

116TH CONGRESS
1ST SESSION

H. R. 2413

To designate Nicaragua under section 244 of the Immigration and Nationality Act to permit nationals of Nicaragua to be eligible for temporary protected status under such section, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2019

Mr. DIAZ-BALART (for himself and Ms. SHALALA) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To designate Nicaragua under section 244 of the Immigration and Nationality Act to permit nationals of Nicaragua to be eligible for temporary protected status under such section, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Nicaragua TPS Act
5 of 2019”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

1 (1) Since April 18, 2018, protesters in Nica-
2 ragua have demanded transparent government with-
3 out corruption, access to necessities such as food
4 and medicines, and free, fair, multiparty elections.

5 (2) The World Bank reported that Nicaragua’s
6 economy contracted by 3.8 percent in 2018, and ex-
7 pects the economic downturn to continue to an esti-
8 mated decrease in growth of 5 percent in 2019.

9 (3) The United States Department of State’s
10 Country Reports on Human Rights Practices for
11 2018 stated that between the protests of April 18,
12 2018, and late November 2018, at least 325 persons
13 died, more than 2,000 were injured, and hundreds
14 more were illegally detained and tortured, while
15 more than 52,000 fled to neighboring countries.

16 (4) The United States Department of State’s
17 Country Reports on Human Rights for 2018 stated
18 that “[h]uman rights deteriorated markedly during
19 the year. Issues included reports of unlawful or arbi-
20 trary killings committed by the government or its
21 agents; forced disappearance by parapolice forces;
22 torture; physical abuse, including rape, by govern-
23 ment officials; and arbitrary arrest and detention.
24 There were harsh and life-threatening prison condi-
25 tions; political prisoners; arbitrary and unlawful in-

1 interference with privacy; arrests of journalists, cen-
2 sorship, site blocking, and criminal libel; and sub-
3 stantial interference with the rights of peaceful as-
4 sembly and freedom of association, including attacks
5 on the Roman Catholic Church and Church officials.
6 The government stripped the legal status of several
7 nongovernmental organizations (NGOs) and civil so-
8 ciety organizations, seizing their assets and pre-
9 venting them from operating. There was widespread
10 corruption; trafficking in persons; attacks against
11 lesbian, gay, bisexual, transgender, and intersex
12 (LGBTI) persons; discrimination against ethnic mi-
13 norities and indigenous communities; and child
14 labor.”.

15 (5) On February 22, 2019, Michelle Bachelet,
16 the U.N. High Commissioner for Human Rights,
17 said, “I am deeply concerned about the apparent
18 lack of due process and increasing criminalization of
19 dissent in Nicaragua. The arrest and jailing of oppo-
20 sition leaders, possibly in some cases as a reprisal
21 for cooperating with the UN, clearly hinders the cre-
22 ation of an environment conducive to holding a gen-
23 uine and inclusive dialogue—which the Government
24 says it wants. . . . I also call on the authorities to
25 release all those deprived of their liberty in connec-

1 tion with their intrinsic right to peaceful protest and
2 dissent, and to ensure people who cooperate with the
3 UN and other human rights organizations do not
4 face reprisals. It is a fundamental tenet of democ-
5 racy that people from all parts of society should be
6 able to engage freely in debate about the future of
7 their country, without fear of arrest or intima-
8 tion.”.

9 (6) On April 4, 2019, the Inter-American Com-
10 mission on Human Rights of the Organization of
11 American States condemned the human rights
12 abuses perpetrated by the Ortega regime, stating
13 that, “[t]he acts of repression in question include il-
14 legal arbitrary arrests, the prohibition of all forms of
15 social demonstration of protest, the refusal to re-es-
16 tablish the legal status of civil society organizations,
17 and the increasing repression of people who are
18 being deprived of their liberty. The IACHR once
19 more calls for repression in the country to cease and
20 for public liberties to be restored.”.

