

THE UNIVERSITY OF CHICAGO

**Problematizing Temporary Protected Status Policy in Constructing a Framework for
Climate Migration in the United States**

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A thesis submitted in partial fulfillment
of the requirements for the Bachelor of Arts degree in
Public Policy Studies,
Environmental and Urban Studies,
Latin American and Caribbean Studies,
and *Global Studies,*

and the Master of Arts degree in
The Social Sciences.

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April 22, 2024
Chicago, Illinois

Abstract

Anthropogenic climate change has already begun to displace millions of people from their homes globally, and is projected to induce hundreds of thousands of people to migrate to the United States in the coming decades. While climate migration policy is frequently discussed in academic and policy fields, no international or federal-level policies presently exist to provide general protections specifically for cross-border climate migrants arriving in the US. Nevertheless, as one of the only federal policies that addresses displacement due to environmental factors, Temporary Protected Status (TPS) can provide important insights into how future climate migration policy can and should be implemented. This paper interrogates and problematizes the ways in which TPS is conceptualized as a potential protection mechanism for climate migrants through a case study of TPS designations for Honduras and Nicaragua, and interviews with immigration service providers who work with TPS recipients. Through this analysis, I find that TPS can be utilized by migrants and advocates as a point of leverage for climate migration protections; however, hurdles like liminal status, discretionary designations, and what I term “administrative ambivalence” make it difficult for climate migrants to experience comprehensive protection in the US. In the absence of broad-reaching climate migration protections globally, many authors have previously proposed theoretical international protection frameworks or federal policy changes; this paper attempts to ground these largely theoretical proposals in existing US policy (TPS) to better understand the roadblocks and potential paths forward for climate migration protections. I highlight the extent to which TPS could be used as an interim protection mechanism for climate migrants, and argue for a broader complementary protection policy in the United States.

Acknowledgments

I am extremely grateful for the support I received from Diana Schwartz Francisco, who has guided me through the research process for well over a year. Through several iterations of thesis topics and roadblocks, Diana has provided tremendous support, pushing me to ask interesting questions and working with me as I developed and honed my research. Her feedback on my drafts, and our regular conversations about this project, were crucial in turning my many thoughts and findings into coherently-written pages. I could not have made it through this process without the grace, kindness, and intellectual insights she has provided me.

I am also highly indebted to my preceptor, Ella Wilhoit, who has worked with me throughout this academic year to develop this project. Her feedback on my initial thesis proposal was vital in leading me to decide on a thesis topic that I was excited to pursue, and she provided expert advice each time I came to her with questions or concerns. Her comments on the drafts of this paper have thoroughly shaped the final product.

Finally, I am very grateful to each of the people who volunteered their time to participate as interviewees in my research. All of these individuals, each of whom provide immigration services in different capacities, likely have very busy schedules, yet took the time to share incredibly interesting information about their work. This project could not have been completed without their insights.

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I. Introduction

In recent decades, concerns about displacement due to the effects of anthropogenic climate change have become increasingly prevalent in human rights and migration discourse, as issues like sea level rise, extreme weather events, and drought induce more and more people around the world to leave their homes. It is impossible to know exactly how many people will be affected by climate-related displacement in the future, but some estimates suggest that hundreds of millions of people could become climate migrants in the coming decades (Myers 2005, cited in Brown 2007, 5). While most climate migration is internal—meaning that many climate migrants are internally displaced persons (IDPs) within their own countries (Brown 2007, Mahmud 2022), a portion of climate migrants cross international borders, and must contend with immigration laws. The United States, which has long experienced high rates of in-migration, is likely to see the arrival of many climate migrants: scholars project that hundreds of thousands of people from Mexico and Central America will migrate due to climate reasons in the next few decades (Lustgarten 2020). As these border crossings increase, national governments have, thus far, enacted few policies or legal protections for climate migrants who have been displaced from their countries of origin. No international framework currently exists for the protection of climate migrants, and most countries, like the United States, have not prioritized the protection of cross-border climate-displaced migrants in national policy.

While it is unclear what progress will be made on federal climate migration protections in the US, one policy does presently exist related to environmental displacement. Temporary Protected Status (TPS), enacted under the Immigration Act of 1990, provides a few temporary protections to certain undocumented immigrants in cases of extraordinarily dangerous conditions in their country of origin, including environmental disasters. Given that TPS is the only

substantial federal immigration policy that specifically considers environmental conditions as cause for “protection,” the policy is frequently highlighted in scholarly work focused on climate migration in the US (Jayawardhan 2017, Ayazi & Elsheikh 2019, Mahmud 2022, García 2022). These authors often briefly criticize TPS as wholly insufficient for facilitating long-term climate migration, largely due to its temporary nature. While this quick criticism is well-founded, as this paper will expand upon, it has led few to truly interrogate the placement of TPS within the climate change–migration nexus, as a baseline point from which future climate migration policy is likely to build. This under-investigation is notable, as the 2021 White House report on climate migration highlights expansion of TPS as a potential future policy response to climate migration, and several scholars point to TPS as a potential mechanism for climate migrant protections (The White House 2021, IRAP 2021, Moody 2022). An interrogation of if, and how, TPS functions as a protection mechanism for climate migrants will be crucial in understanding how the United States might begin to establish comprehensive policies that address the human rights and protection needs of climate-displaced people.

Two issues presently exist regarding climate migration policy discourse and TPS’s positionality within it: first, many analyses of legal frameworks for climate migration have remained largely theoretical in nature, which has resulted in rich legal discourse but often lacks specific and feasible policy recommendations. Second, the analyses that have proposed TPS to fill the present policy void in the US have been detached from ground-level studies that interrogate how people experience, benefit from, and are harmed by TPS policy. In this paper, I begin to address these issues by interrogating the ways in which TPS intersects with climate migration both at the national policy level and the individual level. I provide a case study analysis of the federal government’s climate-related TPS designations for Honduras and

Nicaragua, in which I argue that the policy's administrative discretion and inequitable distribution reveal a federal ambivalence toward climate migrants, thus problematizing the proposed expansion of TPS as a viable protection mechanism. Then, through in-depth interviews with migrant service providers¹, I shift the focus of legal framework discourse, which often takes a top-down approach in proposing international or national policy frameworks, to a ground-level analysis of TPS as an existing climate-related migration policy. By hearing from service providers who work directly with climate migrants and TPS applicants and recipients, this study aims to understand the ways in which migrants experience the administration and protections of Temporary Protected Status.

Through this analysis, I posit that in theory and in practice, Temporary Protected Status provides important protections to migrants who are unable to return to their countries of origin due to environmental disaster, to a limited extent. I find that even when TPS is not specifically designated for a country due to environmental disaster, climate-related migrants may actively utilize their country's TPS designation to receive vital benefits in the United States, highlighting migrants' agency in negotiating their own protections. However, the challenges of the precarity and administrative discretion of TPS are significant hurdles for migrants in the US, particularly if they are seeking protection after experiencing climate-related displacement, troubling the policy's claim of providing "protections" to migrants. Nevertheless, the policy can serve as an important basis to understand the experiences, challenges, and necessary work ahead for protecting and accommodating international climate migrants to the United States. These insights are critical for informing the construction of just and compassionate climate migration policy, in alignment with international human rights and in recognition of the United States' role as a

¹ Throughout the text, I reference this study's interviewees as "migrant service providers." When I use this term, it is meant to describe people who provide any number of services for migrants. The term is not meant to suggest that the service providers themselves are migrants.

significant contributor to climate change and global displacement, particularly in Latin America and the Caribbean.

In this paper, I take an analytical approach that centers human rights-based and robust protections for climate migrants as a priority, recognizing that those who are displaced by climate change should be afforded protection from deportation and the right to life and livelihood when they seek refuge in a foreign state.² While this analysis is grounded in a rights-based approach (what I call *compassionate migration policy*), it nonetheless draws upon various justifications for climate migrant protections. I base this analysis in line with four primary justifications for climate migration protections outlined by Benoît Mayer (2011): First, states hold a legal responsibility to assist developing countries that are vulnerable to climate change under the 1992 United Nations Framework Convention on Climate Change (UNFCCC); second, nations have a humanitarian obligation to displaced people; third, the polluter-pays principle suggests that wealthy nations hold a responsibility to support climate migrants given their disproportionately high contributions to the climate crisis; and fourth, states may recognize their own national security interests in legalizing and monitoring climate migration, rather than seeing a dramatic increase in unauthorized and unmonitored migration. While the least “ethical” of these four arguments, the peace and security argument may be particularly important in convincing developed countries to commit to comprehensive climate migrant protections (Mayer 2011). For this reason, I frame this analysis with a rights-based approach, but emphasize that the nation-state may also have a particular non-humanitarian interest in regulating climate migration.

² Of course, similar arguments can be made for other migrants who are not protected under existing protection regimes (McAdam 2012); the present paper does not reject the expansion of welcoming immigration policies to other categories of migrants, but simply focuses on one particular class of migrants that may be in need of increasing protection in the coming years.

In the following sections, I provide a more substantial background on climate migration and TPS, before assessing existing literature on the policy. I then provide the case study analysis, in which I present federal administrative hurdles to TPS as a climate migration mechanism. Then, I utilize interview data to understand how TPS is administered by the state and experienced by migrants, through interviews with immigration service providers. Both of these sections of analysis attempt to understand how TPS operates as a policy mechanism for climate migration, and assess its implications for longer-term policy addressing climate migrants. In the final section, I incorporate these analyses of TPS into legal framework discourse on climate migration. In doing so, I make three specific arguments. First, I find that there are ways in which TPS could be utilized as a feasible climate migration policy in the short-term, avoiding the legislative hurdles related to enacting new immigration law, if the executive branch were truly interested in expanding protections. Second, I highlight the various most pressing issues with TPS that should be addressed, either through TPS reforms or new policy, to better protect climate migrants. Finally, I argue that new, rights-based protective policy should be enacted in the United States to broadly protect climate migrants with an asylum-like status; though such a policy development seems presently unfeasible, investment in a new immigration policy could address issues of both human rights and national interest.

II. Background

Climate-induced migration can take several forms, as environmental issues like constant drought, unpredictable rainfall patterns, extreme weather events, floods, and rising sea levels can all induce displacement and migration (Brown 2007). Importantly, migration due to

environmental stresses is not a new phenomenon, and for many millennia migration was a primary driver of migration due to changes in physical terrain, environmental disaster, or food and water access (Blake et al. 2021, Pan 2020). However, with the establishment of nation states and the increasing militarization and criminalization of borders, climate migration policy in the age of anthropogenic climate change is of vital importance. As climate change makes global weather patterns increasingly unpredictable, climate-related displacement factors are expected to become more common and severe in the coming decades.

Cross-Border Climate-Related Migration to the United States

In the United States, cross-border climate migrants are likely to arrive from regionally proximate countries, including Central American and Caribbean states and Mexico, as most cross-border climate migrants tend to migrate to nearby countries (Mayer 2011, Francis 2019, Blake et al. 2021). Ayazi and Elsheikh (2019) describe the Northern Triangle of Central America (encompassing Guatemala, Honduras, and El Salvador) as “ground zero” for the impacts of climate change in the Americas. Already, the US sees many migrants arrive from these three countries each year, with many migrating due violence, persecution, or economic opportunity. Migration from Central America to the United States rapidly increased in the 1980s in the context of decades of civil war and armed conflict in El Salvador and Guatemala, during which the United States played a significant role in supporting and upholding the repressive regimes that perpetrated state violence in these countries (Mountz et al. 2002, Menjívar 2006).³

Recent migration from the Northern Triangle has been compounded by environmental hardships like drought, destructive tropical storms, and temperature changes (Ayazi & Elsheikh

³ As this paper will discuss later, these are the circumstances that led to the creation of Temporary Protected Status policy in the first place.

2019, 16). The three years of sustained drought in the region from 2014 to 2016, for example, along with temperatures that have risen by 0.5°C since 1950 and are predicted to potentially rise another 1 to 2°C by 2050, exemplify that the issues associated with climate change are already present in the region (Azazi & Elsheikh 2019). People in Central America have experienced several notably destructive hurricanes in recent decades (Hurricanes Mitch (1998), Stan (2005), Eta (2020), and Iota (2020), to name a few), along with several years of drought and unpredictable rainfall patterns (Miner Fuentes & Villagrán de León 2010, Ngong & Meyer 2021, Moody 2022). While damage from hurricanes cannot be exclusively attributed to climate change, climate change can contribute to the increasing frequency and destructiveness of tropical storms. And, even if one considers the link with climate change to be tenuous, destructive hurricanes undoubtedly contribute to the forced displacement of many people, with many fleeing the Northern Triangle in the aftermath of these storms and migrating to the United States (Jordan 2023).

The threat of tropical storms, drought, and changing rainfall patterns are of primary environmental concern in areas of Central America and Mexico (Alscher 2010). Rising temperatures and increasingly unpredictable weather patterns have already harmed crop production and left some farmers destitute in countries like Honduras, where 28% of the labor force works in agriculture, particularly in the coffee industry (Semple 2019). Agricultural strains have led many to migrate already, and while these people may simultaneously be considered economic migrants in search of jobs, it is also necessary to recognize the role of climate-related harms in inducing their migration. Climatic changes and instability are also associated with increased violence, compounding motivations for migration (Miller 2021, Bermeo & Leblang 2021). Furthermore, the history of economic development in Central American countries is

deeply intertwined with ways in which these countries experience climate change today. In Honduras, for example, the 20th century economy focused on the development of an “inefficient” agricultural export economy on land concentrated predominantly in the hands of wealthy landowners, which produced tropical commodities for export to the United States and elsewhere (Pino & Díaz 2022, 13). As the climate continues to change, Northern Triangle economies may be particularly vulnerable due to the disproportionate effect of climate change on their extractive economies, from which the United States has largely benefitted over the past century. In the interrogation of climate-related migration in these regions, it is important to emphasize, as McAdam (2012) argues, that climate change impacts on migration should be situated within social and historical context. In assessing and proposing climate migration policy for cross-border migrants who arrive in the United States, it is crucial to recognize the ways in which the context of economic development, social structure, and American intervention have contributed to histories of displacement and climate vulnerabilities in Central America.

The Status of Climate Migration Policy in the United States

In the United States, the federal government has slowly begun to recognize climate migration as an impending policy challenge and responsibility. In February 2021, President Joe Biden issued an executive order to plan for climate-related migration (Biden 2021), which was followed by the White House’s release of the “Report on the Impact of Climate Migration” in October 2021 (The White House 2021). The report recognizes climate change as a significant threat to global human wellbeing, posits climate migration as an area of national security and foreign policy concern, and highlights several areas of policy focus for addressing climate migration. The report’s primary recommendation is to “establish a standing interagency policy

process on Climate Change and Migration” (White House 2021), essentially recommending the exploration of long-term climate migration policy without specifically outlining how these policies should be developed. The report also highlights the potential for financial investment in development and humanitarian measures abroad as a mechanism to improve climate resilience, address displacement, and facilitate migration (The White House 2021). Two years later, in December 2023, the White House released a follow-up fact sheet, elaborating on steps taken by the federal government on climate migration thus far, but continues to lack any explicit policy actions or legal framework for accommodating international climate migrants who arrive in the United States (White House 2023). These documents demonstrate, at the very least, a recognition of climate migration as an ever-increasing phenomenon, and supposed intentions by the current administration to invest in climate adaptation and provide protections to climate migrants through policy changes (Yayboke et al. 2021). However, the administration has done little to exact specific policy changes to prepare to accommodate international climate migrants. Furthermore, any current efforts to address and accommodate international climate migration may be thwarted by legislative and judicial roadblocks, and the precarity of presidential administration changes.

