



Legal Permanent Resident Petition for TPS and NACARA participants

During the 1980s, El Salvador, Nicaragua, Honduras, and Guatemala experienced a mass migration from Central America to neighboring countries, Mexico and the United States, due to the regional conflicts. During this time, many religious leaders, community organizers and thousands of Salvadoran immigrants organized national demonstrations asking the US government to grant asylum to Central Americans fleeing their home countries. Although Central Americans fled their respective countries for similar reasons, they were not all granted the same protections.

In 1997, Congress passed the Nicaraguan Adjustment and Central American Relief Act (NACARA), which included Nicaraguans, Cubans, Salvadorans and Guatemalans. The Act drew a distinction between similarly situated individuals, as Nicaraguans and Cubans fleeing from communist regimes received permanent residency under Section 202, while Salvadorans and Guatemalans received only cancellation of deportation and the opportunity to apply for asylum under Section 203.

Since then, Temporary Protective Status mandates have been granted to Honduran and Salvadoran migrants in the United States because of natural disasters such as Hurricane Mitch in 1998 and the 2001 earthquake in El Salvador. The Temporary Protective Status has been extended for Hondurans until July of 2010 and for Salvadorans until September of 2010, however, the Department of Homeland Security has stated that extreme poverty and untenable conditions after these natural disasters warrant the continued extension of this status.

Therefore, comprehensive immigration policy from the incoming administration should address the concern of granting legal permanent status to those in the Central American community who only have temporary legal status. Though the civil wars in Central America have ended, these Central American nationals now have roots in the United States with children who are American citizens and property in their name.

The two groups that would benefit from the adjustment of status would be the Central Americans under the Temporary Protective Status, granted by the Clinton and Bush administrations, which include about 100,000 Hondurans, 5,000 Nicaraguans and 240,000 Salvadorans. The second group would be those who have an adjustment of status application pending under NACARA, which in some cases have been waiting up to 20 years for an interview to determine if they should apply for adjustment of status to permanent residency.

It is important to note that throughout the continuation of TPS Honduran, Nicaraguan and Salvadoran communities have remained committed to abide by the law. Applications for asylum as well as initial and then concurrent temporary protective status signifies that these migrants have proven their good standing in their communities by having background checks, paid taxes without having access to public benefits and have paid all necessary fines.

Attempts such as the Central American and Caribbean Refugee Adjustment Act of 1998 proposed by Senators Durbin and Kennedy as well as the Central American Security Act (CASA) of 2003 proposed in the House by Representatives Berman (D-CA); Davis (R-VA), Gutierrez, Diaz-Balart, Ros-Lehtinen and many others have failed to resolve the situation for those Central American migrants that meet these conditions, we are urging President-Elect Obama to consider resolving their current immigration status in any integral immigration reform.

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