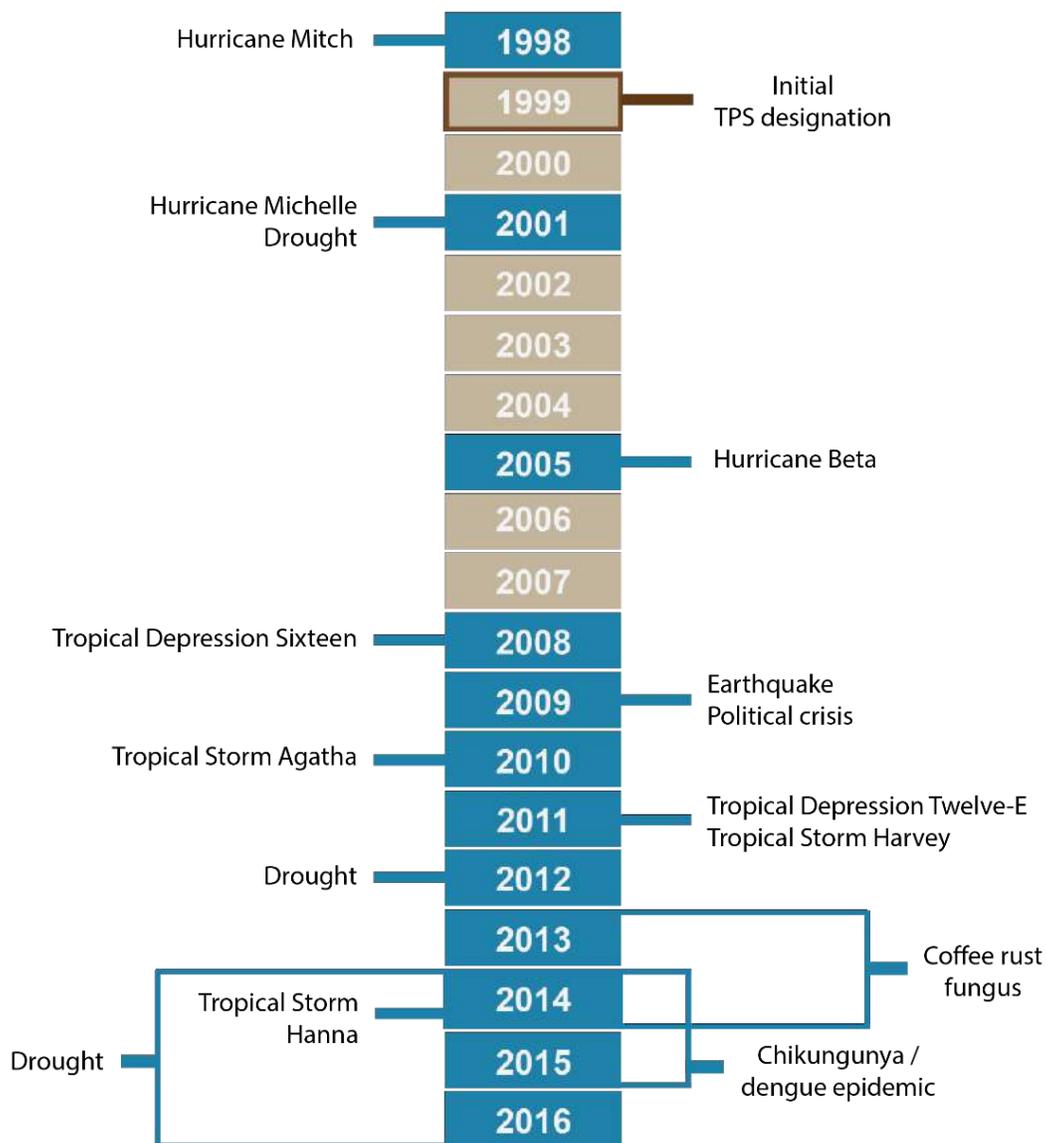
Second, the **availability of employment opportunities and the overall economic vitality of the country** are also critical to TPS extension decisions. The U.S. government has consistently invoked high unemployment rates and diminished economic activity as a justification for extending TPS. These economic indicators are often framed within the broader context of poverty and long-term development challenges in Honduras. Accordingly, the prior Federal Register notices strongly suggest that core economic indicators and general economic conditions in the country are relevant to whether Honduras can handle the return of its nationals. Industry-specific challenges – particularly in the agricultural sector – have figured prominently in the TPS-related decisions.

