

118TH CONGRESS
2D SESSION

H. R. 7371

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 15, 2024

Mr. ESPAILLAT (for himself, Mr. BOWMAN, Ms. NORTON, Mr. GARCÍA of Illinois, Mr. MCGOVERN, Ms. WASSERMAN SCHULTZ, Ms. MENG, Ms. OMAR, Ms. LEE of California, and Ms. SCHAKOWSKY) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Temporary Protected
5 Status (TPS) for Ecuador Act of 2024”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) In recent years, the nation of Ecuador,
4 which was once viewed as one of South America's
5 model nations for security and political stability, has
6 been gripped by an unprecedented wave of violence
7 due to the country's infiltration by organized crime
8 and drug-trafficking gangs.

9 (2) Between 2017 and 2023, the homicide rate
10 in Ecuador increased by 800%, rising from five
11 homicides per 100,000 inhabitants in 2017 to 45
12 homicides per 100,000 inhabitants in 2023, depict-
13 ing Ecuador's recent and rapid descent into a full-
14 blown humanitarian crisis and spurring mass migra-
15 tion from the once-peaceful nation.

16 (3) Since 2021, the Government of Ecuador has
17 declared multiple states of emergency due to wave
18 upon wave of gang-initiated violence that has re-
19 sulted in brutal homicides, routine extortion, regular
20 prison riots, and multiple attacks on civil society.

21 (4) In August 2023, Ecuador's anti-gang presi-
22 dential candidate, Fernando Villavicencio, was assas-
23 sinated, allegedly by gang members.

24 (5) Emboldened in the months that followed
25 Villavicencio's assassination, Ecuador's criminal
26 gangs were responsible for a new wave of violent

1 deaths in late 2023 that caused Ecuador’s violent
2 death rate in 2023 to nearly double over 2022’s al-
3 ready-elevated levels.

4 (6) The month of January 2024 oversaw the
5 worst spate of gang-instigated violence in Ecuador
6 in recent memory, highlighted by additional gang-led
7 prison riots and bombs exploding in several cities.

8 (7) On January 8, 2024, following the reported
9 escape from prison of gang leader José Adolfo
10 “Fito” Macías, Ecuadorian President Daniel Noba
11 declared a 60-day national state of emergency which
12 declared the country of Ecuador to be engaged in an
13 “internal armed conflict,” imposed a nationwide cur-
14 few for citizens, and authorized members of the Ec-
15 uadorian military to patrol the streets and arrest
16 suspected gang members.

17 (8) On January 9, 2024, gang members con-
18 ducted an armed assault of a television news broad-
19 cast in Guayaquil, Ecuador, with multiple armed
20 men in masks hijacking a live broadcast, firing sev-
21 eral rounds of ammunition live on air, and injuring
22 multiple television station employees.

23 (9) On January 17, 2024, also in Guayaquil,
24 Ecuador, Cesar Suarez, a criminal prosecutor who
25 was actively investigating organized crime in Ecua-

1 dor, was shot dead in his car during his morning
2 commute.

3 (10) In recent years and in early 2024, Ecua-
4 dor's humanitarian crisis catalyzed the mass migra-
5 tion to the United States of ordinary Ecuadorian
6 citizens fleeing unspeakable violence and instability
7 in their home country.

8 (11) On January 25, 2024, Ecuadorian Foreign
9 Minister Gabriela Sommerfield actively called on the
10 United States to grant temporary protected status
11 for Ecuadorian citizens.

12 (12) Based on recent migration statistics com-
13 piled from the American Community Survey, demog-
14 raphers estimate that as many as 300,000 Ecua-
15 dorians currently residing in the U.S. could benefit
16 from a designation of temporary protected status,
17 providing them with life-saving protection from de-
18 portation and allowing them access to work author-
19 ization in the United States to support themselves
20 and their families.

21 (13) The crisis facing Ecuador amounts to ex-
22 traordinary and temporary conditions that prevent
23 Ecuadorian nationals from safely returning to Ecua-
24 dor, thus meriting a temporary protected status des-
25 ignation for no less than 18 months in duration.

1 **SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
2 **PORARY PROTECTED STATUS.**

3 (a) DESIGNATION.—

4 (1) IN GENERAL.—For purposes of section 244
5 of the Immigration and Nationality Act (8 U.S.C.
6 1254a), Ecuador shall be treated as if such country
7 had been designated under subsection (b)(1)(C) of
8 that section, subject to the provisions of this section.

9 (2) MANDATORY PERIOD OF DESIGNATION.—

10 The initial period of the designation referred to in
11 paragraph (1) shall be for no less than the 18-month
12 period beginning on the date of the enactment of
13 this Act, with subsequent renewals of temporary pro-
14 tected status thereafter being subject to the discre-
15 tion of the Secretary of Homeland Security.

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

22 (1) has been continuously physically present in
23 the United States since the date of the enactment of
24 this Act;

25 (2) is admissible as an immigrant, except as
26 otherwise provided in paragraph (2)(A) of such sec-

1 tion, and is not ineligible for temporary protected
2 status under paragraph (2)(B) of such section; and

3 (3) registers for temporary protected status in
4 a manner established by the Secretary of Homeland
5 Security.

6 (c) CONSENT TO TRAVEL ABROAD.—

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

18 (2) TREATMENT UPON RETURN.—An alien re-
19 turning to the United States in accordance with an
20 authorization described in paragraph (1) shall be
21 treated as any other returning alien provided tem-
22 porary protected status under section 244 of the Im-
23 migration and Nationality Act (8 U.S.C. 1254a).

1 **SEC. 4. DETERMINATION OF BUDGETARY EFFECTS.**

2 The budgetary effects of this Act, for the purpose of
3 complying with the Statutory Pay-As-You-Go Act of 2010,
4 shall be determined by reference to the latest statement
5 titled “Budgetary Effects of PAYGO Legislation” for this
6 Act, submitted for printing in the Congressional Record
7 by the Chairman of the House Budget Committee, pro-
8 vided that such statement has been submitted prior to the
9 vote on passage.

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