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COMMITTEE ON EDUCATION & LABOR

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**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-1602**

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July 24<sup>th</sup>, 2019.

Acting Secretary Kevin McAleenan  
U.S. Department of Homeland Security  
300 7th St SW,  
Washington, DC 20024

Acting Director Ken Cuccinelli  
U.S. Citizenship and Immigration Services  
20 Massachusetts Ave NW,  
Washington, DC 20529

Dear Acting Secretary McAleenan and Acting Director Cuccinelli:

We write to you as Members of Congress who support a free, stable, and democratic Syria.

The Syrian population in the United States, who are part of the Temporary Protected Status (TPS) program, are currently facing the possibility of being sent home after the expiration of their status on September 30th, 2019. It is critical for the community operating under TPS to see this status upheld until the situation in Syria becomes stable, safe, and free from oppression. This status currently applies to only 7,000 individuals in the United States, the overwhelming majority of which are professionals, including doctors, engineers, and academics.

On April 9th, 2019, the U.S. Department of State published their latest travel advisory for Syria. In it, Syria was designated as a Level 4 risk, and warned against travel due to the high threat of terrorism, civil unrest, kidnapping, and armed conflict. Giving Syrians no choice but to return home would put them in danger.

TPS may be granted in scenarios wherein the Secretary of Homeland Security decides that conditions in a certain foreign country temporarily prevent the country's nationals from returning safely. Temporary and extraordinary conditions that warrant the granting of this status include ongoing armed conflict. While present in the U.S, TPS designees are non-removable from the U.S. and can obtain an employment authorization document. TPS was granted in response to the Syrian military's violent suppression of opposition to President Bashar al-Assad's regime and was most recently extended by 18 months from April, 1st, 2018, to September, 30th, 2019 during which time, the situation in Syria has not improved.

We write to you in advance of the September 30th, 2019 expiration to urge you to extend the dates of the TPS of the Syrians, to avoid sending them home to a reality that remains largely unchanged from the one of which they sought refuge. While we understand the terms and scope of their TPS, it would be an injustice to return them to a country that we advise against travelling to for our own citizens.

Sincerely,

Steve Watkins

Members of Congress.