21 (7) International human rights groups such as
22 Human Rights Watch, the Committee to Protect
23 Journalists, and Reporters Without Borders have
24 highlighted the Ortega regime’s efforts to silence
25 independent media. For example, offices of Radio

1 Dario were burned down after the protests began in
2 April 2018, Nicaragua’s most widely read newspaper
3 La Prensa’s printing materials were confiscated in
4 January 2019, and numerous journalists were ar-
5 rested and imprisoned since the protests began,
6 while death threats and other intimidation tactics
7 have forced dozens of journalists to flee the country.

8 (8) In response to corruption and human rights
9 abuses, the United States Department of Treasury
10 has sanctioned six Nicaraguans for corruption and
11 gross violations of human rights. Those sanctioned
12 include the Vice President, who is the wife of cor-
13 rupt President Daniel Ortega, as well as the former
14 President of the Supreme Electoral Council, the Di-
15 rector of the Nicaraguan National Police, a National
16 Security Advisor to the President, the Political Sec-
17 retary for the municipality of Managua, and the
18 Treasurer of the Sandinista Party.

19 **SEC. 3. SENSE OF CONGRESS.**

20 It is the sense of the Congress that—

21 (1) Nicaragua’s economic, humanitarian, and
22 human rights crisis has resulted in extraordinary
23 and temporary conditions that currently prevent
24 Nicaraguan nationals from safely returning to Nica-
25 ragua; and

1 (2) Nicaragua should be designated under sub-
2 section (b)(1)(C) of section 244 of the Immigration
3 and Nationality Act (8 U.S.C. 1254a) for a period
4 of 18 months to permit nationals of Nicaragua to be
5 eligible for temporary protected status in accordance
6 with such section.

7 **SEC. 4. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
8 **PORARY PROTECTED STATUS.**

9 (a) DESIGNATION.—

10 (1) IN GENERAL.—For purposes of section 244
11 of the Immigration and Nationality Act (8 U.S.C.
12 1254a), Nicaragua shall be treated as if it had been
13 designated under subsection (b)(1)(C) of that sec-
14 tion, subject to the provisions of this section.

15 (2) PERIOD OF DESIGNATION.—The initial pe-
16 riod of the designation referred to in paragraph (1)
17 shall be for the 18-month period beginning on the
18 date of the enactment of this Act.

19 (b) ALIENS ELIGIBLE.—As a result of the designa-
20 tion made under subsection (a), an alien who is a national
21 of Nicaragua is deemed to satisfy the requirements under
22 paragraph (1) of section 244(c) of the Immigration and
23 Nationality Act (8 U.S.C. 1254a(c)), subject to paragraph
24 (3) of such section, if the alien—

1 (1) has been continuously physically present in
2 the United States since the date of the enactment of
3 this Act;

4 (2) is admissible as an immigrant, except as
5 otherwise provided in paragraph (2)(A) of such sec-
6 tion, and is not ineligible for temporary protected
7 status under paragraph (2)(B) of such section; and

8 (3) registers for temporary protected status in
9 a manner established by the Secretary of Homeland
10 Security.

11 (c) CONSENT TO TRAVEL ABROAD.—

12 (1) IN GENERAL.—The Secretary of Homeland
13 Security shall give prior consent to travel abroad, in
14 accordance with section 244(f)(3) of the Immigra-
15 tion and Nationality Act (8 U.S.C. 1254a(f)(3)), to
16 an alien who is granted temporary protected status
17 pursuant to the designation made under subsection
18 (a) if the alien establishes to the satisfaction of the
19 Secretary of Homeland Security that emergency and
20 extenuating circumstances beyond the control of the
21 alien require the alien to depart for a brief, tem-
22 porary trip abroad.

23 (2) TREATMENT UPON RETURN.—An alien re-
24 turning to the United States in accordance with an
25 authorization described in paragraph (1) shall be

1 treated as any other returning alien provided tem-
2 porary protected status under section 244 of the Im-
3 migration and Nationality Act (8 U.S.C. 1254a).

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