Third, TPS extension decisions closely scrutinize the country’s **infrastructure, including the availability of housing and basic utilities (such as sanitation, and electricity), and the status of the country’s road network**. In fact, the U.S. government has often weighed statistical information regarding various facets of the Honduran infrastructure. The TPS decisions have also consistently mentioned the **lack of capacity in the country’s educational system**,

particularly for displaced populations. Along these lines, **public health factors**, such as the availability of food and water, the capacity of the health care system, or the presence of malnutrition and disease, are likewise weighed in TPS extension decisions.

Finally, the U.S. government has occasionally considered broader conditions of **violence and political instability**. Honduras and other countries in the Northern Triangle of Central America have garnered significant worldwide attention due to growing homicide rates and other forms of societal violence. Likewise, corruption and political instability has been the norm in the region. The U.S. government has referenced these factors when extending TPS for Honduras, albeit inconsistently.

Timeline of Events Cited by the U.S. Government in TPS Designation and Extensions for Honduras





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CURRENT COUNTRY CONDITIONS IN HONDURAS

As detailed above, the U.S. government has analyzed a broad range of conditions and factors when deciding whether to extend TPS for Honduras. This section examines current conditions in Honduras relating to the six broad groupings that can be distilled from the Federal Register notices: Climate and Environment, Economy, Infrastructure, Public Health, Safety and Security, and Governance.

CLIMATE AND ENVIRONMENT

This year, Honduras has experienced an active hurricane season on both the Atlantic and the Pacific coasts; several earthquakes have also affected countries in the region, such as El Salvador, Guatemala and Mexico.⁶⁴ These events have raised further concerns over Honduras's own vulnerability as one of the world's most susceptible places to natural disasters. This is expected to increase as climate change intensifies. USAID reports that climate change will *"increase the frequency and severity of water scarcity and climate-related hazards, and put additional strain on the Honduran government's capacity to address ongoing development barriers, including extreme inequality, low levels of education, acute environmental degradation, and rampant crime and violence."*⁶⁵

According to Honduras's Institute of Forestry Conservation (ICF), from January through March 2017, 192 forest fires were registered, during which an estimated 9,300 hectares were reportedly destroyed.⁶⁶ Increasingly, Honduran officials are citing criminal activity and the rising temperatures of the Central American region as sources of forest fires.

Heavy rainfalls in June and September 2017 affected diverse sectors of the country, causing mass floods, landslides, and damages to homes and roads.⁶⁷ States of emergency were reported in municipalities to the northwest, south, and center regions of the country, affecting close to 400 families and leaving scores of communities in complete isolation. Tropical storms Nate and Selma in early and late October wrought further havoc as they passed through Central America.⁶⁸ Tropical storm Nate caused at least 22 fatalities across Costa Rica, Nicaragua, and Honduras, leaving hundreds of thousands of people without electricity or running water, and thousands of others in temporary shelters.⁶⁹ Additional storm systems and hurricanes are expected to impact the area in fall 2017.

Honduras' infrastructure continues to be at risk of natural disasters and severe climatic conditions. Deforestation, land degradation and soil erosion, and environmental pollution and water contamination have become increasingly salient in recent years.⁷⁰ These events and conditions have consistently impeded recovery efforts in Honduras, and have locked Honduras into a vicious cycle of natural disasters followed by attempted recovery efforts. In this context, reintegration of tens of thousands of nationals is simply not feasible.

ECONOMY

Following the 2008-2009 global economic crisis, Honduras has experienced a moderate recovery bolstered by public investments, exports, and remittances.⁷¹ In 2016, the Honduran economy grew by 3.7 percent, with similar growth expected for 2017.⁷² Despite the modest recovery, serious challenges persist, including the susceptibility of large sectors of the Honduran economy to adverse natural events, unemployment and chronic underemployment, and dependence on international assistance.