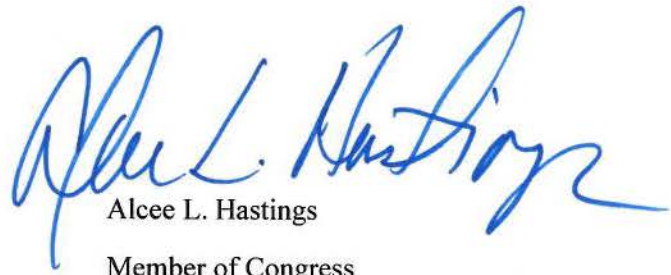
Joe Wilson

Member of Congress



Brian Fitzpatrick

Member of Congress



Alcee L. Hastings

Member of Congress



Eddie Bernice Johnson

Member of Congress



Ron Wright

Member of Congress



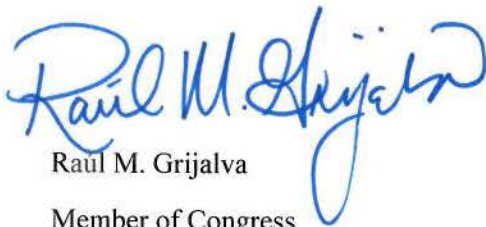
Eleanor Holmes Norton

Member of Congress



Vicente Gonzalez

Member of Congress



Raul M. Grijalva

Member of Congress



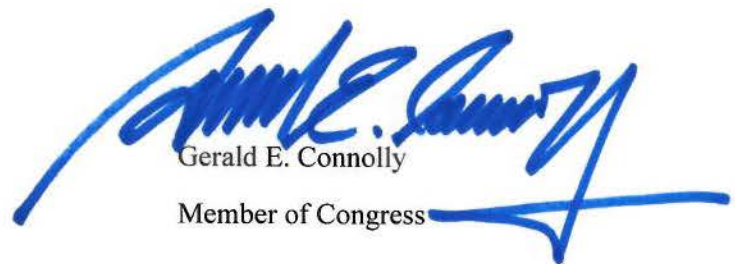
Earl Blumenauer

Member of Congress



Steve Stivers

Member of Congress



Gerald E. Connolly

Member of Congress



Susan Wild

Member of Congress



Eliot L. Engel

Member of Congress



Susan W. Brooks

Member of Congress



Jamie Raskin

Member of Congress



Jan Schakowsky

Member of Congress



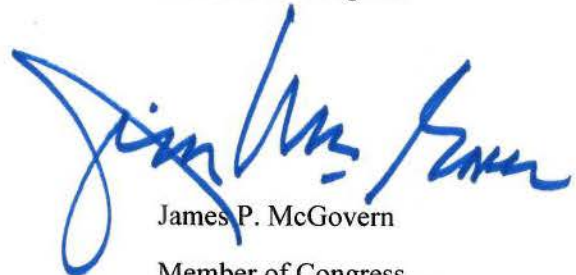
Adam Smith

Member of Congress



Alex X. Mooney

Member of Congress



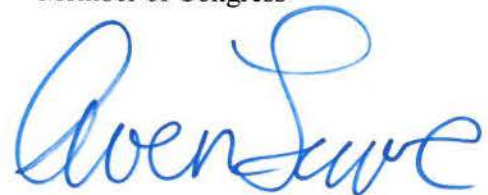
James P. McGovern

Member of Congress



Dave Loebsack

Member of Congress



Gwen Moore

Member of Congress



John Katko

Member of Congress



Judy Chu

Member of Congress



Ted Deutch

Members of Congress



Brendan F. Boyle

Member of Congress



**U.S. Citizenship  
and Immigration  
Services**

September 12, 2019

The Honorable Steve Watkins  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Watkins:

Thank you for your July 24, 2019 letter. Acting Secretary McAleenan asked that I respond on his behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Syria. The Secretary of Homeland Security may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria.<sup>1</sup> U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the Immigration and Nationality Act (INA), if the Secretary determines that the conditions for designation continue to be met with respect to a country, the designation must be extended. If the Secretary determines that the conditions are no longer met with respect to a country, the Secretary is required to terminate the designation.<sup>2</sup>

On August 1, 2019, after carefully considering information from a wide variety of sources, Acting Secretary McAleenan announced his determination to extend the TPS designation for Syria. The Acting Secretary's decision to extend TPS for Syria was made after a review of the conditions upon which the country's designation is based (ongoing armed conflict and extraordinary and temporary conditions) and an assessment of whether those conditions continue to exist, as required by statute. Based on careful consideration of available information, including recommendations received as part of an inter-agency consultation process and meetings with external stakeholders such as advocacy groups, the Acting Secretary determined that the conditions continue to exist. Based on that determination, under the applicable statute, the Acting Secretary extended Syria's current TPS designation. The Acting Secretary chose not to use his discretion to newly designate Syria at this time. Current beneficiaries under Syria's TPS designation will be eligible to re-register for an extension of their status for 18 months, through March 31, 2021. The re-registration period will be published in the Federal Register and on [www.uscis.gov/tps](http://www.uscis.gov/tps).

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<sup>1</sup> See Immigration and Nationality Act (INA) § 244(b).

<sup>2</sup> See INA § 244(b)(1),(3).

I would further note that Congress legislated that “there is no judicial review of any determination of the Attorney General with respect to the designation, or termination or extension of a designation, of a foreign state under this subsection.”<sup>3</sup> As such, a separation of powers issue has arisen as courts continue to displace executive branch authority to terminate TPS status. This makes a decision to exercise the discretion in the first place considerably more complicated and more akin to a permanent status, rather than a temporary one.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "Ken C II", with a stylized flourish at the end.

Ken Cuccinelli II  
Acting Director

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<sup>3</sup> See INA § 244 (b)(5)