Nevertheless, as previously mentioned, one of the legislative proposals in the 2021 report is to assess whether an existing immigration policy, Temporary Protected Status, can be reformed to better provide protections for climate migrants:

[The US should] evaluate whether reforms to the TPS statute would offer appropriate protection needs arising from climate-related displacement such as by removing the requirement that governments request TPS designation in cases of “environmental disaster,” establishing a legal mechanism to allow all TPS beneficiaries who otherwise qualify to apply for adjustment to permanent status under existing law, and updating the criteria for designation or re-designation. (White House 2021, 32).

The report recognizes TPS as a presently-flawed mechanism for climate migration protections, but one that could potentially be updated as a climate migration policy. Through this paper, I will further interrogate the policy's placement within the climate change-migration-policy nexus, to articulate how TPS is presently experienced by migrants, how the existing issues with the policy can inform just and feasible policy intervention, and interrogate the authenticity of the federal government's claims to maximize the "use of existing legal instruments to protect individuals displaced by the impacts of climate change" (The White House 2021, 17).

What is Temporary Protected Status?

The United States enacted Temporary Protected Status policy in 1990, as a way to provide temporary protection from deportation to undocumented immigrants who may not be eligible for asylum protections, but for whom returning to their country of origin would not be safe or feasible due to temporary, extraordinary conditions in the country. The Secretary of Homeland Security can designate TPS for a given country when the country experiences one of the following "temporary" conditions: "Ongoing armed conflict (such as civil war); An environmental disaster (such as earthquake or hurricane), or an epidemic; [or] Other extraordinary and temporary conditions" (USCIS, "Temporary Protected Status"). In addition to protection from deportation, TPS recipients can receive legal employment authorization in the US for the duration of their temporary status (*Immigration Act of 1990*). Additional benefits of TPS include the ability to receive a social security number and obtain a driver's license.

TPS designations for a given country last for a period of 6-18 months; in order for migrants to receive this status for longer periods of time, the designation must be renewed by the federal government at least every 18 months. Notably, TPS is designated for nationalities, rather

than at an individual, community, or regional level—meaning that all migrants of the designated nationality are eligible for protections, as long as they have been continuously living in the United States prior to the designation date.⁴ Unlike refugee and asylum statuses, migrants do not need to demonstrate fear of persecution or any other specific hardship; they just need to provide evidence of their nationality and their continued residence in the United States since the date designated for their country (which is easier said than done, according to this study’s interviewees). But because this status was written into law as explicitly *temporary*, TPS provides no path to lawful permanent residence or citizenship in the United States. Nevertheless, as most TPS designations are renewed every 18 months, many recipients of TPS end up maintaining this status for years or decades; the average length of residence in the United States among TPS recipients was over 20 years as of 2020 (Menjívar 2020).

The process of TPS designation for a country is highly discretionary, as the Secretary of Homeland Security (often under the guidance of the President) can exclusively decide when a country should be designated or renewed for TPS, for one of the three applicable reasons (armed conflict, environmental disaster, or other extraordinary circumstances). It is the provision for “environmental disasters” that is of particular interest in this paper. In environmental disaster cases, two further conditions must be met to designate TPS: the foreign state is temporarily unable to accommodate the return of its citizens, and the foreign state has specifically requested TPS designation for its citizens in the United States due to the environmental disaster (*Immigration Act of 1990*, Sec. 302). In these cases, TPS can be designated when the federal government finds that “there has been an earthquake, flood, drought, epidemic, or other

⁴ Individuals are also ineligible for TPS if they have been convicted of a felony or two misdemeanors in the United States, and are in some cases ineligible when they have been convicted of a crime in another country or are engaged in certain other legal proceedings. For more information on migrants who may be ineligible for TPS, see Block et al. (2023).

environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected” (*Immigration Act of 1990*, Sec. 302). Several of the disasters listed in the policy, or for which TPS has been historically designated, are known to be exacerbated by climate change, such as flooding, drought, and hurricanes (Yayboke et al. 2020). However, the text of the policy explicitly highlights the requirement of temporary “disruption of living conditions” in a country. Inherently, either intentionally or unintentionally, the policy is written to exclude what is often considered as “climate migration”—long-term displacement due to climate factors.

As of April 2024, 16 countries have active TPS designations. They are listed in Table 1. Once a country has been designated for TPS, migrants from the given country who have been present in the United States *prior* to the date of designation are eligible to apply. In this paper, I use the term “date of designation” to refer to the original date on which TPS was designated for a specific country; I also discuss TPS *extension* and *redesignation*. These two terms have an important distinction. When a TPS designation is *extended*, it means that, at the end of an 18-month designation period, the federal government has decided to continue to grant protections to TPS recipients from that country for an additional 18 months, but only for those migrants who were eligible under the prior designation. When this happens, the “date of required US residence” does not change, and thus the pool of eligible migrants from that country does not expand. When a country is *redesignated* for TPS, on the other hand, not only is TPS extended for existing TPS recipients from that country, but the date of required US residence is reset. A redesignation allows for previously-ineligible migrants, who arrived to the US too late for the original designation, to potentially gain eligibility for TPS, as long as they have resided in the US since the new required date.

Table 1: Currently Active TPS Designations by Country*As of March 29, 2024*

Country (earliest currently- active designation year)	Number of current recipients and eligible immigrants	Date of Required US Residence (on or before)	Current Designation Expiration Date
Afghanistan (2022)	3,905	September 20, 2023	May 20, 2025
Cameroon (2022)	2,200 7,900*	October 5, 2023	June 7, 2025
El Salvador (2001)	184,035	February 13, 2001	March 9, 2025
Ethiopia (2022)	1,880	April 11, 2024	December 12, 2025
Haiti (2010)	164,235	November 6, 2022	August 3, 2024
Honduras (1999)	55,360	December 30, 1998	July 5, 2025
Myanmar (2022)	9,420	March 21, 2024	November 25, 2025
Nepal (2015)	8,100	June 24, 2015	June 24, 2025
Nicaragua (1999)	2,930	December 30, 1998	July 5, 2025
Somalia (1991)	470	January 11, 2023	September 17, 2024
South Sudan (2011)	120	September 4, 2023	May 3, 2025
Sudan (2022)	1,015	August 16, 2023	April 19, 2025
Syria (2012)	3,880 2,550*	January 25, 2024	September 30, 2025
Ukraine (2022)	26,215	October 20, 2023	April 19, 2025
Venezuela (2021)	239,175 472,000*	July 31, 2023	April 2, 2025
Yemen (2015)	1,790	December 29, 2022	September 3, 2024

*Estimates of additional individuals eligible for TPS under the most recent 2024 redesignations for these countries. The number above represents the number of current recipients and eligible immigrants under their previous designation. These estimates have been made by Pew Research Center (2024): “How Temporary Protected Status has expanded under the Biden administration.”

Each of the countries are listed with their earliest active designation date in parentheses. All of these countries have had their TPS status extended at least once since their original designation date. For countries where the date of required US residence is after the year listed in parentheses, they have been redesignated at least once for TPS since their original designation. All current designations expire in 2024 or 2025, and must be extended in order for current TPS recipients to maintain their status.

Data compiled from the US Department of Justice Executive Office for Immigration Review, US Citizenship and Immigration Services, and Pew Research Center (2024). Pew Research Center estimates that about 1.2 million immigrants are currently eligible for or receiving TPS in the United States.

Temporary Protected Status Designations for Central American Migrants

In 1990, TPS was first designated for migrants from El Salvador, in the context of the country's ongoing civil war (Chishti and Yale-Loehr 2016, cited in Menjívar 2017). Until then, Salvadorans had largely been excluded from asylum protections in the United States, as the US refused to recognize the threats of persecution in El Salvador under the US-backed regime, likely so as to not contradict its own foreign policy supporting the country's military regime (Mountz et al. 2002). The federal government enacted TPS as a temporary protection measure in the context of US officials' concerns in the 1980s that more comprehensive asylum policies could result in significant increases in the arrival of migrants from Central America, many of whom were fleeing armed conflict (Coutin 2011). TPS has thus long been intertwined with US foreign policy and political interests, particularly as they relate to immigration from Central America.

The United States has designated and extended TPS for natural disaster-related reasons for several Central American countries over the past few decades. In addition to the 1990 designation for El Salvador—which transitioned to a deferred enforced departure (DED) policy in July 1992, and was subsequently terminated in December 1994—there have been TPS designations for Honduras and Nicaragua (1999) and a new designation for El Salvador (2001), all of which still remain active in 2024 (USCIS). For both Honduras and Nicaragua, the federal government designated Temporary Protected Status due to the destruction caused by Hurricane Mitch in late October 1998 (US Department of Justice 1999).

Nicaragua and Honduras are the primary examples of TPS designation for climate-related environmental disaster.⁵ El Salvador, Honduras, and Nicaragua are unique in the length of time

⁵ Here, I make the distinction between “climate-related environmental disasters” and other environmental disasters. Many scientists believe that climate change has an impact on the strength and frequency of extreme weather events like hurricanes, whereas natural disasters like earthquakes do not have the same link to climate change. Several countries have been designated for TPS due to earthquakes, but Honduras and Nicaragua are the only countries that have been designated for an extreme weather event.

they have been designated for TPS—Honduras and Nicaragua have two of the longest-lasting ongoing designations, having been continuously extended since 1999—meaning that all TPS recipients from these two countries have been eligible for TPS for 25 years, and have all been present in the United States for 25 years or more (USCIS).⁶ El Salvador has similarly been designated for TPS since 2001, in the aftermath of that year’s earthquakes (USCIS).⁷ Because of these lengthy designations, many have suggested that while TPS was designed to be explicitly temporary—and to accommodate migrants who are displaced due to “temporary” environmental harms—the policy effectively achieves a *de facto* permanence in these cases (Menjívar 2017). While the Trump administration announced an end to TPS for people from El Salvador, Honduras, and Nicaragua, these terminations were halted by federal courts, until the Biden administration extended these countries’ designations in 2023 (Moody 2022, DHS 2023). El Salvador and Honduras are two of the designated countries with some of the most recipients of TPS in the US; as of March 2024, over 184,000 Salvadorans and over 55,000 Hondurans are active recipients of temporary protection (Moslimani 2024).

While Honduras and Nicaragua are the primary examples of TPS designations due to climate-related environmental disaster, several countries have also been considered for disaster-related temporary protections since the enactment of TPS. In 2004, states in Southeast Asia affected by tsunamis were not granted TPS, and Pakistan was considered by members of Congress for TPS in 2005 following an earthquake, but did not ultimately receive a designation (Segerblom 2005). More recently, many have advocated for the designation and re-designation

⁶ Due to their date of designation and the lack of any subsequent redesignations, Nicaraguans and Hondurans must have resided in the United States prior to December 30, 1998 to be eligible for TPS.

⁷ As previously mentioned, El Salvador was also designated for TPS in 1990, a designation that expired prior to the new designation in 2001.

of several Central American countries in 2020, in the aftermath of Hurricanes Eta and Iota that caused immense damage, which I further discuss in the Case Study.

TPS as Climate Migration Policy?

Due to its nature as the only immigration policy in the United States specifically related to environmental displacement, TPS is frequently featured in climate migration policy discourse. There are several ways in which TPS is connected to climate migration policy; however, it is important to recognize that there are significant reasons to distinguish TPS from climate migration discourse. First, and most obviously, TPS is designed as a temporary status—it does not explicitly address the issue of permanent displacement that may result from climate change. When invoked in the context of an environmental disaster in another country, TPS, by design, assumes that disaster displacement is temporary. Even if, in practice, TPS has resulted in *de facto* (though ever-precarious) permanence (Hallett 2014, Menjivar 2017), the provisions set forth in the policy deal with “temporary” disasters rather than irreversible climate displacement. Second, TPS is designated at the discretion of the federal government. No mechanism currently exists to broadly protect climate migrants who may arrive in the United States; instead, TPS eligibility is defined narrowly and discretionarily by country of origin. And third, the factor that most strongly differentiates TPS from something like an asylum status for climate migrants, is that TPS is granted retroactively. That is to say, when TPS is designated for a given country, only migrants who were in the United States on or before the date of designation become eligible for TPS.⁸ From this view, TPS may not really be a protection for climate or environmental

⁸ As already discussed, for Nicaragua and Honduras, the federal government designated TPS on January 5, 1999, and all migrants from these two countries who had resided in the US prior to December 30, 1998 were eligible for protections. In perspective, Hurricane Mitch made landfall two months prior, in late October 1998. Because of this, migrants who were displaced by Mitch and arrived to the US within the next two months could have received protection for their environmental migration, but also anyone who had arrived at any point prior to the December

migrants (those who fled their countries *because* of the environmental event), but rather a mechanism for those already in the US to be protected from deportation in the aftermath of the disaster. Many recipients of TPS are not those who migrated due to the environmental disaster at all.

Temporary Protected Status was not enacted with permanent climate displacement as a primary consideration, nor was it designed to incorporate migrants as permanent residents or citizens of the United States. For these reasons, an analysis of TPS as an indicator for climate migration policy in the US may seem like an apples-to-oranges comparison. What merit is there in analyzing TPS in the context of climate migration policy, when it was never designed or conceptualized as a mechanism for accommodating permanently climate-displaced persons? While one could write off TPS as irrelevant to climate migration policy, doing so ignores the important role of TPS in emerging climate migration legal discourse. Because TPS is regarded as the only federal policy providing protections for migrants in the aftermath of environmental disaster, and is cited by the Biden administration's White House as a potential policy to accommodate climate migration, the policy holds a place within the climate-migration-policy nexus, and should be thoroughly interrogated and troubled in order to inform future policy in the US.

1998 designation date (even decades prior) were eligible to receive temporary protection. Those who arrived after that date (which may have included many people who were displaced by the hurricane) were ineligible.

III. Literature Review

Climate Migration Terminology

The existing literature on climate migration, law, and Temporary Protected Status is broad-reaching and comprehensive. A significant amount of climate migration literature is dedicated to debating and defining the terminology of this phenomenon, to determine how the elusive concept of “climate migration” should be characterized. The term “environmental refugee” was first coined by Brown et al. (1976), introducing climate-related displacement into scholarly discourse (Mahmoud 2022). While some scholars and climate-displaced people argue for the continued use of the terms “environmental refugees” and “climate refugees” to add urgency by ascribing refugee status to climate migrants (Brown 2007, Kent & Behrman 2018, Nabenyo 2020). However, others argue that the definition of ‘refugee’⁹ specifically requires a genuine fear of imminent persecution in one’s country of origin, and thus does not encompass climate migrants (Mahmud 2022, Ayazi & Elsheikh 2019, Hynie et al. 2020).¹⁰ Researchers have also found that people in climate-vulnerable places, such as low-lying Pacific island states, tend to reject the identity of “climate refugees” as dismissive of their own resilience and agency (McAdam 2012, Perumal 2018). For these reasons, many instead utilize the terms *climate migration* and *climate displacement*, with the “migration” term emphasizing migrant agency, while the “displacement” term emphasizes the nature of forced migration that climate change can cause. Blake et al. (2021) use the term “climate mobility” to encompass both voluntary migration and displacement; however, in this paper, I primarily use the term “climate migrants”

⁹ Under the 1951 United Nations Convention Relating to the Status of Refugees and the US Refugee Act of 1980.

