

NINA MOINI: Salvadorans who have lived in Minnesota for more than 25 years under Temporary Protected Status could soon lose their legal status in the United States. TPS for El Salvador is set to expire tomorrow. It will be the latest category of protections to fall away after the Supreme Court cleared the way for the Trump administration to end TPS in July. Joining me to explain is Ana Pottratz Acosta, a Mitchell Hamlin law professor and expert in immigration law. Thanks so much for joining us again on the show, Ana.

ANA POTTRATZ Of course. Thanks for having me.

ACOSTA:

NINA MOINI: Would you break down, for folks who aren't familiar, why TPS for El Salvador was created all the way back in 2001, and why it's been extended up until this point?

ANA POTTRATZ Sure. So initially, TPS was designated for nationals of El Salvador back in March of 2001. And this occurred

ACOSTA: following an earthquake in El Salvador. And just by way of background, typically, TPS status is designated with a particular country, usually following either a natural disaster, like an earthquake or a hurricane, something like that, or civil unrest in the country.

And usually after designation of TPS, they will-- the Department of Homeland Security, in consultation with other executive agencies, needs to evaluate conditions on the ground to determine whether or not conditions have stabilized or improved enough for TPS to continue or for TPS designation to be terminated.

In the case of El Salvador, following the initial designation in 2001, following the earthquake, TPS status has had been extended both due to the continuing aftermath of the earthquake and then later on following instability in the country related to gang violence and gender-based violence in the country.

NINA MOINI: Thank you for that. Yeah, it's important to give a little bit of history and context. And so there are more than 14,000 Salvadorans in Minnesota, though only some of them have TPS. Do you have a sense, Ana, for what portion of this group will be impacted by the end of these protections?

ANA POTTRATZ Well, it's hard to say because I wasn't able to find figures specific to Minnesota, particularly with a breakdown of

ACOSTA: Salvadoran nationals who had TPS. But my guess is that it would, at minimum, impact probably at least several thousand. My guess is probably around 3,000 or 4,000 individuals.

And remember, again, in order to be eligible for TPS status as a national of El Salvador, you had to be physically present in the United States on or before March of 2001. So anyone who arrived after that date would not be eligible for TPS. And we did have significant arrivals from the Northern Triangle, including from El Salvador starting in, I would say, around 2012, 2013. And those arrivals continued all the way until, I would say, 2022 or 2023.

NINA MOINI: And TPS, I understand, doesn't really give a path to citizenship. It renews every couple years. And it is already, I feel, a state of limbo, is how I've heard it described by some people. But to lose that status, what does that mean for folks, Ana? What kind of situation does that put somebody in?

ANA POTTRATZ Well, for nationals of El Salvador in particular, it is effectively like a limbo state. So every 12 months or 18 months, the government will make a decision as to whether or not they're going to re-designate or extend TPS status for nationals of a particular country. So in the case of nationals of El Salvador, they've had TPS status dating back to 2001. So they've been present in the United States for 25 years with a work permit and lawful status in the country. For many people, 25 years-- I mean, for all of us, 25 years is a really long time. So they're fairly well established in the community. They have jobs.

Many Salvadoran nationals with TPS have purchased homes, so to go from having a work permit and lawful status for 25 years and then effective tomorrow, reverting back to being undocumented, that's a really huge impact in terms of what their status is or what their ability to stay in the country and turning their world upside down, effectively, by losing this the status that they've held for such a long time.

NINA MOINI: What are the other options or protections are there for these folks?

ANA POTTRATZ There really are not. So TPS itself, it is, by its nature, temporary. So the status is extended usually in periods of 12 or 18 months. But there is no path to permanent resident status or citizenship. And for many individuals who have TPS, particularly nationals of El Salvador and other countries that have had TPS for a really long time, often the way that they're able to stay in the country permanently is through some other mechanism in the law.

For nationals of El Salvador, just to give an example of several clients who I represent in the clinic that I teach at Mitchell Hamlin, they have had TPS for many years, but they also have a US citizen child who's able to sponsor them for permanent resident status. So for many Salvadoran nationals, if they have a US citizen child or another relative who is able to sponsor them for permanent residence, that might be their best pathway to be able to stay in the country. Other individuals might be eligible for asylum or other forms of humanitarian protection.

But I would say that for anyone who has TPS status, particularly if you have TPS status that's set to expire-- so for Salvadorans tomorrow or for other nationalities who have had their TPS expire recently, the best thing that you can do is meet with an immigration lawyer to explore your options for how to be able to stay in the country and continue to maintain your lawful status.

NINA MOINI: And a year and a half ago, I understand, the Trump administration had extended TPS for El Salvador. Do you have a sense of why or for why it could be that it's expiring tomorrow, just in the context of how you mentioned many other countries being impacted this way?

ANA POTTRATZ So El Salvador is kind of an interesting case when you look at a lot of the other nationalities that have TPS, where TPS status has been terminated by the Trump administration. Unlike a lot of other countries, TPS status was actually extended by the Trump administration in March of 2025.

I personally would maybe speculate that that may have had something to do with diplomatic relations, or friendly diplomatic relations, between the Trump administration and the Bukele government. So President Bukele, back in the spring of 2025, did allow third country nationals, mainly from Venezuela, to be removed, and they were housed very infamously at the CECOT prison in El Salvador. So that might have been a reason for the extension of TPS for Salvadoran nationals, whereas TPS for other countries like Haiti and Venezuela was terminated in 2025.

In terms of why it wasn't extended again, it's hard to say why that is the case. But my guess is that the Trump administration in general has been very reluctant to grant TPS status or extend TPS protection for nationals of various countries. So I think this is just one other country as part of a pattern of rescinding those protections for individuals who have been here, albeit in temporary status, but have been present in the United States for quite some time.

NINA MOINI: Well, Ana, thanks for breaking that down for us and for your perspective. As always, we really appreciate your time.

ANA POTTRATZ Of course. Thanks for having me.

ACOSTA: