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Grace: In Omaha nearly 20 years, El Salvador native with protected status faces uncertain future

By Erin Grace / World-Herald columnist

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Wilfredo Rivera reads to his daughter, Brisa. Rivera came to the U.S. illegally but lives and works here legally with Temporary Protected Status. Photo JULIA NAGY/THE WORLD-HERALD

Wilfredo Rivera was born in El Salvador, but the 39-year-old has spent half his life in Omaha and considers the city his home.

He works at the same meatpacking plant that hired him 15 years ago at \$8 an hour. Now he's a supervisor with a salary and benefits. He owns his own home in southeast Omaha that he's fixed up and paid off. He pays taxes.

Although Rivera entered the U.S. illegally, he can live and work here legally because of a little-known humanitarian-based immigration program called Temporary Protected Status, which is open to people who are unable to return to their home country because of natural or man-made crises.

The program gives Rivera and his wife, who also came from El Salvador illegally and also works in meatpacking, no guarantee that their temporary status will become officially permanent. Every 18 months, immigrants must register with the program, and the federal government reviews whether countries should remain on the approved list.

Now some looming deadlines and the Trump administration's hard line on immigration could mean the end of protected status for people from certain countries, including El Salvador.

The administration is scheduled to decide as early as next week whether to renew protected status for Hondurans and Nicaraguans granted immigration protection in 1999 following Hurricane Mitch.

The administration in May gave Haitians affected by a 2010 earthquake a shortened, six-month TPS extension. Haitians with TPS will find out before Thanksgiving whether they get to stay longer.

Rivera and other Salvadorans should hear by January whether they can count on the program to continue.

In all, there were some 440,000 foreign nationals from a dozen countries at last federal count living in the U.S. legally under TPS. An estimated 3,000 Nebraskans have TPS, and most are Salvadoran.

Critics of the program say there's nothing temporary about continuing to permit people to live and work in the U.S. for decades, a de facto form of residency, even if it's not called that in the law.

In a letter sent this week to the U.S. Department of Homeland Security, U.S. Sen. Chuck Grassley said that people with TPS protection could be “otherwise removable aliens” who are taking jobs “that might otherwise be filled” by out-of-work Americans.

The Republican from Iowa singled out Haiti. Some 60,000 Haitian nationals are living in the U.S. with TPS and their absence from Haiti, he wrote, “does little to help those suffering overseas.”

Grassley said that improved conditions in Haiti should mean a return of “its productive citizens,” and he has asked the U.S. Department of Homeland Security “what steps the agency takes to ensure the reasonable departure of those previously granted TPS.”

Then-DHS-Secretary John Kelly in May said Haiti’s pace of recovery may not warrant TPS extension beyond January 2018, and he urged Haitians to get travel documents and make arrangements “for their ultimate departure from the United States.”

This week, Secretary of State Rex Tillerson reportedly advised acting DHS Secretary Elaine Duke that conditions in Central America and Haiti no longer necessitated protected status, according to the Washington Post.

A bipartisan group of Florida lawmakers has proposed a law that would offer permanency to TPS-holders from a handful of countries, including El Salvador.

The lawmakers, including Sens. Marco Rubio, a Republican, and Bill Nelson, a Democrat, are urging the Trump administration to let Haitians stay, saying conditions remain difficult in the country.

Honduran officials have argued that the country isn’t prepared to take an influx of people, with neither the jobs nor training capacity.

For now, immigrants, advocates and critics are watching what will happen to the next countries up for review, Honduras and Nicaragua. There are 86,000 Hondurans and 5,300 Nicaraguans in the protection program. The law requires a 60-day notice before ending the program, currently approved through Jan. 5.

How those go could well predict what happens to people from El Salvador.

Of all nine countries currently on the TPS list, El Salvador affects the most people — about 263,000 of about 440,000. Gang violence, murder and extortion are notoriously commonplace there.

El Salvador has twice had the designation, from 1990 to 1992, and then continuously since 2001. The country was granted TPS first because of a civil war and then because of earthquakes.

Rivera has been away from El Salvador since 1999, when he crossed illegally into the U.S., following an older brother who landed in Omaha. He was 20. He worked as a roofer until he got TPS. In 2002 he got a job with JBS, a beef-processing plant near 36th and L Streets. He worked his way up from the cutting floor to management. He learned English. He got established. The immigration status gave him a way to do that.

Here, he has a church and a home — a small, 117-year-old house with a newer roof, windows and flooring that he put in with help from a brother-in-law.

Rivera said he'd have nothing in El Salvador.

“I don't want to go back,” he said.

Omaha is where two of his three children were born. It's where his oldest son, Willian, graduated from Central High last year.

Willian's situation is precarious, too. He is a "Dreamer," a participant in the program that had offered protections for immigrants brought illegally to the U.S. as children. President Donald Trump ended the Deferred Action for Childhood Arrivals program in September but called on Congress to fix it. And Willian, who otherwise would like to be in college, instead is working as many hours as he can as a MegaSaver clerk to save up for his own uncertain future.

Rivera has tried sharing his story with Nebraska's members of Congress, who were not around when he and other Salvadorans with TPS visited their offices in Washington, D.C., recently.

He'll share his story Monday evening at Urban Abbey, a coffee house in the Old Market, joining Creighton University law professor David Weber. **Omaha Together One Community** organized the event, which starts at 6:45 p.m., and the advocacy group's representatives have a lot to say on the subject.

But it may be best to hear it from Rivera himself, who wants to keep his Omaha home.