

United States Senate
WASHINGTON, DC 20510

COMMITTEES:
APPROPRIATIONS
FOREIGN RELATIONS
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March 20, 2017

The Honorable Rex Tillerson
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

The Honorable John Kelly
Secretary of Homeland Security
Department of Homeland Security
245 Murray Lane SW
Washington, D.C. 20528

Dear Secretaries Tillerson and Kelly:

Venezuela is a country in chaos, and many of its citizens find themselves in the United States with a credible fear of repression and potentially even death should they return. I respectfully request that you review the existing conditions in Venezuela and consider granting Temporary Protected Status (TPS) to eligible Venezuelan nationals residing in the United States. In light of the ongoing political, economic, social and humanitarian crisis in Venezuela, it is not in the best interests of the United States to deport non-violent Venezuelan nationals back to the country at this time. Doing so could further deepen the humanitarian crisis there, making an already desperate situation there even worse, with far-reaching consequences on our own nation.

For the last two decades, the authoritarian policies of the late President Hugo Chavez and now President Nicolás Maduro have crippled the country and produced corruption, poverty, and instability. Since President Maduro has been in power, Venezuela's deterioration has further accelerated and pushed it to the brink of becoming a failed state. The Maduro government has continued to violate human rights and expanded its political oppression against its own people. The shelves of Venezuela's grocery stores and markets are perpetually bare; in fact, so bad has Venezuela's hunger crisis become that desperate citizens have turned to killing flamingos for food. The situation for newborn babies is particularly distressing considering the country's shortages of baby formula and food, diapers and other basic food supplies. Shortages of baby cribs have resulted in hospitals and families having to use cardboard boxes as baby beds.

Temporary Protected Status was first established by law under the Immigration Act of 1990 ("IMMACT"), P.L. 101-649, which granted the U.S. attorney general the authority to grant TPS to foreign nationals residing in the U.S. unable to safely return home due to the following temporary conditions in the country: ongoing armed conflict, such as civil war; an environmental disaster, such as earthquakes and hurricanes; an epidemic; or other extraordinary and temporary conditions. The Homeland Security Act of 2002, Public Law 107-296, subsequently transferred this authority from the attorney general to the secretary of homeland security.

In the case of Venezuela, the government is at war with its people, having turned its military and national police, as well as armed government-sponsored gangs, against peaceful Venezuelan citizens voicing their opposition to the government's policies and abuses. Dozens of innocent people have been killed by the government's brutality, and thousands have been injured or sent to prison. Furthermore, Venezuela is a police state whose military is controlled by an erratic and incompetent President Maduro, which has directly threatened commercial aviation. For example, last year, Avianca Airlines suspended flights to and from Venezuela after a Venezuelan fighter jet dangerously approached one of its commercial passenger planes.

Additionally, Venezuela is experiencing a public health emergency, prompted by severe shortages of basic medical supplies. According to the New York Times, "The rate of death among babies under a month old increased more than a hundredfold in public hospitals run by the Health Ministry, to just over 2 percent in 2015 from 0.02 percent in 2012, according to a government report provided by lawmakers. The rate of death among new mothers in those hospitals increased by almost five times in the same period, according to the report."

In other words, Venezuelan nationals currently residing in the U.S. who must return home face great dangers, including the loss of freedom and their lives. In the case of newborn and young children, as well as sick and elderly Venezuelans, returning to Venezuela is tantamount to a death sentence, given the man-made health epidemic that is plaguing the country. I am very familiar with the extreme difficulties that many face in Venezuela, including cases that have been brought to my office's attention. Given the geographical proximity between the U.S. and Venezuela, and strong family ties between Venezuelans residing in Florida and those back home, travel between the two countries has continued throughout this century in spite of the Chavez-Maduro regimes; however, the brutal crackdown that began in February 2014 changed everything and created a credible fear among Venezuelans visiting the U.S. on temporary visas about returning back home. They have been caught in limbo, not by their actions and willful violations of our immigration laws, but by a tyrant ruling with an iron fist.

For all of these reasons, I urge you to consider granting Temporary Protected Status for Venezuelans who are unable to safely return home. Venezuela faces a toxic mix of conditions that make it unconscionable for the U.S. government to force Venezuelan nationals to return there.

Just as its name suggests, TPS was meant to be a temporary solution to deal with emergencies and crises, and is not intended to be a permanent policy that's renewed in perpetuity. For that reason, it is of great importance that the United States pursue a foreign policy with respect to Venezuela that encourages political and economic reform from within that country – so that once again, Venezuela can be the democratic, stable and prosperous country it once was, and that its citizens will long to return home to. Achieving this goal is critically important not only for Venezuela's long-term future, but is also in our own national interest of achieving a more peaceful and prosperous hemisphere.

As you consider this request to grant TPS, I continue to encourage your departments to appropriately leverage all available authorities and resources to support human rights, counter government oppression, and encourage a safe, stable, and more prosperous Venezuela.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Mr. R', with a stylized, flowing script.

Marco Rubio
U.S. Senator