



DEPARTMENT OF THE ATTORNEY GENERAL

DAVID Y. IGE
GOVERNOR

CLARE E. CONNORS
ATTORNEY GENERAL

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Hawaii Attorney General Joins A Coalition of 20 Attorneys General Supporting the Rights of Temporary Protected Status Holders

HONOLULU – Hawaii Attorney General Clare E. Connors joined a coalition of 20 attorneys general in filing a brief with the U.S. Supreme Court in support of the right of foreign nationals living in the United States under a Temporary Protected Status (TPS) designation to become permanent residents when they meet statutory requirements. TPS allows foreign nationals from countries that are experiencing humanitarian crises to live and work in the United States.

“The Third Circuit’s ruling with respect to TPS holders is contrary to federal law,” said Attorney General Connors. “The intent of the federal law is to create a pathway to permanent residency and citizenship for those foreign nationals who come to the United States because of a crisis or safety issue in their country of origin.”

The brief, filed Monday in *Sanchez v. Mayorkas*, supports a married couple from El Salvador seeking to adjust their immigration status from TPS to lawful permanent residence. The couple sued to overturn United States Citizenship and Immigration Services’ (USCIS) denial of their application. The case pending before the Supreme Court seeks to overturn the Third Circuit’s determination that TPS holders who entered the country without being inspected and admitted at the time of their entry – which is the vast majority of TPS holders – are categorically barred from adjusting their status to permanent residency. In their brief, the attorneys general argue that the Court should reject the Third Circuit’s reading of federal law as contrary to Congress’ intent when crafting it, which was that TPS holders should have a ready path to permanent residency and then citizenship. The attorneys general specifically argue that TPS holders play critical roles in their states, that they are integral members of their communities, and that they greatly contribute to states’ economies.

According to the brief, 400,000 TPS holders live in the United States and play crucial social and economic roles, as many have built their families, careers, and communities here. TPS holders pay billions of dollars in state, federal and local taxes, spend their incomes locally, own homes, and have families that often include children and spouses who are citizens of this country. Thousands of TPS holders are frontline

workers playing a critical role combating the COVID-19 pandemic, and others work in restaurants, grocery stores, farming, agriculture and food manufacturing. Many TPS holders work in childcare; many also work as home health and personal care aides, nursing assistants, orderlies, or psychiatric aides.

TPS holders contribute greatly to state economies. Without their employment, the attorneys general argue that the United States would lose more than \$160 billion in gross domestic product and \$6.9 billion in Social Security and Medicare contributions, in addition to billions of dollars in taxes. The country's employers would also lose nearly \$1 billion in turnover costs.

The brief states that every six to 18 months, the U.S. Department of Homeland Security decides whether to terminate TPS designations. Without a viable path to permanent residency status, many TPS holders live in constant fear of losing their protected status and being uprooted from their homes and families in the United States. The attorneys general argue that denying TPS holders the right to adjust their status to permanent residency would greatly harm these foreign nationals by forcing them to leave their jobs and families to return to unsafe home countries and apply for permanent residency status, a process that can take years or decades.

The brief was co-led by Massachusetts Attorney General Maura Healey and District of Columbia Attorney General Karl A. Racine and joined by the attorneys general of California, Connecticut, Illinois, Maine, Maryland, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, and Washington.

A copy of the brief can be found [here](#).

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For more information, contact:

Krishna F. Jayaram
Special Assistant to the Attorney General
(808) 586-1284
Email: ATG.PIO@hawaii.gov
Web: <http://ag.hawaii.gov>
Twitter: @ATGHlgov