¹⁰ There is an important distinction in immigration terminology between a “refugee” and an “asylum seeker” or “asylee.” In the US, asylum seekers must meet the same requirements of persecution based on “Race, Religion, Nationality, Membership in a particular social group, [or] Political opinion” as refugees do (USCIS); the difference between a refugee and an asylum seeker is that an asylum seeker is already present in the destination country when they apply for protections, while a refugee has been evaluated and designated their status in a middle-country before being resettled in the US.

to generally identify all people who move, at least in part, due to climate change. Some scholars also utilize terminology such as *climate-related* migration or displacement, to highlight the uncertainty in ascribing migration phenomena specifically to climate change, and to emphasize the interrelation of climate factors with other migration factors.¹¹

Another challenge with defining climate migration is that while environmental events and climatic changes can induce displacement, people rarely migrate exclusively due to environmental factors (Ossion 2015, cited in Mahmud 2022; Ayazi and Elsheikh 2019, Sigelmann 2019). Displacement in the wake of environmental disasters can be seen as environmental migration, but can also be the result of poor planning, extractivism, or inequality such that events like hurricanes are particularly destructive in some areas (Brown 2007). Climate-induced migration is frequently intertwined with other reasons for migration, as climatic disasters exacerbate migration factors like economic immobility, violence, and insecurity (Brown 2007, Mahmud 2022). Because of the multilayered nature of the reasons for any person's disposition to migrate, and due to the lack of state- or international-level recognition of "climate migration," climate migrants are often designated exclusively as either economic migrants or political refugees in their arrival countries (Mahmud 2022, Doering-White et al. 2024). This erasure of climate as a driver of migration creates difficulty in recognizing a need

¹¹ A nuanced distinction also exists between the concepts of 'environmental migration' and 'climate migration.' While the two are largely intertwined, several scholars suggest that the two terms bear slightly different meanings. The International Organization for Migration set forth an international definition of environmental migrant in 2007, and subsequently published a definition of climate migrant in 2019. They defined environmental migrants as persons who leave their habitual homes due to "sudden or progressive change in the environment that adversely affects their lives or living conditions" (IOM 2007, 1-2). Essentially, under the 2019 definition, climate migrants are a subset of environmental migrants who migrate specifically based on the adverse effects of human-induced climate change on their homes or livelihoods. This, of course, draws a blurred line—for example, any given destructive hurricane may be seen as an environmental disaster that can induce migration, while increases in frequency and magnitude of hurricanes may be caused by climate change. Discursively, however, environmental migrants are frequently defined as persons who migrate due to specific environmental disasters, while climate migrants migrate due to larger-scale directional climatic shifts that alter the long-term ability of individuals to stay in their places of origin. Therefore, the designations for Temporary Protected Status in the US based on environmental disasters can be viewed as addressing environmental displacement, but may also address climate-related displacement.

for political action tailored to the specific experience of climate-displaced persons, as without a definition for climate migration, a nation-state or governing body can largely (intentionally or unintentionally) disregard the existence of climate migrants.

Present Discourse: Conflicting Frameworks, Theoretical in Nature

Much of the existing literature on climate migration law and policy focuses on international legal frameworks, and scholars largely argue that a human rights-based approach can provide the necessary normative framework for establishing climate migration protections (McAdam 2012, Manou & Mihr 2017, Keshen et al. 2021, Sussman 2023, among others). Manou and Mihr (2017) suggest that the 1948 Universal Declaration of Human Rights can provide an important normative direction in the construction of international climate migration policy. McAdam (2012) points to a few reasons for the importance of situating climate migration within a broader human rights context: international human rights law provides minimum standards for a country's treatment of individuals within the territory of the sovereign state, and human rights law may also provide a legal basis for protection if one's human rights are at risk through the principle of complementary protection. By focusing on complementary protection through a rights-based approach, McAdam argues, a legal protection framework can address the nature of the *potential harm* that climate migrants might experience, rather than adjudicating the *cause* of migration (as climate-related displacement is difficult to define). The difficulty with defining climate change as a principle cause of migration leads many scholars to agree that existing international environmental law is largely insufficient as a basis for adjudicating climate migration protections, as environmental law is underdeveloped and largely non-binding (McAdam 2012, Sussman 2023). Nevertheless, while many advocate for a human

rights-based approach, others argue that there is a lack of efficiency in human rights law (and international law in general), leaving too much up to national “interpretation” that often prevents quick and efficient protections (Mayer 2011, 388).

Several scholars begin their discussion of international climate migration policy with the 1951 Refugee Convention, recognizing that it does not specifically provide protections for climate-displace people, but could be amended or interpreted to accommodate climate displacement (Mayer 2011, Francis 2019, Sussman 2023). Currently, climate migrants may only experience refugee protections if their climate-related displacement exists in combination with established grounds for Refugee Convention protections (Francis 2019). Persecution requires “human agency,” and thus cannot be committed by the climate itself; however, if an asylum seeker can show that the government might deliberately exclude them from government aid or resources in the wake of a climatic event, they may be able to make a case for persecution in their asylum proceedings (Sussman 2023, 62). Sussman (2023), however, suggests that refugee law could apply for some climate migrants: the persecution requirement under the Refugee Convention could be met prior to, or in the wake of, environmental disaster, wherein governments may withhold resources from marginalized groups or exclude them from government aid and benefits (Sussman 2023). Ferris (2017) suggests looking to the international refugee regime as the best applicable normative framework for people who are “forced” to migrate due to climate change; however, she also recognizes that a major difficulty with establishing just frameworks for migrant protections is identifying the nature of a person’s migration. While we can view some migrants as being “forced” from their homes, and thus having a more compelling reason to be incorporated into the refugee system under a new legal framework, states may consider others’ choice to migrate to be more voluntary (Mayer 2011).

This distinction between “voluntary” and “forced” may be quite binary in written international law, but it is not so easy to categorize migrants into these two groups—particularly in the context of climate migration, in which it is difficult to even attribute certain environmental phenomena to climate change (Ferris 2017). These uncertainties are compounded by the multi-causal nature of climate migration, wherein political, social, and economic reasons often simultaneously contribute to push- and pull- factors for any individual’s choice to migrate (Mayer 2011, Ferris 2017, Blake et al. 2021).

While international law can provide important theoretical and analytical frameworks for climate migration policy, the nation-state is an extremely important level of analysis for the enactment climate migration policy, as the sovereign state holds the power to shape access to work, rights, and social benefits for all people in its territory (Menjívar 2006). Importantly, the nation constructs the lawfulness or unlawfulness of migrants within its borders, which in turn constructs the identity and power of the nation itself (de Genova 2005, Menjívar & Abrego 2012). Some argue for the US and Western European countries to establish welcoming climate migration policies, as these countries have played a significant role in creating mass displacement, not only through disproportionate contributions to climate change (Mayer 2011), but also through histories of extraction, intervention, and violence (Miller 2017, Ahuja 2021, Pierre 2023). Miller (2017) views these countries’ policies as contradictory, as it is the same displacement-causing countries that continue to increasingly militarize their borders and criminalize border crossings.

Literature on Temporary Protected Status

In its almost 35 years in US immigration law, Temporary Protected Status has been frequently studied by researchers and policymakers. Studies have largely focused on the relative benefits of TPS compared to undocumented status, along with the shortcomings of the policy in actively protecting migrants. Several studies have highlighted the benefits that migrants experience under Temporary Protected Status. Menjívar (2017) finds that TPS recipients have been shown to experience higher incomes, higher rates of home-ownership, and improved quality of life compared to their undocumented counterparts. Studies have further shown that TPS recipients have higher labor force participation than the general US population (Menjívar 2017, Warren & Kerwin 2017). Orrenius and Zavodny (2015) find that TPS allows migrants to move into better jobs than they would be able to without TPS.

While TPS provides immediate benefits to its recipients, a common point of contention in TPS analysis is its “temporary” nature. Many studies find that TPS, though technically “temporary,” has resulted in a *de facto* permanent status for its designees (Menjívar 2017). Although Congress may have intended for TPS to remain a short-term status, the “extraordinary conditions” for which TPS is designated often have long-lasting implications for displacement (Kerwin 2014, 58). This leads to problems for both the state and migrants, who find themselves in a position of “enduring contradiction,” as migrants are subjected to an “indefinite state of temporariness” with no path toward legal residency (Hallett 2014, 622). Mountz et al. (2002) suggest that the temporariness of the policy is used by the US government to prolong immigrants’ experience of displacement indefinitely, denying them the paths toward permanence and other rights experienced by refugees and asylees.

Many studies question the “protective” nature of Temporary Protected Status. The lack of transparency in TPS designations makes it difficult to understand why some countries that experience armed conflict or environmental disaster receive TPS designations, while others do not (Kerwin 2014, 56). Several scholars have highlighted the ways in which the federal government wields the administration of TPS to serve its own interests, rather than the interests of “protected” migrants (Mountz et al. 2002, Menjívar 2006, Frelick 2020). According to Frelick (2020), the federal government enacted TPS in large part to fill in gaps in the US asylum system, and alleviate asylum backlogs. Helms & Leblang (2022) suggest that TPS is a “tool of economic statecraft,” meaning that the policy can be utilized by the state to regulate flows of irregular migration. They argue that the policy augments household income of migrants who are already present in the US, allowing them to send greater remittances back to their places of origin, which reduces the propensity of other members of their household to migrate to the United States for economic opportunity (Helms & Leblang 2022). Mountz et al. (2002) assert that the United States pursues immigration policies that achieve its political and hegemonic agendas, seeing immigrants as economic pawns rather than persons in need of protection. Hallett (2014) suggests that TPS allows for increased visibility and surveillance of previously undocumented immigrants, so that the state can utilize their files and records to more easily deport them when a TPS designation is terminated. This political and self-serving nature of TPS should be investigated in the context of climate migration, to interrogate the policy’s ability to provide just, rights-based protections to climate migrants.

Other works on temporary immigration statuses emphasize the agency of migrants within immigration policy. Under documented, undocumented, and liminal statuses, Central Americans in the US have long advocated for legal protections for themselves and new arrivals;

immigrant-rights groups even played a substantial role in getting TPS enacted and designated for El Salvador in the first place (Menjívar 2006). While immigration statuses are wielded as a mechanism of control and exist as a legal construction by the nation-state (Mountz et al. 2002, de Genova 2005, Menjívar & Abrego 2012), immigrants nevertheless utilize the law to obtain justice, working to define themselves as “legal” through redefinitions and reinterpretations of the law (Menjívar 2006, Coutin 2011). The present paper contributes to this body of research, highlighting the ways in which migrants and immigrants’ rights groups negotiate and advocate for protections, specifically as they relate to climate migration.

In recognition of the failures or shortcomings of TPS, many have proposed changes or the policy, largely having to do with the temporary and liminal nature of the status. Many suggest provisions for lawful integration into the United States for those who have been designated for TPS for several years. A primary recommendation in the literature is that TPS recipients should have a path to lawful permanent residence (LPR) (Bergeron 2014, Kerwin 2014, Warren & Kerwin 2017, Frelick 2020). As of now, no path toward permanent status of any kind exists specifically for TPS recipients (Menjívar 2017). Some scholars and analysts further recommend a subsequent path to citizenship for TPS recipients (Warren & Kerwin 2017, among others). In addition to a path to lawful permanent residence for long-term TPS holders, Bergeron (2014) recommends that the US implement a repatriation program for shorter-term TPS recipients to return to their country of origin.

Scholars have occasionally discussed TPS specifically as it relates to environmental migration. Frelick (2020) points out that by restricting TPS access to those present prior to a country’s designation, the policy does not serve as a mechanism to actively protect people who are actually displaced by an environmental disaster. And as previously mentioned, climate

migration scholars frequently reference TPS as one of the only existing policies in the United States related to environmental disaster and migration (Jayawardhan 2017, Ayazi & Elsheikh 2019, Mahmud 2022, García 2022). However, few have interrogated the positionality of TPS within the climate-migration nexus.

While TPS has been analyzed and problematized by several analysts in order to make recommendations for improved protection regimes for displaced migrants, this study's methodological approach analyzes TPS at both the federal administrative level, and at the level of ground-level service providers. There presently exists a methodological gap in incorporating ground-level analysis of migrants' experiences with TPS in proposing climate migration frameworks in the United States. A thorough, migrant-centered interrogation of TPS in the context of proposed climate migration frameworks has not yet been done, and it can help to ground the presently heavily-theoretical discussion of climate migration legal frameworks in the only existing US policy related to environmental displacement. In the next section, I begin this interrogation with a case study, which highlights federal-level "administrative ambivalence" as a major hurdle for migrants to receive temporary protections.

IV. Discretionary Designations and Administrative Ambivalence: A TPS Case Study

To understand the present administrative hurdles to TPS as a climate migration policy, I provide a case study of Honduras and Nicaragua, two countries that each received TPS designations in 1999 in the aftermath of Hurricane Mitch. As previously mentioned, these are two of the only countries that have been designated for TPS specifically due to climate-related environmental disasters. Their designations in 1999 resulted in tens of thousands of immigrants

in the United States gaining access to temporary protections, and the federal government has continuously extended these original designations, so that the original designees remain eligible for TPS to this day. In 2024, over 55,000 Hondurans and approximately 3,000 Nicaraguans still retain Temporary Protected Status, all of whom have been in the United States since at least 1998 and have held this status for up to 25 years (Pew 2024).

I compare these designations in the aftermath of Hurricane Mitch to the US government's response to similarly destructive hurricane events in 2020, when Hurricanes Eta and Iota inflicted substantial destruction primarily in Honduras, but also in Nicaragua, Guatemala, and El Salvador (OCHA 2020). Through this comparison, I highlight the arbitrary and political nature of environmentally-related TPS designations, demonstrating a federal-level ambivalence toward actual climate migrant protections. This analysis specifically interrogates the comparative response of the US federal government in these two cases. In doing so, I identify both the discretionary nature of TPS designations and what I call "administrative ambivalence" as two barriers that prevent TPS from adequately protecting migrants in events of environmental disaster.

I begin by highlighting the environmental and displacement situations of Hurricane Mitch in 1998 and Hurricanes Eta and Iota in 2020. I then compare the two events and their impacts on countries in Central America, demonstrating their similar contexts. To do so, I draw upon period-specific governmental and NGO reports, news articles, first-hand accounts, and historical accounts to understand the impacts of each of these environmental events, and the subsequent immigration policy responses (or lack thereof) in the United States. These events, as I will show, brought about similar levels of destruction and displacement in Central America, yet resulted in different TPS outcomes in the US, with TPS designations for Honduras and

Nicaragua after Mitch, but no new designations in the aftermath of Eta and Iota. This case study therefore provides an ideal point of comparison to emphasize the discretionary and inconsistent nature with which the federal government designates TPS in the context of environmental disasters. I then situate this discretion and inconsistency within the Biden administration's own climate migration proposals, which claim to prioritize the extension of existing protection mechanisms to climate migrants to their fullest extent. This analysis demonstrates the harms of discretionary designation of climate-related protections, and that executive action has not, thus far, prioritized the protection of climate migrants.