Natural resource-based industries continue to serve as the main source of employment for Hondurans. The agricultural, livestock, forestry, and fishing sectors accounted for 28.5 percent of the labor force in 2016.⁷³ The vulnerability of these industries to natural disasters and the effects of long-term climate change underscore the need for strengthened infrastructure and overall resilience to environmental phenomena. In addition, the recovery and long-term sustainability of these industries directly affects the economic viability of a large number of Honduran households, with workers struggling to subsist on an average monthly wage of USD \$112.40.⁷⁴

Available data on labor market conditions show no significant improvement since the most recent TPS renewal. The national unemployment rate rose to 7.4 percent in mid-2016,⁷⁵ with the country's urban centers registering rates between 8 and 12 percent.⁷⁶ Over half of the labor force is underemployed, and prospects for job growth in the short-term remain limited to largely low-wage, low-skilled jobs.⁷⁷ These conditions preclude the absorption of tens of thousands of returned workers into the Honduran labor market.

As economic productivity has failed to keep pace with population growth, Honduras' dependence on international assistance remains unremedied. Money sent from Honduran citizens living abroad, known as remittances, are critical to economic stability and continue to be one of the main drivers of economic growth. In 2016, remittances accounted for roughly 18 percent of the country's gross domestic product (GDP) and have grown by an average of 6.5 percent over the last five years. Remittance income now exceeds income from direct foreign investment by 340 percent.⁷⁸



According to household surveys conducted by Honduras' National Institute of Statistics, almost one in five Honduran households (18.2 percent) receive remittances.⁷⁹ Over 80 percent of remittances come from relatives residing in the United States, who send on average USD \$455.20 per month.⁸⁰ Nearly all of these households (96.2 percent) use funds to cover basic needs or everyday expenses, including food (42.6 percent), medicines and medical services (20.3 percent), education (12.7 percent), self-owned business expenses (1.1 percent) and other non-explicit costs (19.5 percent).⁸¹ Less than four percent of households use remittance income to invest in the purchase or improvement of a fixed asset owned by them or their relatives.⁸²

Absent family remittances, the number of households living in poverty would increase dramatically. In 2016, three in five households (60.9 percent) already lived in poverty and nearly two in five (38.4 percent) in extreme poverty.⁸³ Modest economic growth compounded by mismanagement of public funds has been insufficient to improve the living standards of the Honduran population. The return of tens of thousands of Honduran nationals would place unimaginable strains on the Honduran economy and society by cutting of a substantial portion of the remittance income streams.

INFRASTRUCTURE

Honduras continues to suffer from a severe housing shortage. According to the Inter-American Development Bank, Honduras's housing deficit is approximately 57%, which includes houses that require new construction and houses that require improvements.⁸⁴ A recent study by Habitat for Humanity found that Honduras suffers from a deficit of 1.1 million homes. To solve

this shortage, the Honduran government will need to invest 11 billion *lempiras* (US\$ 467 million) annually over the course of 15 years.⁸⁵ To make matters worse, experts have concluded that the housing deficit is growing at nearly 100,000 homes annually.⁸⁶

In addition to the country's housing shortage, Hondurans also lack access to adequate sanitation facilities and safe water. To be exact, an estimated 1 million residents lack access to improved sanitation facilities, and approximately 638,000 lack access to safe water.⁸⁷ Moreover, approximately 14% of households live day-by-day without working sanitation and water systems.⁸⁸

Honduras's climate continues to present additional challenges that have beleaguered the country and its infrastructure. Even as recently as late October 2017, flooding and landslides led Honduran President Juan Orlando Hernandez to declare a red alert for the four northernmost departments in Honduras. The President noted that severe rains have caused "significant damage to infrastructure," including damage to highways.⁸⁹ These climate challenges have adversely impacted Honduras's infrastructure such that the housing deficit, lack of access to sanitation and water systems, and highway reconstruction will take substantially more time and resources to resolve.



