

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Governmental Oversight and Accountability

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BILL: SM 1756

INTRODUCER: Senator Flores

SUBJECT: Temporary Protected Status to Venezuelans in the United States

DATE: February 7, 2020

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Hackett	McVaney	GO	<b>Favorable</b>
2.			JU	
3.			RC	

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**I. Summary:**

SM 1756 is a memorial to the Congress of the United States condemning Venezuelan President Nicolás Maduro’s actions and urging Congress to grant temporary protected status to Venezuelans in the United States.

A memorial is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.

**II. Present Situation:**

**Crisis in Venezuela**

Venezuela has been governed for two decades by the United Socialist Party of Venezuela, first under President Hugo Chávez until his death in 2013, then under Nicolás Maduro. Under President Maduro, Venezuela’s economy has substantially collapsed. The people of Venezuela regularly face shortages on products ranging from food to medicine, electricity outages are increasingly common, and children die of malnutrition. Hyperinflation has also wreaked havoc on the internal economy of Venezuela: a cup of coffee in the capital city, Caracas, increased in price by 9,900 percent from January 8, 2019, to January 9, 2020. According to experts, Venezuela, a once prosperous nation positioned over the largest oil reserves in the world, has been victim of government mismanagement and corruption.<sup>1</sup>

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<sup>1</sup> BBC News Latin America, Venezuela crisis in 300 words, January 6, 2020 (available at <https://www.bbc.com/news/world-latin-america-48121148>); Human Rights Watch, Venezuela: Events of 2018, HRW.org (available at <https://www.hrw.org/world-report/2019/country-chapters/venezuela>); Kiger, Patrick, How Venezuela Fell From the Richest Country in South America into Crisis, History.com, May 9, 2019 (available at <https://www.history.com/news/venezuela-chavez-maduro-crisis>); Reeves, Philip Venezuela’s Maduro Faces Mounting Pressure To Quit, Yet He Persists, National Public Radio, March 25, 2019 (available at <https://www.npr.org/2019/03/25/706635580/venezuelas-maduro-faces-pressure-from-much-of-the-world-yet-he-persists>).

## Venezuelan Presidential Crisis

Venezuelans and global spectators alike have greatly disputed both the process and results of the last Venezuelan presidential election, held in May 2018. Maduro called for the election months before it would regularly have been scheduled and prevented several opposition parties from participating at all. Consequently, the Organization of American States passed a resolution declaring Maduro's victory illegitimate. Juan Guaidó, the president of the National Assembly, which is controlled by the opposition social-democratic Popular Will party, was declared acting president and attempted to gain power. Guaidó's provisional government has been recognized by the Organization of American States, but in early 2020 Maduro's government continues to control state institutions.<sup>2</sup> Guaido attended President Donald Trump's February, 2020 State of the Union address as a guest of the White House.<sup>3</sup>

## Venezuelan Refugees in America

At least 4.6 million Venezuelans have fled the political and economic crisis. Nearly a million have crossed into Brazil, where the United States Agency for International Development has financially backed programs to resettle Venezuelan emigrants, giving nearly \$15 million.<sup>4</sup> The United States is also one of the top destinations for Venezuelan emigrants, and south Florida holds the highest concentration of Venezuelan Americans. Venezuelan emigrants must, wherever they enter the nation, apply for asylum, where their case is part of a million-case backlog along with a recent influx of Nicaraguan and Cuban asylum seekers.<sup>5</sup>

## Temporary Protected Status

Temporary Protected Status is a status given to nationals of specified countries by the United States Secretary of Homeland Security. The designation means that an individual, after his or her asylum case's initial review, may not be removed from the United States, may pursue an Employment Authorization Document, and has access to an Application for Travel Document. Some individuals are ineligible for Temporary Protected Status, including those who:

- Have been convicted of any felony or two misdemeanors committed in the United States;
- Have been involved in the persecution of a person on the basis of their race, religion, nationality, social group, or political position; or

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<sup>2</sup> Specia, Megan, *Five Things You Need to Know to Understand Venezuela's Crisis*, New York Times, May 3, 2019 (available at <https://www.nytimes.com/2019/05/03/world/americas/venezuela-crisis-facts.html>); BBC News Latin America, *Venezuela crisis: How the political situation escalated*, BBC, January 13, 2020 (available at <https://www.bbc.com/news/world-latin-america-36319877>).