Environmental Context: Hurricane Mitch (1998)

On October 29, 1998, Hurricane Mitch made landfall over Honduras, and grew to a severe Category 5 storm (Guiney & Lawrence 1999, Calcaño 2021). The hurricane, which lingered over Honduras for almost a week with a torrential downpour and wind speeds up to 180 miles per hour, left over 7,000 people in Honduras dead, and millions displaced or without water for several weeks or more (ECLAC 1999a). Hurricane Mitch caused large-scale destruction of Hondurans' livelihoods, including homes, businesses, and farmland (ECLAC 1999a). In all, the cost of the damage caused by Hurricane Mitch in Honduras was initially estimated by the United Nations Economic Commission for Latin America and the Caribbean (ECLAC) at approximately US\$2 billion, with an additional US\$1.8 billion in estimated production losses (ECLAC 1999a). The hurricane damaged at least 70,000 houses in Honduras, and contributed to an approximately 50% loss in the country's agricultural crops (Guiney & Lawrence 1999). Decades of neoliberal policies in Honduras exacerbated the impacts of Mitch, as years of deforestation and displacement of small farmers made poor Hondurans particularly vulnerable to mudslides, losses

of livelihood, and hurricane destruction (Smith 2013). In Nicaragua, the next-most impacted country, at least 3,000 people died in the storm and subsequent mudslides, while the country incurred approximately US\$1 billion in damages (ECLAC 1999b). Guiney and Lawrence of the National Hurricane Center (1999) declared that Mitch “was one of the deadliest Atlantic tropical cyclones in history” (Guiney & Lawrence 1999, 4).

As a result of the destruction caused by this devastating weather event, many countries pledged a combined \$9 billion in donations for recovery across the affected countries in Central America. In the month following the hurricane, the United States provided \$304 million in aid for immediate recovery, and sent an additional \$999.9 million to Central American countries in February 1999 (McHugh 1999). By January 1999, the US federal government determined that both Honduras and Nicaragua were temporarily unable to adequately handle the return of their nationals from the United States, and designated them for TPS (US Department of Justice 1999). As previously mentioned, this designation has resulted in extensions every 18 months for both Honduras and Nicaragua, such that immigrants who became eligible for TPS in 1999 are still eligible for protections today. While TPS status comes with its own challenges of precarity and impermanence, this designation has provided thousands of Hondurans and Nicaraguans with protection from deportation and access to work permits for 25 years. In contrast, migrants from nearby countries (like Guatemala), and migrants from these two countries who arrived to the US after 1998, do not have access to the same protections, even if they have experienced similar political, economic, and environmental forces on their migration.

Environmental Context: Hurricanes Eta and Iota (2020)

Decades after Hurricane Mitch, the year 2020 saw the most storms on record, and the second-highest number of hurricanes ever recorded, in the Atlantic (IFRC 2022). On November 3, 2020, Hurricane Eta made landfall in Nicaragua, and progressed throughout Central America as a Category 4 hurricane. Like Mitch 22 years earlier, Hurricane Eta caused its most significant destruction in Honduras, leaving approximately 61,000 people homeless in the following months, with extensive flooding and mudslides, and many people displaced to temporary shelters (Crombleholme 2020). Hurricane Eta alone accounted for approximately \$6.8 billion in damage across Central America (IFRC 2022). Just two weeks later, Hurricane Iota made landfall in Nicaragua as a severe Category 5 storm (IFRC 2022), the strongest recorded storm to ever reach Nicaragua (Al Jazeera 2020), exacerbating the already precarious situation for displaced individuals. This was the first time on record that two hurricanes hit Honduras during the same season (World Bank 2021). Eta and Iota caused the evacuation of over one million people, with a preliminary estimate of \$10 billion in economic damages in Honduras and around 100,000 homes damaged (Mathema & Jawetz 2020, Ngong & Meyer 2021, World Bank 2021). As a result of the hurricanes and their widespread destruction, thousands of migrants made their way to the United States (Rubi & Gaynor 2021, Jordan 2023).

These combined hurricanes caused damages at a scale similar to Hurricane Mitch in 1998, causing even more economic damage in Honduras than Hurricane Mitch did, as the numbers above show (Mathema & Jawetz 2020). While the death toll was significantly lower for Eta and Iota as compared to Hurricane Mitch, the extent of displacement and damage to homes and infrastructure are of primary interest when considering TPS as an environmental migration mechanism. With tens of thousands of people left homeless in both cases, billions of

dollars in damages, and extreme threats to mobility and livelihoods, many view the combined effects of Hurricanes Eta and Iota as comparable to the damage and displacement precipitated by Hurricane Mitch (Mathema & Jawetz 2020, Ernst 2020).

In early December 2020, Honduran Foreign Minister Lisandro Rosales announced that Honduras had formally requested a TPS redesignation for its nationals in the United States, which would have allowed many presently undocumented Hondurans to access protections in the US. Several US organizations and lawmakers have advocated for TPS designations and redesignations for Central American countries, recognizing the substantial damage that the 2020 hurricanes had caused. Nonetheless, TPS was never redesignated for Honduras, Nicaragua, or El Salvador, nor designated for Guatemala, all of which were impacted by these highly destructive storms (USCIS).

Highlighting Discretion and Ambivalence

Taking these two cases of similarly destructive hurricanes in Honduras and Nicaragua together highlights a seeming contradiction: why should TPS have been granted in one case, but not the other? These examples emphasize the highly discretionary nature of federal administration of TPS policy, which has no specific definitions for qualifying “environmental disasters” or “armed conflict,” allowing the executive branch to have unilateral power in determining which migrants are deserving of protection, and which are not. This discretion renders TPS a highly politicized policy, wherein the federal government provides immigrant protections when doing so would be politically or economically expedient (Mountz et al. 2002). The 1999 TPS designations for Nicaragua and Honduras was deeply intertwined with the Clinton administration’s foreign policy efforts, as demonstrated by the *Congressional Research Service’s*

summary of the government's rationale for providing aid in the aftermath of Mitch: "The reasons given for this emphasis [on aid for Central American countries] are the trade potential of the region, support for the growing movement toward democracy, and concern that a slow response might trigger instability in the region or encourage large numbers of disaster victims to migrate to the United States" (McHugh 1999).

Highlighting the discrepancy between these two events is not to say that the federal government necessarily has an obligation to extend TPS to the countries affected by Eta and Iota, but rather demonstrates that the discretion with which TPS is administered renders it unreliable in providing adequate protections to climate-displaced persons. While these hypothetical TPS designations would have been unlikely in the final two months of the Trump administration, which aimed to severely limit the scope of TPS (Moody 2022), the Biden administration could have redesignated TPS for Honduras in his first days as president, just two months after these destructive hurricanes. Since taking office, the administration has not expanded TPS for environmental reasons in any capacity, despite its 2021 climate migration report which stated that "[t]he use of existing legal instruments to protect individuals displaced across borders by the impacts of climate change is limited in scope, and the United States should endeavor to *maximize their application*, as appropriate, to such individuals" (The White House 2021, 17, italics added). In advocating for maximizing the utilization of existing legal tools for climate migration, the administration has suggested a prioritization of protections. However, it has not, in practice, utilized its unilateral power over TPS administration to designate countries for environment-related TPS, even when circumstances are extremely similar to historical environmental designations. I identify this compassion/inaction as administrative ambivalence, wherein the federal government has largely remained ambivalent toward actively providing relief

to climate-related migrants who seek protections in the United States. This ambivalence serves as a significant hurdle to the administration's own proposal of TPS as an area of expansion for climate migrant protections, as administrative action is necessary for climate migrants to be protected under TPS.

The Biden administration's lack of action on climate-related TPS designations for Central American countries also stands in contrast with its unprecedented expansion of TPS for other countries. With the administration's two designations for Venezuela alone, the number of TPS-eligible individuals in the United States has almost doubled (Moslimani 2024). Furthermore, of the 16 countries currently designated for TPS, the Biden administration has been responsible for the designation or redesignation of 12 of them (USCIS),¹² demonstrating the administration's willingness to expand TPS protections (Moslimani 2024, see Table 1). Despite this apparent interest to expand migrant protections, no new designations have been issued due to environmental disasters, and the federal government has not issued any new designations or redesignations for Central American countries. Even with an administration that claims to be willing to utilize all of its existing tools to protect climate migrants, highlights TPS as a potential climate migration protection mechanism, and has embraced other expansions of TPS, TPS protections for climate-displaced migrants have not been enacted. If the federal government does not recognize an extreme weather event comparable to that which previously prompted TPS designations for Honduras and Nicaragua, the ambivalence with which TPS is designated for environmental disasters demonstrates a significant protection gap for climate migrants. It seems quite unlikely that TPS can broadly extend protections to climate migrants who need them, so

¹² Three of the four countries that have not been redesignated by the Biden administration are all of the Central American countries currently designated: Honduras, Nicaragua, and El Salvador.

long as presidential administrations do not prioritize climate-related displacement within their implementation of the policy.

V. TPS and Climate Migrants: Narratives from Migrant Service Providers

To better understand the experiences of individuals who navigate life in the United States under Temporary Protected Status, I turn to interviews with migrant service providers who shed light on the experiences of the migrants with whom they work, particularly in relation to TPS, navigating immigration law, and climate migration. Through semi-structured interviews with service providers and legal professionals, I interrogate TPS and climate migration narratives side-by-side. While not all experiences with Temporary Protected Status policy have to do with climate migration or environmental disaster, understanding the experience of recipients of TPS from any country can provide revelations about the role that TPS plays within climate migration policy.

Methodology

This section utilizes data from semi-structured interviews with lawyers, nonprofit workers, and community organizers who regularly work with TPS applicants and recipients. I interviewed ten individuals for this project, all of whom work with TPS applicants and recipients in the state of Illinois, primarily in the Chicagoland area.¹³ The sample area was selected in part due to convenience: because TPS exists throughout the United States, TPS applicants and recipients are present throughout the country. Despite its relative distance from the southern border of the United States, the Chicago area has recently seen increasing rates of new migrant

¹³ A full list of all of the interviewees, with de-identified descriptors, is included in Appendix 1.

arrivals, as some Republican-controlled border states have sent thousands of buses of migrants to Democratic-controlled states across the country over the past two years. As of February 2024, the Texas state government has spent over \$148 million to transport well over 100,000 migrants to other states since April 2022 (Martínez-Beltrán 2024). The vast majority of these migrants have come from Venezuela, making many of them eligible for TPS, depending on their date of arrival to the United States. In addition to recent arrivals from Venezuela, the Chicago area has also been a site of climate migration from Central America, including in the wake of Hurricanes Eta and Iota. A prominent 2023 article in the *New York Times*, for example, highlighted the asylum claims of indigenous *Misquito* migrants, who left Honduras following the hurricanes and eventually arrived in Waukegan, a suburb of Chicago, as they navigate their cases for legal protection in the United States (Jordan 2023). One of this study's interviewees identified Chicago as both a city that has taken a leading position in climate migration advocacy (in the Cities for Action coalition), and a likely destination for internal and international climate migrants due to its relative insulation from climate-displacing factors (Interview 9).

States like California, Texas, Florida, and New York, which have the highest numbers of TPS recipients in the US (Moslimani 2024), have been the sites of several previous interview-based studies on TPS (see Menjívar & Abrego 2012, Menjívar 2017, Gleeson & Griffith 2021, among others). While these states and borderland areas that may have higher numbers of climate-related migrants are important sites of study, the Chicagoland area has long been a home for diasporic communities and an important site for migration studies (de Genova 2005). Due to Chicago's long history as a city of migrants and its almost four decades as a sanctuary city (Cherone 2023), the city and its surrounding communities are home to dozens of

immigrant-oriented community organizations and legal service providers and clinics, who aid migrants in accessing protections and general services.

My proximity to Chicago-based organizations and individuals allowed for direct access to individuals who could contribute insights to this research. My outreach to prospective interviewees took several forms. I contacted several lawyers and nonprofit employees, asking if they would be willing to participate in this research. In addition to communications sent to a wide net of service providers, I recruited interviewees through existing relationships with migrant shelter volunteers. I also worked with local TPS application workshops in Chicago, allowing me to interview community organizers and engage with current TPS applicants. In addition, I asked prospective interviewees to share my contact information with other individuals whom they thought would provide an important perspective for this project.

This study incorporates a diversity of perspectives by including various different types of service providers. I engage the perspectives of legal service providers from several different organizational positionalities: lawyers from immigrant service nonprofits that provide TPS services to migrants of various nationalities, a DOJ-accredited representative who leads a religiously-affiliated community organization providing legal support to migrants, and a lawyer at a university-based immigration law clinic. In addition to legal service providers, I interviewed multiple community coordinators at immigrants' rights organizations, organizers of TPS application workshops, and a mutual aid service provider for recent migrants. The services that these various organizations and organizers provide, beyond legal services, include resources related to food access, housing, employment, community integration, English language instruction, and other human services.

This study draws upon interviews with service providers, rather than recent TPS applicants and recipients themselves, for several reasons. The first is undeniably one of access: individuals who hold established positions as workers or volunteers for migrant services are easier to contact, often with publicly accessible contact information. Without being deeply integrated into the migrant services landscape, direct contact with a diverse set of TPS-eligible migrants would likely require first contacting migrant service providers; positioned as the first point of contact, these providers can offer important testimony in the TPS-climate migration field. The relative convenience of accessing service providers is not, however, the only, or even primary, reason for interviewing this group for this study. These individuals work with dozens of migrants on a regular basis—they are able to compile, compare, and contrast the experiences of people with whom they have worked. They can speak to the experiences of both TPS-eligible and -ineligible migrants, and those who either do or do not mention climate-related reasons for their migration. While individual-level interviews with migrants would be vitally important for an ethnographic project understanding the experiences of individuals with TPS, this project—which is focused on integrating a concrete policy assessment with legal framework discourse—can draw broader conclusions from service providers based on their experience working with several TPS applicants and recipients at a time. And, finally, this approach avoids concerns related to interviewing potentially vulnerable populations of non-citizens who do not retain a formal, permanent lawful status in the United States. Without an explicit need to interview this population, a process which could be concerning, laborious, or trauma-reviving for some, the approach of interviewing service workers doing their daily work can provide many important insights for this study. These service providers also often exist in a position of

voluntary participation in their positions, while displaced migrants may not have the luxury of voluntary participation in their own migration processes.

These interviews provide TPS narratives and climate migration narratives in tandem. In conducting semi-structured interviews specifically focused on TPS and climate migration with service providers, this study locates interactions between the two phenomena. Even for cases in which TPS recipients' designation and individual migration were not based on environmental factors, it can be fruitful to analyze the experience of TPS recipients who experience long-term or permanent displacement in conjunction with the theoretical link between climate migration and TPS. Some of these interviews reveal climate as a reason for migration and subsequent claims for TPS, even among migrants from countries for which TPS was not specifically designated due to environmental disaster. Finally, this study further contributes to existing literature identifying climatic changes as underlying causes of individuals' international migration, which are sometimes only revealed upon in-depth interrogation of migrants' stories.

Findings

In general, the individuals interviewed in this study reiterated several common themes in existing TPS and climate migration analyses, including that TPS can provide important relief and relatively expedient benefits to migrants and asylum seekers, and that the temporary and discretionary nature of designations can limit migrants' full access to the United States. The individuals interviewed expressed that many migrants seeking asylum and Temporary Protected Status have several reasons for migration. They also highlighted the ways in which migrants can utilize TPS to gain formal access to the US, and the benefits that TPS affords them compared to an otherwise undocumented status. Multiple respondents described TPS as a band-aid, providing

temporary relief in the United States' present immigration system without fully addressing the needs of migrants (Interviews 1 and 2).