Persons displaced by flooding near La Lima in 2014 / [Kristen Klein / Flickr / Creative Commons](#)

PUBLIC HEALTH

Honduras has faced significant public health challenges since the most recent TPS extension in 2016. According to the World Food Programme (WFP), “[r]ecurrent natural disasters and a susceptibility to the effects of climate change contribute to food insecurity [in Honduras].”⁹⁰ Specifically, extreme weather, including both droughts and hurricanes, affect the ability of subsistence farmers to grow enough food for their families.⁹¹ According to an August 2017 Country Report prepared by the WFP, ongoing droughts in southern and western Honduras – an area known as the “Dry Corridor” – have exacerbated food insecurity among vulnerable populations.⁹²

Indeed, food insecurity is a serious problem throughout the country. According to data compiled by USAID, Honduras scores 15 percent lower than countries in the region on the Global Food Security Index, which measures the affordability, availability, quality, and safety of food.⁹³ USAID also found that Honduras scores approximately 35 percent worse than countries in the region on the Global Hunger Index. According to data from 2015, a full 12 percent of the population in Honduras is undernourished, compared with a regional average in Latin America and the Caribbean of only 7 percent.⁹⁴ Chronic malnutrition can reach nearly 50 percent in rural areas of Honduras.⁹⁵ Approximately 25% of children under the age of 5 are chronically malnourished in Honduras.⁹⁶

In general, the capacity of the health system remains a primary concern in Honduras. According to a recent study, an estimated 18 percent of the population in Honduras does not have access to health services.⁹⁷ This same report found that the “hospital infrastructure and health centers are deficient,” a situation exacerbated by a declining percentage of health expenditures in the national budget.⁹⁸ According to data from the World Bank, Honduras has only 0.7 hospital beds per 1,000 people, compared to a regional average that is nearly 3 times higher.⁹⁹ Similarly, Honduras has only 0.39 physicians per 1,000 people, compared to a figure nearly four times higher for the region.¹⁰⁰ Ultimately, the prospects of improvement in Honduras’s food security and overall public health services remain exceedingly low.

SAFETY AND SECURITY

The security situation in Honduras has continued to deteriorate dramatically since the initial TPS designation in 1999. In the aftermath of the 2009 political crisis, the U.S. government acknowledged that the return of TPS beneficiaries could potentially exacerbate the escalating violence in the country.¹⁰¹ Apart from that one instance, the U.S. government in its TPS decisions has neglected to assess the security conditions in Honduras, the Honduran government’s ability to guarantee safety for its nationals, and the impact of the country’s security conditions on recovery efforts. These considerations are critical to determining whether Honduras can “handle adequately” the return of its nationals as stipulated by the INA.¹⁰²

In the context of increased insecurity, Honduras has struggled with internal population displacement. While the number of Hondurans internally displaced as a result of natural disasters gradually declined as post-Mitch recovery efforts continued throughout the 2000s, internal displacement resulting from conflict and violence remains on the rise.¹⁰³ The Internal Displacement Monitoring Centre reported 16,000 new displacements in 2016 alone.¹⁰⁴ These

new displacements come despite efforts by the Honduran government's Inter-Agency Commission for the Protection of Persons Displaced by Violence (CIPPDV).¹⁰⁵ The Honduran government created the CIPPDV in 2013 to care for and protect displaced persons as well as develop and implement policies to prevent forced displacement.¹⁰⁶ However, the overall number of internally displaced in Honduras since 2004 now totals 190,000—nearly three-and-a-half times the number of Hondurans residing in the U.S. under TPS.¹⁰⁷ The return of 57,000 Honduran nationals in need of safe housing will inevitably compound this ongoing crisis.

Organized criminal violence associated with drug trafficking and gang activity has reached epidemic proportions in Honduras. Despite already being located in the most violent region of the world,¹⁰⁸ Honduras maintained the highest murder rate in Central America for nearly a decade. Although Honduras has made significant progress in reducing the homicide rate from 91.6 homicides per 100,000 people in 2011, the rate of lethal violence remains alarmingly high. Authorities registered 59.1 homicides per 100,000 inhabitants in 2016¹⁰⁹ and project a slight decline in 2017, estimating 45 to 50 homicides per 100,000 people.¹¹⁰ Despite this progress, Honduras's homicide rate remains three times higher than Mexico's homicide rate and double that of neighboring Guatemala.¹¹¹