<sup>3</sup> Sink, Justin and Jennifer Jacobs, *Venezuela's Guaido Attends Trump's State of Union Speech*, Bloomberg, February 4, 2020 (available at <https://www.bloomberg.com/news/articles/2020-02-04/venezuela-s-guaido-plans-to-attend-trump-s-state-of-union-speech>).

<sup>4</sup> Boadle, Anthony, *U.S. backs program to settle Venezuelan migrants in Brazil*, Reuters, January 28, 2020 (available at <https://www.reuters.com/article/us-venezuela-brazil-usa/u-s-backs-program-to-settle-venezuelan-migrants-in-brazil-idUSKBN1ZR2I8>).

<sup>5</sup> Villareal, Alexandra, *Venezuelans, Cubans and Nicaraguans seeking U.S. asylum face long immigration backlog*, NBC News, January 31, 2020 (available at <https://www.nbcnews.com/news/latino/venezuelans-cubans-nicaraguans-seeking-u-s-asylum-face-long-immigration-n1123761>); Moreno, Aurelio, *Venezuelan expats in South Florida support opposition leader's call for military uprising*, Sun-Sentinel, April 30, 2019 (available at <https://www.sun-sentinel.com/news/florida/fl-ne-venezuela-south-florida-reacts-20190430-story.html>).

- Are subject to one of the criminal-related or terrorism-related grounds of inadmissibility without waiver.

Temporary protected status does not provide a path to permanent resident status (green card) or citizenship. Currently immigrants from the following countries are protected: El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, South Sudan, Sudan, Syria, and Yemen.<sup>6</sup>

### **Senate Memorial**

A Senate Memorial is “a measure addressed to an executive agency or another legislative body, usually congress, which expresses the consensus of the Florida Legislature or urges that certain action be taken on a matter within the jurisdiction of the agency or body to which it is addressed. When both houses adopt the measure, the memorial is signed by the legislative officers and transmitted to the Secretary of State for presentation to the addressee. A memorial is not subject to the approval or veto powers of the Governor, is not subject to constitutional title requirements, and does not have the effect of law.”<sup>7</sup>

### **III. Effect of Proposed Changes:**

The Senate Memorial condemns Venezuelan President Nicolas Maduro’s actions and urges Congress to grant temporary protected status to Venezuelans in the United States.

Copies of the memorial will be sent by Florida’s Secretary of State to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and each member of the Florida delegation to the United States Congress.

Legislative memorials are not subject to the Governor’s veto power and are not presented to the Governor for review. Memorials have no force of law, as they are mechanisms for formally petitioning the federal government to act on a particular subject.

The Senate Memorial contains ten whereas clauses. The clauses outline the economic, political, and humanitarian crisis currently afflicting Venezuela.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

Not applicable. The bill does not require counties and municipalities to spend funds, reduce the counties’ or municipalities’ ability to raise revenue, or reduce the percentage of state tax shared with counties or municipalities.

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<sup>6</sup> U.S. Citizenship and Immigration Services, Temporary Protected Status, available at <https://www.uscis.gov/humanitarian/temporary-protected-status> (last visited February 5, 2020); Department of Justice, Temporary Protected Status, available at <https://www.justice.gov/eoir/temporary-protected-status> (last visited February 5, 2020); Congressional Research Service, Temporary Protected Status: Overview and Current Issues, updated March 29, 2019 (available at <https://fas.org/sgp/crs/homesec/RS20844.pdf>).

<sup>7</sup> Senate Glossary, <https://www.flsenate.gov/Reference/Glossary>.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

**D. State Tax or Fee Increases:**

None.

**E. Other Constitutional Issues:**

None identified.

**V. Fiscal Impact Statement:****A. Tax/Fee Issues:**

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

None.

**IX. Additional Information:****A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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