Through this analysis, I identify five primary findings. First, TPS can provide migrants with vital and relatively expedient access to benefits in the United States, preventing them, at least temporarily, from deportation. For these reasons, TPS can be used as an important legal advocacy tool among immigrants, organizations, and political bodies to expand migrant protections. Nevertheless, I secondly identify specific examples of migrants' experiences that corroborate the findings of the case study, that TPS is used as a discretionary political tool by the executive branch, which prevents many migrants from being eligible for important protections. Third, I find that the drawbacks and harms of temporary and liminal status manifest both tangibly and psychologically—which demonstrates a protection gap for climate migrants who might be permanently displaced from their country of origin. Fourth, TPS, even when not specifically designated for climate disasters, is already utilized by migrants as an interim climate migration protection mechanism, demonstrating the importance and relevance of TPS in the present climate migration legal landscape, and highlighting the role of migrants' agency in negotiating their own protections. And, finally, I find that many service providers have heard climate-related migration factors from some of their clients, but these factors largely remain in the periphery due to a lack of emphasis on these narratives in the current legal-migration frameworks.

1. TPS can provide important benefits to climate migrants

For many people who have just arrived to the United States, or who have been in the United States for years without a lawful status, Temporary Protected Status can be a source of

relief. Many of the migrants arriving in Chicago are not aware of the protection and legal mechanisms they may have access to upon arrival, and are generally excited to learn that TPS can prevent their deportation and provide them access to the formal labor force, even if it is just temporary (Interview 3). Because TPS is an expedited protection mechanism compared to other protected statuses, legal providers have begun to prioritize TPS applicants for eligible migrants prior to asylum applications, in order to serve as many migrants as possible, as quickly as possible (Interview 5).

While many of the people who have recently arrived from Venezuela apply for asylum, those who are eligible often apply for TPS benefits as well. TPS, according to service providers, provides much more immediate access to work permits than asylum applications do. While asylum seekers must wait at least 150 days from the date they submit their asylum application to even apply for a work permit, TPS applicants can apply for this status and a work permit simultaneously, and some receive work authorization within a month of their application (Interviews 4, 5, and 8). In these cases, importantly, TPS may truly act as a *temporary* status, with migrants experiencing the policy's relatively expeditious protective measures as they await more robust and permanent protections under asylum. Such an option does not presently exist for people who migrate primarily due to climate change, as climate-related displacement is not specifically protected under the narrow persecution requirements for asylum. Nevertheless, other Venezuelan TPS recipients who do not have particularly compelling cases for asylum, or have become ineligible to apply by not submitting their claim within one year of their arrival to the United States, are in a similar situation, with TPS as one of their only available protection mechanisms (Interviews 1 and 2). One interviewee reflected upon the looks of relief she sees in migrants when they submit their TPS paperwork (Interview 8). With access to work permits,

TPS recipients are able to pursue formal work opportunities. This is particularly important for many migrants from Central and South America, as many send remittances to their families back in their countries of origin (Cities for All, 2023).

Due to the benefits of TPS, the policy has been a significant point of advocacy among immigrants' rights organizations. Many groups utilize TPS as a legal tool, advocating for designations for specific countries in order to expand legal protections to more migrants. For this reason, one interviewee shared that immigration advocacy groups often view TPS in a positive light (Interview 8). While TPS has several flaws that may prevent it from providing sufficient and comprehensive benefits, as this analysis will expand upon, many organizers see it as one of the few political tools they can leverage to provide protections and benefits to large groups of displaced migrants. Several groups actively organized for the redesignation of Haiti, for example, which the Biden administration enacted in August 2021 (Interview 8, USDOJ). It is important to stress the agency with which individuals and immigrants' rights groups advocate for the expansion of protections for migrants, which can push the needle to enact a TPS designation.

City and municipal governments and actors also advocate for TPS protections for certain migrants. One interviewee posited that major cities that have experienced significant increases in migrant arrivals (like Chicago) have advocated for a TPS designation for Venezuela, to benefit Venezuelans and alleviate the overcapacity of migrant shelters (Interview 6). According to another interviewee, who has worked on immigration policy for the City of Chicago in a formal capacity, municipal governments push for TPS designations through organizations like the Cities for Action (C4A) coalition, which includes mayors of large cities such as New York, Chicago, Philadelphia, and San Diego. The coalition spent years advocating for TPS for Haiti (Interview 9), and advocated for designations and redesignations for eleven countries, including Nicaragua,

Honduras, El Salvador, and Guatemala, in a 2023 letter to the Secretary of Homeland Security (Cities for Action 2023).

The benefits of TPS, and the policy's role as a tool for political and legal advocacy, demonstrate the importance of highlighting TPS in discussions of climate migration policy. Relative to the United States' generally rigid and exclusionary immigration policies, TPS provides a vital access point for eligible migrants who may have no other basis for lawful stays in the United States. Climate-related displacement factors may become a point of advocacy among groups advocating for new TPS designations, which can in turn prompt expansions. TPS can also provide indirect aid to places experiencing climate vulnerability, as the Cities for Action 2023 letter highlights, by providing access to work opportunities to migrants in the US and facilitating the sending of remittances to their country of origin. Vitrally, expansions of TPS protections to climate-displaced people could be one of the most feasible pathways for compassionate climate migration policies, as the creation of new legislation and immigration reform are much less likely in the United States' current political environment (Interviews 1-9).

However, if TPS is a political tool utilized by immigrants' rights groups to advocate for protections, it is nevertheless also a political tool of the federal government, as the earlier case study demonstrated. As one service provider noted, "In general, on its face TPS is a really amazing tool to advocate and push for legal protections for people who cannot return [to their country of origin], but it is also a political tool" (Interview 8). This political nature of TPS at the federal level can be seen in the narratives of migrant services providers, who share the ways in which they observe TPS as a political device of the state in its discretionary and ambiguous designations, as discussed in the next point.

2. The discretionary and political nature of TPS designations

Several examples of TPS recipients' experiences demonstrate the discretion and randomness with which TPS is administered, which the case study highlighted as a thoroughly political process. First, the designation dates for any given country construct an arbitrary line between those who are eligible for protection, and those who are not. For migrants from Venezuela, for example, the most recent TPS designation requires that individuals have resided in the United States since July 31, 2023. Interviewee 1 shared that she has a client who arrived on August 1, 2023, making them just one day short of being eligible to receive Temporary Protected Status, for the simple misfortune of the designation date chosen by the DHS (Interview 1). While this is the second designation for Venezuela under the Biden administration, and the administration may eventually enact another redesignation, the designation process can never catch up with the arrival of migrants, as TPS can only be designated for migrants who are already present in the US. While the retroactive nature of TPS designations may be by political design, so as to not "encourage" people to migrate to the US with the promise of protections, it nevertheless leaves an arbitrary protection gap for some migrants. As another service provider said, "It's not like a crisis stops happening after you declare TPS. And so... we're continuing to see people who arrive and who are put in removal proceedings and want to move forward with their asylum claim, which could take years. But in the meantime, they're unable to get a work permit because they don't qualify for TPS" (Interview 7). A seemingly random quirk of the policy, the designation date, ends up having substantial real-world impacts on migrants, determining whether they can receive a work permit and be protected from deportation or not.

The arbitrary nature of these designation dates is further demonstrated by the phenomenon of "mixed-status families," which several legal service providers have encountered

(Interview 1, Interview 9). For example, one interviewee shared that her organization has worked with a family in which the father entered prior to the required date, but the mother and children arrived after, making only one person in the family eligible for a work permit and protection from deportation through TPS (Interview 9). The protection needs between individuals who arrived just before and just after July 31 are not so different, yet the current system of temporary protections sets an arbitrary qualification requirement, rather than assessing the needs of these individuals. These arbitrary designations can have tangible impacts on migrants, making some within the “protected” nationality ineligible to access the formal labor market, which can render them unable to pursue many paths for financial mobility and vulnerable to labor exploitation (Interview 5).

Furthermore, the political nature of TPS designations by country demonstrates a gap in the current protection framework. As highlighted in the case study, the motivations for the original designations for Honduras and Nicaragua were likely related to increasing economic ties and political influence for the United States in these two countries (see McHugh 1999). Several interviewees similarly observed the discrepancy between countries that are and are not designated for TPS, and the likely political motivations behind them. For example, a Ukrainian-American service provider highlighted the expeditious nature with which TPS was designated for Ukraine in 2022 after the Russian invasion; she said the administration’s willingness to designate Ukraine happened quickly— so quickly that it may not have even protected many Ukrainians fleeing the war, as many had not made it to the United States by the first designation date (Interview 8). On the other hand, the same interviewee, and others, have observed a much more intensive struggle among community organizations and the public to achieve TPS designations for other countries, such as Haiti and Venezuela (Interview 8,

Interview 9). On a similar note, another legal service provider does not have faith that TPS will be designated when protections are needed for countries south of the United States' southern border, due to political animosity toward migrants from many countries in Latin America and the Caribbean. From her perspective, "those making those decisions around whether to renew [TPS] or not, are not thinking about the people [experiencing] it. Because the truth of the matter is, it was never intended to be a permanent solution" (Interview 2).

As the earlier case study highlighted, the discretionary and political nature of TPS administration render the policy problematic as a potential protection mechanism for climate migrants. Here, the ground-level experiences of TPS recipients, and the perspectives of the service providers with whom they work, demonstrate the ramifications of discretionary and politicized policy implementation. Climate migration is a continuous phenomenon, and not all migrants in need of protections will arrive by whatever designation date is set by the federal government for a specific country. And, climate-related migrants certainly do not just arrive from the specific countries for which the federal government is politically likely to designate TPS. Future climate migration policy in the United States must begin to address these issues in order to protect climate-displaced persons in a just and compassionate manner.

3. Tangible and psychological impacts of tenuous status

Another primary concern with TPS is the tenuous nature of this status. All of the interviewees in this study expressed in some capacity that a primary concern with temporary protection is its regular expiration and need for renewal, every 6 to 18 months. This finding is corroborated by many previous works (Mountz et al. 2002, Segerblom 2007, Hallett 2014, Menjívar 2017); nevertheless, the specific experiences shared in these interviews shed further

light on the difficulty of perceived temporariness, and its implications for climate migration policy. While the federal government may justify the regular renewal of TPS as a mechanism to regulate the status of migrants under a policy that is, on paper, intended to provide temporary access to the United States, this constant need for renewal has tangible and difficult consequences for recipients who have been in the US for many years or decades. Several interviewees work with migrants who communicate concerns over this tenuous aspect of TPS. One interviewee identified a common experience among TPS recipients of “distrust that they could lose it all in the blink of an eye,” after they have spent years establishing their lives in the US (Interview 5). A lawyer at a university-based immigration clinic described experiences in which her clients have more difficulty accessing credit and loans, as lenders may see TPS recipients as more risky due to their uncertain future in the United States. While TPS provides relatively quick benefits that allow new migrants access to the formal work force and alleviate fears of deportation, this lawyer identifies the 6-8 year mark as the point when TPS recipients begin to get “antsy” about their status, which has no path toward lawful permanent residence or citizenship (Interview 1).

Furthermore, although TPS can begin to alleviate the ever-present concerns of deportation and instability that undocumented immigrants experience, several service providers identified a different (but related) set of concerns that immigrants encounter under TPS. The university-based lawyer observed the “constant limbo” of temporary status as “damaging to the psyche” of its recipients; as ‘temporarily-protected’ migrants spend years establishing their lives in the US, many remain on edge at the prospect of a change to their tenuous status (Interview 1). Furthermore, the psychological difficulties of TPS are compounded by potential financial strains related to the short-term nature of each TPS designation, as migrants must pay application

renewal fees and potential attorney fees every 18 months. Another legal service provider described an almost daily occurrence with clients from Haiti, whose current TPS designation expires in August, who ask her to help extend their status; her only response can be to tell them to contact her again in June, as nobody knows yet whether Haiti will be redesignated, and she can do nothing to help them prolong their status until then (Interview 2).

While several scholars have already problematized the temporary nature of TPS in the context of climate migration (IRAP 2021, Moody 2022), it is important to reiterate both the tangible and psychological impacts of temporariness. Climate-related migration is not a temporary phenomenon for most people who migrate, and even if climate migrants were to receive regular redesignations of TPS, they would likely experience the feelings of anxiety and stress that the interviewees highlighted under indefinite temporary status, with no path toward lawful permanent residence.

4. Migrants' agency: Utilizing TPS as a pseudo-mechanism for climate displacement protections

Even though TPS has rarely been designated due to climate-related disasters, and there are several reasons to reject TPS as a climate migration policy, these interviews reveal that the status nonetheless already serves as a mechanism for protections for some climate migrants. My conversations with service providers demonstrate that climate-displaced persons may utilize TPS and other “protection” regimes as mechanisms for access to the United States, even when their country has not been specifically designated for environmental reasons. An interviewee who works with Haitian TPS recipients shared that many migrants express several push and pull factors that have influenced their migration, with some identifying a compounding resource

shortage in Haiti that has become increasingly pressing in the aftermath of the 2010 earthquake and instability (Interview 2).¹⁴ Haiti's current TPS designation, which the federal government announced in August 2021, was based primarily on reasons of political crisis and violence:

Haiti is grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses. Within this context, as noted by the United Nations Children's Fund (UNICEF), Haiti faces the challenges of 'rising food insecurity and malnutrition, [. . .] waterborne disease epidemics, and high vulnerability to natural hazards, all of which have been further exacerbated by the coronavirus disease 2019 (COVID-19) pandemic.' (US Citizenship and Immigration Services 2021)

The primary focus on violence is contained in the first sentence of this TPS designation (though it does importantly note the simultaneous factor of displacement due to epidemic and natural hazards). The interviewee shared that several of the Haitian migrants with whom she works have also expressed increasingly intense tropical storms as a reason for their migration—as destructive weather events become more prevalent in conjunction with resource shortages, they continue to leave many people's livelihoods in the country “unsalvageable,” prompting them to migrate (Interview 2). Another service provider, who is the CEO of an immigrant services organization, shared a similar experience with Haitian TPS applicants; she recalled three migrants who identified their “inability to continue their livelihood” in agriculture (Interview 5). In this way, these TPS recipients, whose country's designation is primarily based on political crisis, nevertheless apply for and utilize the benefits of Temporary Protected Status to navigate life in the United States as climate migrants. Importantly, although not explicitly intended in this way by the federal government, TPS can be utilized by migrants to fill in the permanent protections gap in immigration policy in the context of climate migration, which is simultaneously explicitly tied to economic, humanitarian, and political migration.

¹⁴ Importantly, the “instability” in Haiti, for which the country has been designated TPS, has arisen from centuries of intervention and US hegemony. See Pierre (2023): “Haiti as Empire's Laboratory.” <https://doi.org/10.1080/10714839.2023.2247749>.