Furthermore, Honduras' two largest urban centers, San Pedro Sula and Distrito Central (Tegucigalpa), are ranked among the top five most dangerous cities in the region, excluding war zones. Both cities rank third and fourth globally, with homicide rates of 112 and 85, respectively.¹¹² Notably, endemic levels of lethal violence against women continue to plague the country. In 2016, the U.S. Department of State acknowledged that "violence against women" continued to be "a serious problem."¹¹³ This violence has persisted through the first half of 2017, with 187 women murdered during the first six months of this year, the equivalent of one woman every 18 hours.¹¹⁴



Honduran military police officer / [European Commission DG ECHO / Flickr / Creative Commons](#)

The main drivers of criminal violence are street gangs and organized crime groups who often operate in alliance with Honduran security forces.¹¹⁵ Three of the world's most infamous drug cartels—the Zetas, the Sinaloa Cartel, and the Gulf Cartel—transit their illicit goods through Honduras. Recent counter-narcotics efforts throughout the region have redrawn drug trafficking routes, igniting turf wars between prominent drug cartels, international drug trafficking organizations, and local drug peddlers, all vying for control of land and maritime routes. In addition, these groups have enlisted, to varying degrees, the support of less sophisticated street gangs for storage and local distribution. The transit of drugs has had grave consequences for the effectiveness of security forces and already weak and unaccountable state institutions.

Street gangs also operate throughout Honduras, running local drug networks, extorting businesses and individuals, terrorizing citizens, and serving as informants and hired assassins for larger criminal organizations.¹¹⁶ While Honduras has a large number of smaller, less sophisticated street gangs,¹¹⁷ the two main rival gangs in the country are MS-13 (Mara Salvatrucha) and 18th Street (M-18, Barrio 18).¹¹⁸ Both gangs are “highly organised, hierarchical organisations that coerce, threaten and kill to produce a menial subsistence for their members.”¹¹⁹

The rivalry between these two gangs is expressed through territorial control. Each gang violently enforces its exclusive dominion over designated neighborhoods, often imposing a tax (*renta*) on local businesses and individual households.¹²⁰ Gang “ownership” of a particular territory involves effective governance of these zones, as the government institutions of the state have largely retreated from gang-controlled areas.¹²¹ As a result, Honduras’s many municipalities are now pockmarked with invisible borders that separate one gang’s territory from another. These borders are dynamic and frequently change as a result of inter-gang violence.¹²² An individual who inadvertently crosses from one gang’s territory into another’s could face death.¹²³

Consequently, returnees are particularly vulnerable to gang violence. First, returnees are unlikely to have sufficient knowledge of Honduran communities to be able to safely navigate from one gang-controlled neighborhood to another without suffering serious harm or death. Second, amidst the endemic poverty in Honduras, an individual’s wealth—or perceived wealth—does not go unnoticed and frequently makes an individual a target for extortion. Gangs will likely target returnees as reliable sources of extortion payments, based on the assumption that returnees have accumulated substantial financial resources while residing in the U.S. Threats of harm for non-payment frequently extend to family members and others, and these threats could potentially place an even greater number of Hondurans in the country at risk as well.¹²⁴ These dynamics will increase the enormous burden of crime and insecurity faced by Honduras. Under these circumstances, returnees are likely unsafe and unprotected in light of the existing security situation.

GOVERNANCE

In the aftermath of the 2009 political crisis, endemic levels of corruption and impunity have contributed to the weakening of the Honduran state’s ability to meet the basic demands of its citizens and build effective, transparent, and accountable democratic institutions. While significant steps have been taken to combat these systemic ills since the May 2016 renewal of

TPS, further progress is needed to reform and strengthen institutions and restore the credibility of Honduran authorities and the political system.

