

**Congress of the United States**  
**Washington, DC 20515**

July 16, 2019

The Honorable Kevin McAleenan  
Department of Homeland Security  
Washington, DC 20529

*CC: Acting USCIS Director Ken Cuccinelli*

Acting Secretary McAleenan:

We urge you to extend and re-designate Temporary Protected Status (TPS) for Syria, which is set to expire on September 30, 2019. Syria's crisis has only deteriorated further since President Trump extended TPS for that country in March 2018.

Under President Trump's leadership, the United States has boldly acted twice to punish the Assad regime for using chemical weapons against civilians. But the situation in Syria today is more dire than ever. The Assad regime and Russia continue bombing major population centers, and Hezbollah fighters—supported by Iranian Islamic Revolutionary Guard Corps (IRGC) fighters—continue to impose brutal sieges on civilians. While President Trump presided over the defeat of ISIS' territorial caliphate in Syria last March, radical Islamist extremists such as ISIS and al-Qaeda remain a persistent threat in the country, terrorizing civilians and committing crimes against humanity.

In government-controlled areas, Syrians returning from abroad are routinely met with arrest, disappearance, or forced conscription. The United Nations Commission of Inquiry (COI) for Syria has found that it is rare to find a Syrian detained by the regime who did not undergo torture. The *New York Times*' recent investigative report into Assad's dungeon-like prisons is a sickening reminder of the brutality wrought upon anyone not deemed "loyal." Those lucky enough to evade harassment by pro-Assad forces can find that their homes were evacuated to make room for new occupants—in many cases, Iranian fighters and their families Assad invited in to set up shop and displace his opponents.

Likewise, TPS holders from religious minorities, including Christians, face threat if forced to return to Syria prematurely. ISIS still remains active in the country and routinely targets religious minorities in Syria, particularly Christians. At the same time, the Assad regime is also continuing its own campaign targeting Syria's Christians. In fact, the Assad regime and its supporting forces are the primary perpetrators of the destruction of Christian churches in the ongoing conflict.

To be clear, Temporary Protected Status (TPS) for Syria must be just that—*temporary*. Granting TPS does not bestow refugee status, permanent residency, or asylum. For Syrians who are here

on a temporary basis, an extension and re-designation of TPS until the situation in Syria improves would mean a temporary suspension of the nightmare they have lived for the past eight years. It is unconscionable and unprecedented for the United States to preemptively send nearly 7,000 TPS holders to a country ravished by terrorist groups and armed militias "ruled" by perhaps the world's foremost human rights violator who is already predisposed to targeting them.

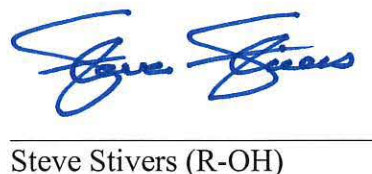
Taking in refugees will undoubtedly not solve the Syrian crisis. Creating a safe, stable, and just Syria is the answer to this devastating humanitarian catastrophe. Syrians want nothing else than to return home to build Syria's future as soon as that option becomes available.

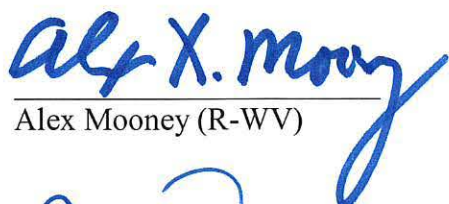
Unfortunately, that dream is not yet possible, as the State Department makes abundantly clear in its 2019 travel advisory, "No part of Syria is safe from violence." We strongly believe that forcing Syrians back to such a perilous environment runs counter to our country's interests and our long history of providing protection to those fleeing tyranny and conflict.

We strongly encourage you to renew TPS for Syria. Given the September 30, 2019 expiration date, we respectfully request a written response addressing this matter within 30 days of receiving this letter.

Sincerely,

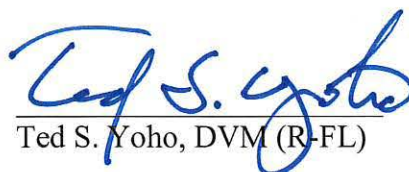
  
Joe Wilson (R-SC)

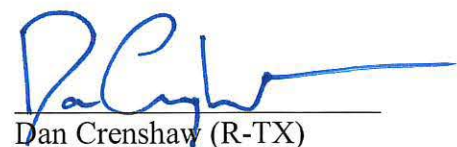
  
Steve Stivers (R-OH)

  
Alex Mooney (R-WV)

  
Mark Meadows (R-NC)

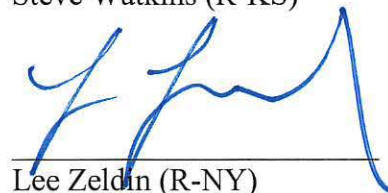
  
Ann Wagner (R-MO)

  
Ted S. Yoho, DVM (R-FL)

  
Dan Crenshaw (R-TX)

  
Steve Watkins (R-KS)

  
Michael Waltz (R-FL)


  
Lee Zeldin (R-NY)




  
Jennifer Gonzalez-Colon (R-PR)

  
Neal Dunn (R-FL)

  
Don Bacon (R-NE)


  
Susan W. Brooks (R-IN)

  
Denver Riggleman (R-VA)

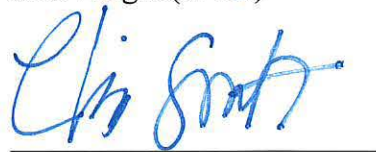
  
Paul Cook (R-CA)

  
Michael Turner (R-OH)

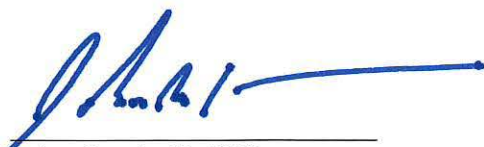
  
Brian Fitzpatrick (R-PA)

  
Ron Wright (R-TX)

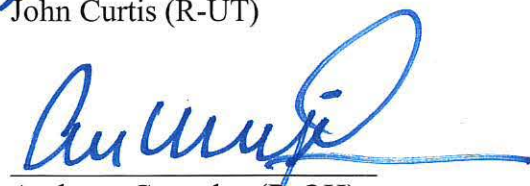
  
Rick Crawford (R-AR)


  
Chris Smith (R-NJ)

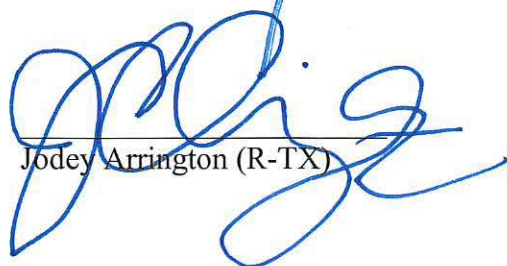
  
Bill Johnson (R-OH)

  
John Curtis (R-UT)

  
Jack Bergman (R-MI)

  
Anthony Gonzalez (R-OH)

  
John Rutherford (R-FL)

  
Jodey Arrington (R-TX)



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

September 12, 2019

The Honorable Joe Wilson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Wilson:

Thank you for your July 16, 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).

<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 concerns has arisen with TPS generally. As long as courts continue to displace executive branch authority to terminate TPS status, it 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". The signature is stylized with a large "K" and a cursive "C" followed by the Roman numeral "II".

Ken Cuccinelli II  
Acting Director

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<sup>3</sup> See INA § 244 (b)(5)