5. Present immigration policy and intake processes obscure climate migration narratives

Finally, my interviews with immigration service providers revealed that several of these interviewees work with climate migrants, whose climate-related reasons for migration may remain largely untold due to the present lack of comprehensive climate migrant protections. One lawyer shared that many Central American migrants with whom he works express climate-related reasons for their migration, but only after he digs deeply into their stories (Interview 3). While these migrants will often initially cite violence or economic reasons for their migration to the US, many tend to explain environmental reasons for their migration upon further inquiry; they say that the land doesn't produce any more, or their land is stolen (Interview 3). Importantly, land degradation and seizure are not exclusively related to climate, but also to historical systems of land extraction and exploitation in the region, the effects of which are still present today; land degradation thus represents a migration factor that lies at the juncture of economic necessity, exploitation, and climate change. One of this lawyer's clients is an asylum seeker from Guatemala, in the region where the nations of El Salvador, Honduras, and Guatemala meet. In discussions with the immigration lawyer, the migrant identified climate-related factors as one of the reasons for his migration: in his place of origin, the rivers barely have any fish, and things do not grow on the land like they used to. These stories, according to the lawyer, are shared by many clients, and may remain largely unexpressed, as migrants tend to primarily highlight the more traditionally protected reasons for immigration, such as violence, unrest, and persecution. Other interviewees shared similar sentiments, that climate factors remain largely undiscussed in intake interviews, even if they are a factor in people's migration stories (Interviews 5, 7, and 9). This trend of suppressing climate-related

factors in migrant intake is corroborated in other studies, as Doering-White et al. (2024) find that many Central American migrants passing through migrant shelters in Mexico tend to primarily highlight poverty or violence upon initial intake interviews, but later reveal complex combinations of climate factors as part of their migration stories. Under existing legal regimes and documentation practices, migrants' comprehensive reasons for migration remain under-investigated. Without policy interventions oriented toward protecting climate migrants in their own right, the climate factors contributing to their displacement will remain underexposed in legal and policy fields.

VI. TPS and a Legal Framework for Climate Migration

The present paper has thus far thoroughly interrogated Temporary Protected Status as a protection mechanism and as a potential form of climate migration policy, through analyses of the federal administration and migrant-level experience of TPS. In this section, I interject this analysis of TPS into broader legal and political climate migration discourse. Much of the recent literature on climate migration law focuses on the construction of theoretical legal frameworks, drawing upon existing migration policy or proposing hypothetical international or regional agreements. I investigate these frameworks in conjunction with TPS analysis to provide recommendations for how climate migration policy can, or should, develop in the United States in the coming years. To do this, I first situate Temporary Protected Status policy within existing normative frameworks for climate migration policy. Then, incorporating this paper's earlier analysis of TPS with existing arguments for rights-based legal and policy mechanisms to

accommodate climate migrants, I interrogate the ways in which TPS can inform the development of just protections for cross-border climate migration in the US.

International Law and Climate Migration

As mentioned in the literature review, many scholars take a rights-based approach to proposing international frameworks for climate migration. I continue this analysis here, highlighting specific proposed mechanisms under international law that could be used for climate migration policy. One potential tool in a rights-based approach for climate migration is the principle of *non-refoulement*, which prescribes that states should not return asylum seekers to countries where they may face certain serious human rights violations (Keshen et al. 2021, Sussman 2023). Two of the primary international rights that entail a *non-refoulement* obligation are the right to life and the right not to be subjected to torture or cruel, inhuman or degrading treatment or punishment (McAdam 2012, 55). Some regional and international bodies and conventions have recognized the physical environment as a component in the right to life, such as the European Court of Human Rights, the Inter-American Commission on Human Rights, the 1981 African Charter on Human and People's Rights, and the 1988 Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (McAdam 2012, 60–62). *Non-refoulement* for climate migrants may also have a path forward with international law against cruel, inhuman, or degrading treatment, particularly since such treatment does not need to be deliberate; however, this has not been thoroughly tested in international courts (McAdam 2012). Yayboke et al. (2020) suggest that the greatest potential opportunity for international protection for climate migrants under current frameworks may be in the category of indirect displacement, as the UNHCR can designate some climate-displaced

migrants as refugees when their displacement is also related to armed conflict and violence. Sussman (2023) suggests that protection claims for climate migrants are strongest when the migrant is also a victim, or potential victim, of violence and persecution, in addition to climate change effects. This principle is reflected in current protection regimes in the United States, wherein climate migrants who have legitimate claims to asylum or TPS under non-climate-related designations can access protections, as this study's interviews have revealed.

While there may be potential legal pathways to international climate migration policy through revisions to existing human rights law and migrant protections, several scholars and analysts propose creating a new framework for climate migration (Mayer 2011, Mateo 2019, Yayboke et al. 2020, Sussman 2023). Mayer 2011 argues that climate migration is sufficiently substantial and distinct from refugee protocols to warrant a separate legal regime. Sussman (2023) highlights the Model International Mobility Convention (MIMC), which has already been drafted by academics and policy experts as a potential binding international agreement that includes a “responsibility-sharing” mechanism, Mobility Visa Clearing House, Global Refugee Fund. A new legal framework could include a global financial umbrella to ensure that wealthier states are contributing to adaptation and resettlement efforts, even if they do not receive a proportional share of cross-border climate migrants (Mayer 2011).

Despite theoretical arguments for the establishment of a new international convention, it seems quite unlikely that many countries will endorse or adopt a novel legal treaty in the current international environment (Mayer 2011, Manou & Mihr 2017). Furthermore, parties who are interested in expanding international climate migration protections may nevertheless be opposed to revisiting the Refugee Convention to include climate refugees, out of fear that the convention itself may now be rejected under present political conditions (Ferris 2017). For these reasons,

several scholars and analysts also propose alternative international agreements, including non-binding legal frameworks (Mayer 2011). Francis (2019) suggests that free movement agreements (FMAs) between countries would likely make it easier for climate migrants to access protections when entering a new country, and would be more feasible than establishing a global agreement. While something like a free movement agreement exists in the United States for certain sovereign Pacific island states that were formerly under US control (Yayboke et al. 2020),¹⁵ which could be used as a climate migration mechanism by residents of these countries with access to permanent stay in the US, it seems unlikely that the United States will establish any free movement agreements with other countries in the near future.

Rationale for federal-level policy on climate migration

While an international legal framework can provide important global agreement and accountability, national governments play the central role in cross-border climate migration policy, as migrants are subject to the laws and policies of the sovereign states they enter (Blake et al. 2021). Furthermore, the background of contentious and theoretical international discourse demonstrates that while there are a few important international law tools to consider, there are few paths to comprehensive international protection mechanisms for cross-border climate migrants in the near future. For these reasons, the present paper digresses from the common discourse on international and regional protection frameworks, and instead addresses mechanisms to improve climate migration protections in the United States, grounded in the earlier analysis of Temporary Protected Status as an indicator for future policy.

¹⁵ The Compact of Free Association provides indefinite stay in the United States to citizens of the Federated States of Micronesia, Republic of Marshall Islands, and Palau (Yayboke et al. 2020, 8).

Previous works have begun to frame the general components of federal cross-border climate migration policy in the United States. Yayboke et al. (2020) propose a US policy framework centered around three central themes: climate change mitigation, accommodating climate migration through federal policy, and leading the establishment of international climate migration frameworks. The Biden administration's 2021 report on climate migration demonstrates that it has adopted the national security argument for climate migration proposed by Mayer (2011). The report rejects that the US has a responsibility to address human rights concerns related to climate displacement, but highlights climate migration policy as a point of national security interest, stating that "the United States does have a national interest in creating a new legal pathway for individualized humanitarian protection in the United States for individuals who establish that they are fleeing serious, credible threats to their life or physical integrity, including as a result of the direct or indirect impacts of climate change" (The White House 2021, 19). While I argue for a rights-based approach, and the Biden administration frames climate migration policy as a matter of national security, these two views are not incompatible in developing comprehensive policy. Pan (2020) argues that there are two existing, and conflicting, conceptual frameworks for climate migration law: one based on migrant welfare ("humanitarianism"), and one based on national welfare ("prudentialism"). While advocates for climate migration protections often take a humanitarian approach, such an approach is often in conflict with national welfare policies that usually, and sometimes misguidedly, view climate migrants as economic burdens and security threats (Pan 2020). Instead, Pan argues that states and regional or international treaties should adopt a hybrid framework ("prudential humanitarianism"), recognizing that comprehensive protections can address both of these motivations.

TPS Expansion as a Feasible Interim Climate Migration Policy—and the Hurdles to Get There

A path forward for comprehensive climate migration protections in the United States will be an arduous process, whether by expanding TPS (or other immigration policies) or establishing new protection mechanisms. With the knowledge that TPS can provide important benefits to migrants who are eligible, an expansion and revision of TPS would likely be more feasible than passing new legislation. While this paper has thus far troubled the discretionary nature of the executive branch's control over TPS designations, this discretion and unilateral power to designate countries for TPS could also be used to bypass legislative action to provide quick, if temporary, protections to climate migrants. In a 2021 report, the International Refugee Assistance Project argued for the expansion of TPS availability to climate-displaced persons in the United States, with more frequent designations for countries in which climatic factors are contributing to large-scale displacement.¹⁶ Notably, existing environmental-related TPS designations in the US have all been in response to sudden-onset disasters. However, IRAP argues that TPS can also be designated for slow-onset environmental disasters without any additional legislation, as the Immigration and Nationality Act (INA) already expressly includes drought (a slow-onset event) as a qualifying “environmental disaster,” and leaves TPS designation at the discretion of the Department of Homeland Security. IRAP also highlights that the INA does not require the designated environmental disaster to be temporary; it only prescribes that the country must be temporarily unable to accommodate the safe return of its nationals (IRAP 2021, 13-16). With existing provisions for slow-onset environmental disaster,

¹⁶ In line with the present paper, the IRAP report highlights the designations for Honduras, Nicaragua, and El Salvador as historical environmental disaster designations, and emphasizes the benefits that could be provided by extending TPS to Central American countries affected by Hurricanes Eta and Iota and years of drought.

the executive branch of the federal government could begin to more thoroughly utilize TPS as a legal mechanism for *climate* migration.¹⁷

Furthermore, the administrative nature of TPS as a mechanism for climate migration protections allows for a more immediate and feasible policy intervention than legislation, particularly with present opposition in Congress for compassionate immigration policy (O’Connell 2020). The 2021 White House report recognizes this legislative difficulty: “The lack of bipartisan agreement on humane border procedures and immigration policies complicates US efforts to mobilize global support for protecting refugees, asylum seekers, and other vulnerable migrants” (The White House 2021, 8). While legislation focused on expanding pathways for climate migrants and providing citizenship pathways for TPS recipients would be vital to ensuring longer-lasting protections for climate migrants, such efforts have been proposed without success thus far, suggesting that it is important to pursue non-legislative pathways for increasing climate migration protections (IRAP 2021).

If the executive branch were interested in extending climate migration protections through TPS, it could begin to enact TPS designations for climate-vulnerable countries. However, as demonstrated in the case study section, such action will likely not materialize under the Biden presidential administration, despite its communication of a climate migration agenda that includes TPS expansion. The administration has thus far declined to designate or redesignate TPS for Guatemala, Honduras, El Salvador, and Nicaragua, even though these countries have experienced devastation from Hurricanes Eta and Iota, and years of drought. While expansions of TPS could serve as a feasible policy pathway for implementing

¹⁷ I italicize ‘climate’ here to emphasize the distinction from environmental migration; some might argue that none of the environmental disaster-related designations of TPS have ever specifically addressed climate change migration. By issuing TPS designations for slow-onset and long-lasting disasters and displacement-inducing climatic changes, the federal government could truly begin to accommodate *climate* migrants.

broader-reaching climate migration protections in the US, such a pathway would require extensive advocacy and political pressure to enact.

Further Shortcomings of TPS

Although TPS could theoretically be utilized to provide more comprehensive climate migration protections in the US, the many flaws with TPS identified in this study demonstrate that the status cannot, at present, be a full or adequate mechanism for providing protections. Broad expansions to the number of TPS-designated countries would not address the fact that TPS designations only provide benefits for people who are present in the United States prior to the designation date, making it impossible for the policy to protect all people who may migrate to the United States due to climate-related displacement (IRAP 2021). As this study's interviews revealed, these designation dates arbitrarily differentiate between those who are and are not eligible for TPS benefits based on their date of arrival to the US, resulting in a significant protection gap. Enacting policy changes to welcome climate migrants regardless of their date of entry would be necessary to fill this gap, though likely less feasible due to probable Congressional opposition to expanding migrant protections.

In addition, as suggested in the White House report itself, the federal government should remove the provision requiring that countries request TPS designations for their nationals in cases of environmental disaster in order to accommodate more climate migrants (IRAP 2021). Not all countries affected by climatic events may be interested in or willing to request protections for their nationals in the United States, preventing some climate migrants from having access to this protection mechanism due to their nationality.

Implications of Precarity, and Policy Beyond TPS

The seemingly obvious issue with TPS in guiding the future of US climate migration policy is its temporary nature: a policy that only provides short-term protections to migrants experiencing long-term or permanent climate-related displacement seems wholly inadequate. However, the earlier analysis in the present paper, along with previous legal scholarship, suggest that TPS, in practice, acts as a legal mechanism for longer-term climate migration. Several clients of the interviewees migrated due to climate factors in some capacity, and currently utilize TPS to access formal protections and benefits in the US. While it is true that TPS designations are temporary, the designations for countries like Honduras, Nicaragua, El Salvador, and Haiti that continue to experience harmful environmental and climatic phenomena have remained in place for years or decades. Moody (2022) highlights that, in redesignating countries for TPS, the federal government has considered *intervening* events, including subsequent disasters and crises, as justifications for previous TPS designations that may have been based on a different “temporary” event altogether. For example, Nicaragua’s 1999 TPS designation (after Hurricane Mitch) had been extended thirteen times as of 2022, with the federal government highlighting Hurricane Michelle (2002) and other subsequent natural disasters as reasons for continued TPS extensions (Moody 2022). In this way, we can further see TPS as acting as a *climate migration* policy: continued climatic events have rendered certain countries *indefinitely* incapable of accommodating the return of their nationals, in the eyes of the United States.

The discretion with which TPS is designated can result in a country being re-designated for decades, leaving many of the countries mentioned in this paper (Honduras, Nicaragua, El Salvador, and Haiti) with a quasi-permanent designation, as mentioned earlier. Thus, I propose

that the issue here is with the *precarity* of the policy, rather than the supposed temporariness itself. While TPS designations can be extended indefinitely by the Department of Homeland security, this is dependent, as previously discussed, on a willing administration. The Trump administration's efforts to limit and end several TPS designations demonstrates the precarity; while two court cases, *Ramos v. Wolf* and *Bhattarai v. Nielsen*, placed injunctions on Trump's planned termination of TPS for migrants from El Salvador, Honduras, Nicaragua, and Nepal, they only temporarily halted the cancellations, and demonstrated that TPS may be quite precarious in the courts (Moody 2022). Due to the discretionary nature of the policy, the Trump administration took a quite restricted view of TPS designation, arguing that only the original conditions of that were the basis of years'-long TPS designations should be considered when extending these designations, rather than also considering intervening events in the countries (Moody 2022). This precarity and federal discretion are dangerous for migrants, as this paper's analysis has revealed. Additionally, as one interviewee highlighted, immigration policy through executive action is particularly precarious, as the history for the Deferred Action for Childhood Arrivals (DACA) policy demonstrates (Interview 9). When protections are enacted by one presidential administration, they can often be repealed just as easily by a subsequent administration. For this reason, TPS and any other form of executive actions are likely insufficient for implementing long-lasting climate migration protections. And, under the liminality of TPS, migrants who have spent years in the US still have no path toward any other lawful status, leaving them quite vulnerable to the whims of future politics.