Honduran institutions are rife with corruption, from the security and judicial sectors to a diverse range of government agencies.¹²⁵ Transnational street gangs and domestic criminal networks have penetrated the country's underfunded and poorly trained police and security forces, eroding public trust in law enforcement.¹²⁶ Police are widely reported to accept bribes in exchange for either conceding authority to or participating in illicit activities with criminal actors they ought to be policing.¹²⁷ The judiciary also suffers from underfunding and poorly trained staff, and is subject to intimidation, corruption, politicization, and patronage, barring access to justice and frustrating the rule of law.¹²⁸ Furthermore, a kleptocratic network of public, private, and criminal sector actors loot state coffers, enact self-serving laws and regulations to maximize personal gains, and divide profits in exchange for impunity.¹²⁹

Amidst increasingly militant civil society mobilizations and growing international dismay over the degree to which Honduran institutions had been compromised by corruption, The Organization of American States created the Mission against Corruption and Impunity in Honduras (MACCIH) in April 2016.¹³⁰ With an initial focus on police reform, electoral reform, and public sector corruption, MACCIH has made some notable gains, including the passage of two laws, one to regulate campaign financing and the other to create a nationwide anti-corruption jurisdiction with its own judges and prosecutors.¹³¹ The Commission's investigations, however, have produced virtually no corruption-related arrests or prosecutions to date.¹³² A few months after the launch of MACCIH, the Honduran government also created the Honduran Police Purge and Reform Commission, which has suspended or removed some 4,500 police, including many senior officials, over the last 15 months.¹³³

Despite this recent progress, the government's anticorruption efforts have not yet been sufficient to contain high-level corruption, and continued efforts will have to overcome economic and political elites' unwillingness to accept critical reforms.¹³⁴ At present, corruption remains Honduras' "operating system,"¹³⁵ with serious consequences for the well-being of Honduran citizens.

Finally, Honduras' resource-strained institutions lack the capacity to adequately receive and reintegrate TPS beneficiaries. Despite years of funding from the United States, the Honduran government, international organizations, local civil society organizations, and even the private sector, services available to returned migrants remain rudimentary and uneven.¹³⁶ Services typically include temporary shelter and basic needs provision upon arrival, along with limited medical, psychological, employment, and educational assistance.¹³⁷ While the U.S. and Honduran governments continue to collaborate with international donors to fund large-scale efforts to help returnees reintegrate into local communities,¹³⁸ current labor market and security conditions make it unlikely that Honduras will be able to provide safe and sustainable livelihoods for tens of thousands of its nationals now living abroad.

RECOMMENDATIONS

Honduras remains in a precarious position, with recurring climatic events, infrastructural challenges, and a struggling economy with limited employment opportunities and a heavy dependence on remittances. Safety and security have emerged as monumental challenges

for Honduras, while corruption and impunity have stymied efforts at effective governance. An analysis of these present-day factors compels the conclusion that TPS for Honduras should be extended. Specifically, the authors recommend the following:

- Extend TPS for Honduras for an additional 18 months, given that country conditions information confirms that the country is not able to adequately handle the return of its nationals.
- Promote dialogue and transparency regarding the specific factors that underlie TPS designation and extension decisions.
- For TPS designations based on environmental disasters, develop concrete benchmarks to measure the home country's ability to adequately handle the return of its nationals. These benchmarks could be developed collaboratively between the governments of the U.S. and the designated country.
- Explore possibilities for regularizing the population of Honduran TPS beneficiaries in the U.S., given that significant aspects of the country conditions are unlikely to improve for the foreseeable future.

ENDNOTES

¹ See generally INA § 244, 8 U.S.C. § 1254.

² Designation of Honduras Under Temporary Protected Status, 64 Fed. Reg. 524 (Jan. 4, 1999), <https://www.federalregister.gov/d/98-34849>.

³ *Id.*

⁴ Extension of the Designation of Honduras for Temporary Protected Status, 81 Fed. Reg. 30331 (May 16, 2016), <https://www.federalregister.gov/d/2016-11306>.

⁵ *Desocupados 2016*, Instituto Nacional de Estadística, http://www.ine.gob.hn/index.php?option=com_content&view=article&id=94 (last visited Nov. 4, 2017).

⁶ Elvis Mendoza, *La capital registra una tasa de desempleo mayor a la nacional*, El Heraldo (May 2, 2017), <http://www.elheraldo.hn/tegucigalpa/1067082-466/la-capital-registra-una-tasa-de-desempleo-mayor-a-la-nacional>.

⁷ United Nations, *Marco de Asistencia de las Naciones Unidas para el Desarrollo Honduras, 2017-2021*, 8, <http://hn.one.un.org/content/dam/unct/honduras/publicaciones/MANUD%202017-2021.pdf>.

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