Furthermore, a primary issue with such a broad-reaching policy as TPS is the provision that the status is granted on a country-by-country basis. While expansion of TPS can provide important immediate protections to individuals who arrive to the US from countries that

experience displacing climate events, almost every country may experience climate-related displacement factors in some capacity in the coming decades. Thus, as the current policy in the United States addressing environmental displacement, TPS is administered at a level too broad to feasibly cover all of the regions that may be particularly vulnerable to climate change. The broad-reaching nature of the policy likely also inhibits its wider application for climate migrants: the federal government may be willing to protect some climate-related migrants, but is probably less likely to enact sweeping protections for entire nationalities.

From the present state of US policy, I argue that the federal government should implement protection measures that proactively identify regions that are experiencing climate displacement factors, or establish a protection mechanism for migrants to advocate on an individual basis for their need for protection due to climate displacement (similar to the current asylum system). Such an individual-level policy would require a robust, yet broad, definition of climate-related displacement, which could be protected under a complementary protection mechanism. In line with McAdam's (2012) argument for complementary protection for climate migrants, Frelick (2020) argues that, due to the ineffectiveness of TPS in providing robust protections, the United States should adopt a complementary protection model similar to those already in place throughout the European Union and Mexico. Such a policy would allow migrants to receive asylum-like protections in the US, in cases where their return to their country of origin would be dangerous, even if their cases do not meet the traditional persecution requirements of asylum. I argue that such a policy should be implemented in the United States, so that climate migrants can attain an asylum-like protection, with a path to permanent residence, due to their displacement. This is not to say that TPS should be eliminated in favor of a regional or case-by-case basis for protections, but rather that next policy steps for enacting comprehensive

climate migration protections should focus on more thoroughly and flexibly identifying climate migrants, so that they are not systematically excluded just because their country as a whole is not designated by US policy. However, this paper's analysis of TPS demonstrates the roadblocks that exist on the path to comprehensive immigration reform. Such a pivotal policy shift, while theoretically possible, will require substantial community organizing and political pressure.

Large-scale reform for more comprehensive immigrant protections in the United States may seem highly unlikely in the near future, but this paper intends to highlight the urgency of climate migration protections, as anthropogenic climate change continues to cause short- and long-term displacement around the world. The fact that people currently utilize Temporary Protected Status as a mechanism for climate migration, even when it is not specifically designated for a country for environmental reasons, demonstrates the importance of providing protections specifically dedicated to climate displacement. While some of the interviewees in this study expressed concern about immigration reform, sharing fears that immigration policy could become more restrictive (Interviews 7 and 9), all interviewees expressed discontent with current immigration policy in the United States. Most climate migrants who continue to arrive in the United States have no access to work permits and have an impending fear of deportation, due to the narrow protection mechanisms that currently exist in the US (Jordan 2023). For the sake of the well-being and human rights of these migrants, who may not have a safe place to return to in their country of origin, the United States should begin to implement welcoming immigration policies that extend protections based on principles of the right to life and *non-refoulement*. Furthermore, since the United States has a long history of contributing to displacement—both through political influence and disproportionate contributions to climate change—several interviewees argued that the US should hold itself responsible for extending comprehensive

protections to climate-displaced people (Interviews 2, 3, 5, and 9). And, finally, as a couple interviewees highlighted, the United States currently pours enormous sums of money into border patrol, reinforcement, and criminalization—which may be short-sighted “solutions” to what the government views as a problem. Whereas criminalization and exclusionary policies incur high costs through enforcement and adjudication (Interviews 1 and 7), migrants who gain access to the formal economy in the United States end up paying taxes and establishing their lives in the United States (Menjívar 2017). The United States will undoubtedly continue to see the arrival of climate migrants, and should utilize its resources efficiently to welcome these migrants as they make their lives in the US.

VII. Conclusion

The positionality of Temporary Protected Status within climate migration discourse is complicated and conflicting, touted in the literature as either wholly insufficient as a climate migration policy or as a potential area of expansion for climate migration protections in the United States. By specifically assessing the ways in which TPS is administered and experienced in the United States in the context of climate-related migration and displacement, I have more thoroughly investigated this policy’s role within the climate-migration-policy nexus. In doing so, I have identified various challenges that exist within current US immigration policy for the enactment of more thorough climate migration protections.

While Temporary Protected Status is far from comprehensive as a climate migration policy, this paper recognizes that it is vital to consider the ways in which climate migrants can utilize the present protection mechanisms available to them, and that future policy is likely to draw from, and be influenced by, existing policy. By deeply interrogating the most significant

benefits and issues with TPS specifically as they relate to climate migration, this paper problematizes the precarious and liminal nature of TPS status, and questions the extent to which the present administration aims to “protect” climate migrants, highlighting federal administrative ambivalence with which TPS is extended to climate migrants. It is vital to recognize that TPS is simultaneously problematic as a climate migration protection policy, and potentially one of the most feasible paths to climate migration protections in the US. The present political strife and lack of federal interest in providing climate migration protections in the near future will likely serve as a major hurdle in the enactment of new climate migration legislation. TPS can potentially act as an interim protection mechanism for climate migrants, but this would require administrative buy-in and large-scale expansion. Even so, the challenges of precarity and liminality under TPS undercut the policy’s ability to provide long-term, substantive protections.

Comprehensive US policy responses to international migration would recognize the United States’ role in global displacement—not only as it relates to climate change, but also to the US’s role in political interventions and the ever-present hegemonic shadow of US foreign policy over countries around the world. In the case of international environmental migration, the United States should recognize its role as a primary global polluter, exacerbating climate change, and its political hand in the systematic displacement of people across the globe, as several of the interviewees highlighted (Interviews 2, 8, and 9).¹⁸ The present analysis also suggests that climate migration policy in the United States seems more likely to grow out of necessity than compassion, as climate-displaced persons arrive in greater numbers to the United States. This is

¹⁸ Additionally, though not the focus of this paper, further policy progress must simultaneously be achieved for high-polluting countries like the United States to take swift action to curb their impact on the changing climate. The present paper has shown that establishing climate migration protections is complicated and difficult, and even if no sovereign state is willing to claim moral responsibility to take in climate-displaced migrants, people will continue to be climate-displaced so long as climate-changing-practices continue unabated. It is through proactive measures, like greenhouse gas reductions, that the United States can begin to more thoroughly address the many unpredictable phenomena related to climate change.

unwise; as Mayer (2011) would argue, it is vital for the US to prepare proactively for continued increases in climate migration. Whether for human rights or national security concerns, the United States should be interested in proactive climate migration policies that can welcome climate migrants into the US and its formal systems of labor, residence, and citizenship.

Problematizing and strengthening Temporary Protected Status, while pushing for comprehensive new policy, is an important place to start.

Appendix: Description of Interviewees

<u>Interview</u>	<u>Interviewee Description</u>
Interview 1	A law-school based immigration lawyer, who leads the school's immigration law clinic.
Interview 2	A pastor and DOJ-accredited representative who provides legal services to immigrants at a religiously-affiliated immigrants' assistance center.
Interview 3	A lawyer at a church-affiliated legal services organization for immigrants in Northern Illinois.
Interview 4	A community navigator at an immigration services organization in Central Illinois.
Interview 5	The CEO of an organization serving immigrants from Latin America in the Chicago area.
Interview 6	A lawyer who provides pro bono legal support to migrants and asylum applicants as they are applying for status (not affiliated with a specific organization).
Interview 7	A DOJ-accredited representative at a Chicago-based immigration law nonprofit, providing legal services to immigrants.
Interview 8	A legal services provider at a nonprofit organization that specifically TPS application workshops.
Interview 9	An administrator at an immigration organization, who formerly practiced immigration law and worked for the City of Chicago on immigration policy.
Interview 10	An organizer of TPS application workshops for recently-arrived migrants.

Bibliography

- 101st Congress. "Immigration Act of 1990," November 29, 1990.
[justice.gov/sites/default/files/eoir/legacy/2009/03/04/IMMACT1990.pdf](https://www.justice.gov/sites/default/files/eoir/legacy/2009/03/04/IMMACT1990.pdf).
- Ahuja, Neel. *Planetary Specters: Race, Migration, and Climate Change in the Twenty-First Century*. Chapel Hill: The University of North Carolina Press, 2021.
- Al Jazeera*. "‘In the Hands of God.’ Storm Iota Pummels Central America." November 17, 2020.
<https://www.aljazeera.com/news/2020/11/17/in-the-hands-of-god-hurricane-iota-pummels-central-america>.
- Alscher, Stefan. "Environmental Factors in Mexican Migration: The Cases of Chiapas and Tlaxcala." In *Environment, Forced Migration and Social Vulnerability*, edited by Tamer Afifi and Jill Jäger, 171–86. Berlin: Springer, 2010.
- Ayazi, Hossein, and Elsadig Elsheikh. "Climate Refugees: The Climate Crisis and Rights Denied." UC Berkeley Othering & Belonging Institute, December 1, 2019.
<https://escholarship.org/uc/item/3s21m9p2>.
- Bermeo, Sarah, and David Leblang. "Climate, Violence, and Honduran Migration to the United States." Brookings, April 1, 2021.
<https://www.brookings.edu/articles/climate-violence-and-honduran-migration-to-the-united-states/>.
- Biden Jr., Joseph R. "Executive Order on Rebuilding and Enhancing Programs to Resettle Refugees and Planning for the Impact of Climate Change on Migration." The White House, February 4, 2021.
<https://www.whitehouse.gov/briefing-room/presidential-actions/2021/02/04/executive-order-on-rebuilding-and-enhancing-programs-to-resettle-refugees-and-planning-for-the-impact-of-climate-change-on-migration/>.
- Blake, Jonathan S., Aaron Clark-Ginsberg, and Jay Balagna. "Addressing Climate Migration: A Review of National Policy Approaches." RAND Corporation, December 2021. <https://www.rand.org/pubs/perspectives/PEA1085-1.html>.
- Block, Ann, Allison Davenport, and Erin Quinn. "The Impact of Crimes on Eligibility for Temporary Protected Status." Immigrant Legal Resource Center, March 2023.

<https://www.ilrc.org/sites/default/files/2023-04/The%20Impact%20of%20Crimes%20on%20Eligibility%20for%20TPS.pdf>.

Brown, Oli. “Climate Change and Forced Migration: Observations, Projections and Implications.” United Nations Development Programme Human Development Report Office, 2007.

Calcaño, Noelia. “Stuck in Limbo: Temporary Protected Status, Climate Migrants and the Expanding Definition of Refugees in the United States.” Bowdoin Digital Commons Honors Projects, 2021. <https://digitalcommons.bowdoin.edu/honorsprojects/294>.

Cascardi, Elisa, Jens Hainmueller, Duncan Lawrence, and Vasil Yassenov. “In Search of the Socio-Economic Effects of Legal Status,” 2022.
https://osf.io/hmbdy/?view_only=72b2ef7cbfff4f419a626dfac14b6c5c.

Cherone, Heather. “What Does It Mean That Chicago Is a Sanctuary City? Here’s What to Know.” *WTTW*, October 20, 2023.
<https://news.wttw.com/2023/10/20/what-does-it-mean-chicago-sanctuary-city-here-s-w-hat-know>.

Cities for Action. “Temporary Protected Status for Immigrants from 11 Countries,” September 6, 2023. https://www.citiesforaction.us/expand_tps_protections.

Coutin, Susan Bibler. “Falling Outside: Excavating the History of Central American Asylum Seekers.” *Law & Social Inquiry* 36, no. 3 (Summer 2011): 569–96.

Crombleholme, Rebecca. “Thousands Still Homeless Following Honduran Hurricanes.” *Norwegian Refugee Council*, December 9, 2020.

Department of Homeland Security (DHS). “DHS Rescinds Prior Administration’s Termination of Temporary Protected Status Designations for El Salvador, Honduras, Nepal, and Nicaragua,” June 13, 2023.
<https://www.dhs.gov/news/2023/06/13/dhs-rescinds-prior-administrations-termination-temporary-protected-status>.

Doering-White, John, Alejandra Díaz de León, Carlos Arroyo Batista, and Karen Flynn. “Humanitarian Aid and the Everyday Invisibility of Climate-Related Migration from Central America.” *Climate and Development*, February 5, 2024.
<https://doi.org/10.1080/17565529.2024.2312829>.

- Ernst, Jeff. “Honduras and Nicaragua Have Been Hit By Some of the Worst Natural Disasters in Decades.” *Foreign Policy*, December 2, 2020.
<https://foreignpolicy.com/2020/12/02/honduras-and-nicaragua-have-been-hit-by-some-of-the-worst-natural-disasters-in-decades/>.
- Feng, Shuaizhang, Alan B. Krueger, and Michael Oppenheimer. “Linkages among Climate Change, Crop Yields and Mexico–US Cross-Border Migration.” *Proceedings of the National Academy of Sciences of the United States of America (PNAS)* 107, no. 32 (August 10, 2010): 14257–62. www.pnas.org/cgi/doi/10.1073/pnas.1002632107.
- Ferris, Elizabeth. “Governance and Climate Change-Induced Mobility: International and Regional Frameworks.” In *Climate Change, Migration and Human Rights*, 11–27. New York: Routledge, 2017.
- Francis, Ama. “Climate-Induced Migration & Free Movement Agreements.” *Journal of International Affairs* 73, no. 1 (2019): 123–34.
<https://www.jstor.org/stable/10.2307/26872782>.
- Frelick, Bill. “What’s Wrong with Temporary Protected Status and How to Fix It: Exploring a Complementary Protection Regime.” *Journal on Migration and Human Security* 8, no. 1 (2020): 42–53.
- García, María Cristina. *State of Disaster: The Failure of U.S. Migration Policy in an Age of Climate Change*. Chapel Hill: The University of North Carolina Press, 2022.
- Genova, Nicholas de. *Working the Boundaries: Race, Space, and “Illegality” in Mexican Chicago*. Duke University Press, 2005.
- Gleeson, Shannon, and Kati L. Griffith. “Employers as Subjects of the Immigration State: How the State Foments Employment Insecurity for Temporary Immigrant Workers.” *Law & Social Inquiry* 46, no. 1 (February 2021): 92–115.
<https://doi.org/10.1017/lsi.2020.17>.
- Guiney, John L., and Miles B. Lawrence. “Preliminary Report: Hurricane Mitch.” National Hurricane Center, January 28, 1999.
https://www.nhc.noaa.gov/data/tcr/AL131998_Mitch.pdf.

- Hallett, Miranda Cady. "Temporary Protection, Enduring Contradiction: The Contested and Contradictory Meanings of Temporary Immigration Status." *Law & Social Inquiry* 39, no. 3 (2014): 621–42. <http://www.jstor.org/stable/24545672>.
- Harding, William. "Assessing Outcomes of Temporary Protected Status Policy Within Climate Migration Discourse." University of Chicago, 2024.
- Helms, Benjamin, and David Leblang. "Labor Market Policy as Immigration Control: The Case of Temporary Protected Status." *International Studies Quarterly*, no. 66 (2022). <https://doi.org/10.1093/isq/sqac042>.
- Huang, Lawrence. "Efforts to Manage Climate Migration Are Slowly Growing, but Their Focus Is Often Indirect." *Migration Policy Institute*, March 1, 2023. <https://www.migrationpolicy.org/article/climate-mobility-development-projects>.
- Intergovernmental Panel on Climate Change (IPCC). "Policymaker Summary of Working Group II (Potential Impacts of Climate Change)," 1990.
- International Federation of Red Cross and Red Crescent Societies (IFRC). "Final Report: Central America: Hurricanes Eta - Iota," August 31, 2022.
- International Organization for Migration (IOM). "DISCUSSION NOTE: MIGRATION AND THE ENVIRONMENT," 2007. <https://environmentalmigration.iom.int/environmental-migration>.
- International Organization for Migration (IOM). "Glossary on Migration," n.d.
- International Refugee Assistance Project (IRAP). "U.S. Opportunities to Address Climate Displacement," August 2021. <https://refugeerights.org/wp-content/uploads/2021/08/U.S.-Opportunities-to-Address-Climate-Displacement.pdf>.
- Jayawardhan, Shweta. "Vulnerability and Climate Change Induced Human Displacement." *Consilience, Columbia University*, no. 17 (2017): 103–42. <https://www.jstor.org/stable/26188784>.
- Jordan, Miriam. "They Fled Climate Chaos. Asylum Law Made Decades Ago Might Not Help." *The New York Times*, November 28, 2023. <https://www.nytimes.com/2023/11/28/us/climate-migrants-asylum.html>.

- Kent, Avidan, and Simon Behrman. “Why ‘Climate Refugees’?” In *Facilitating the Resettlement and Rights of Climate Refugees: An Argument for Developing Existing Principles and Practices*, 40–71. New York: Routledge, 2018.
- Kerwin, Donald. “Creating a More Responsive and Seamless Refugee Protection System: The Scope, Promise and Limitations of US Temporary Protection Programs.” *Journal on Migration and Human Security* 2, no. 1 (2014): 44–72.
- Keshen, Shaindl, Steven Lazickas, and Lucía Solórzano. “Non-Refoulement: A Legal Hope for the Protection of Environmental Migrants and Their Rights.” *Columbia University International Organization and United Nations Studies* (blog), November 3, 2021. <https://multilateralism.sipa.columbia.edu/news/non-refoulement-legal-hope-protection-environmental-migrants-and-their-rights>.
- Lustgarten, Abrahm. “The Great Climate Migration.” *The New York Times Magazine*, July 23, 2023. <https://www.nytimes.com/interactive/2020/07/23/magazine/climate-migration.html?referrerSource=articleShare>.
- Mahmud, Mara A. “Climate Migration and the Future of Immigration Policy in the United States.” *Center for Migration Studies*, December 15, 2022. <https://cmsny.org/us-climate-migration-mahmud-121522/>.
- Manou, Dimitra, Andrew Baldwin, Dug Cubie, Anja Mihr, and Teresa Thorp, eds. *Climate Change, Migration and Human Rights*. New York: Routledge, 2017.
- Manou, Dimitra, and Anja Mihr. “Climate Change, Migration, and Human Rights.” In *Climate Change, Migration and Human Rights*, 3–8. New York: Routledge, 2017.
- Martínez Beltrán, Sergio. “Texas Has Spent over \$148 Million Busing Migrants to Other Parts of the Country.” *NPR*, February 20, 2024. <https://www.npr.org/2024/02/20/1232651088/texas-has-spent-over-148-million-busing-migrants-to-other-parts-of-the-country>.
- Mateo, Brian A. “A Case for Giving Climate Migrants Protected Legal Status.” *Carnegie Council for Ethics in International Affairs*, September 20, 2019. <https://www.carnegiecouncil.org/media/article/a-case-for-giving-climate-migrants-protected-legal-status>.

Mathema, Silva, and Tom Jawetz. “TPS Can Promote Stability and Recovery for Central American Countries Hit by Recent Hurricanes.” Center for American Progress, December 21, 2020.

<https://www.americanprogress.org/wp-content/uploads/sites/2/2020/12/CentralAmericaTPS-brief.pdf>.

Mayer, Benoît. “Critical Perspective on the Identification of ‘Environmental Refugees’ as a Category of Human Rights Concern.” In *Climate Change, Migration and Human Rights*, 28–41. New York: Routledge, 2017.

———. “The International Legal Challenges of Climate-Induced Migration: Proposal for an International Legal Framework.” *Colorado Journal of International Environmental Law and Policy* 22, no. 3 (2011): 357–416.

<https://www.colorado.edu/law/sites/default/files/Mayer%20%28Corrected%29-S.pdf>.

McAdam, Jane. *Climate Change, Forced Migration, and International Law*. Oxford: Oxford University Press, n.d.

McHugh, Lois. “Central America: Reconstruction After Hurricane Mitch.” Congressional Research Service, October 12, 1999.

<https://www.everycrsreport.com/reports/98-1030.html>.

Menjívar, Cecilia. “Liminal Legality: Salvadoran and Guatemalan Immigrants’ Lives in the United States.” *American Journal of Sociology* 111, no. 4 (January 2006): 999–1037.

<https://doi.org/10.1086/499509>.

———. “Temporary Protected Status for Central American Immigrants.” UCLA Latino Policy & Politics Initiative, August 2020.

<https://latino.ucla.edu/wp-content/uploads/2021/08/CM-Facuty-Brief.pdf>.

———. “Temporary Protected Status in the United States: The Experiences of Honduran and Salvadoran Immigrants.” *Center for Migration Research, The University of Kansas*, May 2017.

Menjívar, Cecilia, and Leisy Abrego. “Legal Violence: Immigration Law and the Lives of Central American Immigrants.” *American Journal of Sociology* 117, no. 5 (March 2012): 1380–1421. <https://doi.org/10.1086/663575>.

Miller, Todd. *Storming the Wall : Climate Change, Migration, and Homeland Security*. San Francisco: City Light Publishers, 2017.

<https://search-ebSCOhost-com.proxy.uchicago.edu/login.aspx?direct=true&db=e000xna&AN=2088249&site=eds-live&scope=site>.

Miner Fuentes, Yojana, and Juan Carlos Villagrán de León. “Guatemala: A Review of Historic and Recent Relocation Processes Provoked by Disasters of Natural Origin.” In *Environment, Forced Migration and Social Vulnerability*, edited by Tamer Afifi and Jill Jäger, 157–70. Berlin: Springer, 2010.

Miyares, Ines, Richard Wright, Alison Mountz, and Adrian J. Bailey. “Truncated Transnationalism, the Tenuousness of Temporary Protected Status, and Trump.” *Journal of Latin American Geography* 18, no. 1 (March 2019): 210–16.

<https://doi.org/10.1353/lag.2019.0011>.

Moody, Reagan. “The Climate Is Changing, So Should We: An Analysis of Legal Inadequacies Amidst the Rise of Climate Migration.” *LSU Journal of Energy Law and Resources* 10, no. 2 (Summer 2022): 508–34.

<https://digitalcommons.law.lsu.edu/jelr/vol10/iss2/12>.

Moslimani, Mohamad. “How Temporary Protected Status Has Expanded under the Biden Administration.” *Pew Research Center*, March 29, 2024.

<https://www.pewresearch.org/short-reads/2024/03/29/how-temporary-protected-status-has-expanded-under-the-biden-administration/#:~:text=Since%20President%20Joe%20Biden%20took,States%20and%20avoid%20potential%20deportation>.

Mountz, Alison, Richard Wright, Ines Miyares, and Adrian J. Bailey. “Lives in Limbo: Temporary Protected Status and Immigrant Identities.” *Global Networks* 2, no. 4 (2002): 335–56.

Nabeny, Ekai. “Climate-Induced Involuntary Migration: Nomadic-Pastoralists’ Search for Elusive Pastures in Kenya.” *Forced Migration Review Climate Crisis and Local Communities* (June 2020): 8–10.

National Immigration Forum (NIF). “Fact Sheet: Temporary Protected Status (TPS),” October 3, 2023.

<https://immigrationforum.org/article/fact-sheet-temporary-protected-status/>.

- Ngong, Moses, and Maureen Meyer. “Climate Change Disasters Point to Urgent Need to Protect Climate Refugees.” *Washington Office on Latin America (WOLA)*, August 13, 2021.
<https://www.wola.org/analysis/climate-refugees-hurricanes-2021/#:~:text=Eta%20and%20Iota%20exacerbated%20a,the%20United%20States%20and%20Mexico.>
- OCHA. “Central America: Tropical Storm Eta & Hurricane Iota: Six Weeks Later (As of 22 December 2020).” ReliefWeb, December 22, 2020.
<https://reliefweb.int/report/honduras/central-america-tropical-storm-eta-hurricane-iota-six-weeks-later-22-december-2020#:~:text=Eta%20%26%20Iota%27s%20impact%20adding%20to,the%20ongoing%20COVID%2D19%20pandemic.>
- O’Connell, Alice R. “The Paris Agreement, Forced Migration, and America’s Changing Refugee Policy.” *Loyola University Chicago International Law Review* 16, no. 2 (2020): 265–78.
https://lawcommons.luc.edu/lucilr/vol16/iss2/6?utm_source=lawcommons.luc.edu%2Fflucilr%2Fvol16%2Fiss2%2F6&utm_medium=PDF&utm_campaign=PDFCoverPages
- Orrenius, Pia M., and Madeline Zavodny. “The Impact of Temporary Protected Status on Immigrants’ Labor Market Outcomes.” *The American Economic Review* 105, no. 5 (May 2015): 576–80. <https://www.jstor.org/stable/43821948>.
- Pan, Eliza. “Reimagining the Climate Migration Paradigm.” *Environmental Law* 50, no. 4 (2020): 1173–1225. <https://www.jstor.org/stable/10.2307/27010196>.
- Perumal, Nikita. “‘The Place Where I Live Is Where I Belong’: Community Perspectives on Climate Change and Climate-Related Migration in the Pacific Island Nation of Vanuatu.” *Island Studies Journal* 13, no. 1 (2018): 45–64.
<https://doi.org/10.24043/isj.50>.
- Pierre, Jemima. “Haiti as Empire’s Laboratory.” *NACLA Report on the Americas* 55, no. 3 (August 30, 2023): 244–50. <https://doi.org/10.1080/10714839.2023.2247749>.
- Pino, Hugo Noé, and Wilfred Díaz. “Growth Patterns and Structural Transformation in the Honduran Economy, 1950–2018.” Economic Commission for Latin America and the Caribbean (ECLAC), 2022.

<https://repositorio.cepal.org/server/api/core/bitstreams/f592e3fb-cbc9-4ceb-8bf9-728f7259acf2/content>.

Rubi, María, and Tim Gaynor. “In Honduras, Climate Change Is One More Factor Sparking Displacement.” *UNHCR*, November 9, 2021.

<https://www.unhcr.org/us/news/stories/honduras-climate-change-one-more-factor-sparking-displacement>.

Schmidt-Verkerk, Kerstin. “‘Buscando La Vida’ – How Do Perceptions of Increasingly Dry Weather Affect Migratory Behaviour in Zacatecas, Mexico?” In *Environment, Forced Migration and Social Vulnerability*, edited by Tamer Afifi and Jill Jäger, 99–113. Berlin: Springer, 2010.

Segerblom, Eva. “Temporary Protected Status: An Immigration Statute That Redefines Traditional Notions of Status and Temporariness.” *Nevada Law Journal* 7, no. 2 (2007): 664–84. <https://scholars.law.unlv.edu/nlj/vol7/iss2/19>.

Semple, Kirk. “Central American Farmers Head to the U.S., Fleeing Climate Change.” *The New York Times*, April 13, 2019. <https://www.nytimes.com/2019/04/13/world/americas/coffee-climate-change-migration.html>.

Sigelmann, Laura. “The Hidden Driver: Climate Change and Migration in Central America’s Northern Triangle.” American Security Project, 2019. <http://www.jstor.com/stable/resrep19824>.

Smith, William C. “Hurricane Mitch and Honduras: An Illustration of Population Vulnerability.” *International Journal of Health System and Disaster Management* 1, no. 1 (January 2013): 54–58. <https://doi.org/10.4103/2347-9019.122460>.

Sussman, Caitlan M. “A Global Migration Framework Under Water: How Can the International Community Protect Climate Refugees?” *Chicago Journal of International Law Online* 2, no. 1 (Winter 2023): 41–68. <https://cjil.uchicago.edu/online-archive/global-migration-framework-under-water-how-can-international-community-protect>.

“Temporary Protected Status (TPS).” US Department of Justice Executive Office for Immigration Review, April 18, 2024.

<https://www.justice.gov/eoir/temporary-protected-status>.

The White House. “FACT SHEET: Marking the Two-Year Anniversary of the Report on the Impact of Climate Change on Migration,” December 1, 2023.

<https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/01/fact-sheet-marking-the-two-year-anniversary-of-the-report-on-the-impact-of-climate-change-on-migration/>.

———. “REPORT ON THE IMPACT OF CLIMATE CHANGE ON MIGRATION,” October 2021.

<https://www.whitehouse.gov/wp-content/uploads/2021/10/Report-on-the-Impact-of-Climate-Change-on-Migration.pdf>.

The World Bank. “An Unprecedented Response to an Unprecedented Disaster in Honduras,” January 11, 2021.

<https://www.worldbank.org/en/news/feature/2021/01/11/respuesta-honduras-desastre-huracanes-eta-iota>.

United Nations Economic Commission for Latin America and the Caribbean (ECLAC).

“HONDURAS: ASSESSMENT OF THE DAMAGE CAUSED BY HURRICANE MITCH, 1998: Implications for Economic and Social Development and for the Environment,” April 14, 1999.

<https://web.archive.org/web/20140519074125/http://www.eclac.org/publicaciones/xml/6/15506/L367-1-EN.pdf>.

———. “NICARAGUA: ASSESSMENT OF THE DAMAGE CAUSED BY HURRICANE MITCH, 1998: Implications for Economic and Social Development and for the Environment,” April 19, 1999.

<https://repositorio.cepal.org/items/27d3ee12-4b76-4bd4-a450-1f46fc9ec32e>.

U.S. Citizen and Immigration Services (USCIS). “Temporary Protected Status,” 2024.

<https://www.uscis.gov/humanitarian/temporary-protected-status>.

US Citizenship and Immigration Services. “Designation of Haiti for Temporary Protected Status.” Federal Register, August 3, 2021.

<https://www.federalregister.gov/documents/2021/08/03/2021-16481/designation-of-haiti-for-temporary-protected-status>.

US Citizenship and Immigration Services (USCIS). “Asylum,” n.d.

<https://www.uscis.gov/humanitarian/refugees-and-asylum/asylum>.

US Department of Defense. “2014 Climate Change Adaptation Roadmap,” 2014.

U.S. Department of Justice. “Designation of Honduras Under Temporary Protected Status.” Federal Register, January 5, 1999.

<https://www.govinfo.gov/content/pkg/FR-1999-01-05/pdf/98-34849.pdf>.

Warren, Robert, and Donald Kerwin. “A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti.” *Journal on Migration and Human Security* 5, no. 3 (2017): 577–92.

Wilson, Jill H. “Temporary Protected Status: Overview and Current Issues.” Congressional Research Service, 2017.

Yayboke, Erol, Trevor Houser, Janina Staguhn, and Tani Salma. “A New Framework for U.S. Leadership on Climate Migration.” *Center for Strategic and International Studies (CSIS)*, October 2020. <https://www.jstor.org/stable/resrep27039>.

Yayboke, Erol, Catherine Nzuki, and Sierra Ballard. “The White House Report on Climate Migration, Explained.” Center for Strategic & International Studies, November 5, 2021. <https://www.csis.org/analysis/white-house-report-climate-migration-explained>.