

July 29, 2019

The Honorable Secretary Michael Pompeo  
Department of State  
2201 C Street NW  
Washington, DC 20520

Acting Secretary Kevin McAleenan  
Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, D.C. 20016

Dear Secretary Pompeo and Acting Secretary McAleenan,

We write to urge you to extend for 18 months and redesignate Temporary Protected Status (TPS) for Syrians in the United States. The decision, due by August 1, 2019,<sup>1</sup> would protect the current 7,000 Syrian TPS holders as well as Syrians who arrived after August 1, 2016 and would benefit from redesignation.

Congress passed legislation to create TPS in 1990 and in doing so codified our country's commitment to the international principle of *non-refoulement*, meaning the United States must not return people to countries where their lives or freedom would be at stake.<sup>2</sup> Armed conflict and extraordinary conditions prevail in Syria, making safe return impossible. These conditions and circumstances similarly apply to Syrians who have recently fled the country, underscoring the necessity and urgency for both an extension and redesignation of TPS for Syrians.

The Assad regime continues to commit atrocities, which were the cause for Syria's original TPS designation,<sup>3</sup> and crimes against humanity, including arbitrary arrests, torture, and executions.<sup>4</sup> At least 128,000 people remain unaccounted for after disappearing into Syrian government prisons.<sup>5</sup> The regime and its allies are currently waging a brutal military campaign in Idlib province,<sup>6</sup> home to three million people, more than half of which are internally displaced.<sup>7</sup> In May 2019, a Syrian war monitor reported that 5,400 airstrikes killed 316 people,<sup>8</sup> and 61 children in airstrikes since April.<sup>9</sup>

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<sup>1</sup> INA § 244 (b)(3)(A); 83 Fed. Reg. 9329 (March 5, 2018), [www.federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status).

<sup>2</sup> Jill Wilson, *Temporary Protected Status: Overview and Current Issues*, Congressional Research Service (March 29, 2019), <https://crsreports.congress.gov/product/pdf/RS/RS20844>.

<sup>3</sup> 77 Fed. Reg. 19026 (March 29, 2012), [www.federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-for-temporary-protected-status](http://www.federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-for-temporary-protected-status).

<sup>4</sup> *Syria: Events of 2018*, Human Rights Watch (2019), [www.hrw.org/world-report/2019/country-chapters/syria](http://www.hrw.org/world-report/2019/country-chapters/syria).

<sup>5</sup> Anne Barnard, *What We Know About Syria's Secret Torture Prisons*, The New York Times (May 11, 2019), [www.nytimes.com/2019/05/11/world/middleeast/syria-torture-practices.html](http://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-practices.html).

<sup>6</sup> *Latest Idlib offensive threatens 'unprecedented humanitarian disaster'*, Refugees International (May 6, 2019), <https://reliefweb.int/report/syrian-arab-republic/latest-idlib-offensive-threatens-unprecedented-humanitarian-disaster>.

<sup>7</sup> Bethan McKernan, *'Every day brings a new massacre': Eid offers no respite for Idlib*, The Guardian (June 4, 2019), [www.theguardian.com/world/2019/jun/04/every-day-brings-new-massacre-eid-offers-no-respite-idlib-syria](http://www.theguardian.com/world/2019/jun/04/every-day-brings-new-massacre-eid-offers-no-respite-idlib-syria).

<sup>8</sup> *Id.*

<sup>9</sup> *No funeral for children killed in Idlib as death toll rises*, Save the Children (June 4, 2019), <https://reliefweb.int/report/syrian-arab-republic/no-funeral-children-killed-idlib-death-toll-rises>.

According to The United Nations Office for the Coordination of Human Affairs (OCHA), 13 million people are in need of humanitarian aid in Syria.<sup>10</sup> The Assad regime continues its practice of weaponizing basic human needs, bombing food convoys, health care facilities, and places of worship.<sup>11</sup> USAID reports that 11.7 million Syrians need food assistance in 2019, with 9 million facing emergency food insecurity.<sup>12</sup> Approximately 6.5 million people are facing “life-threatening food insecurity.”<sup>13</sup> The Assad regime and its allies carried out a verified 566 attacks on medical facilities in Syria.<sup>14</sup> There have been 890 documented killings of medical professionals,<sup>15</sup> 90 percent attributed to Assad or allies.<sup>16</sup>

The United Nations continues to warn that “safe, voluntary and dignified return” is not possible at this time.<sup>17</sup> Rates of forced return and deportation to Syria from neighboring countries, a violation of international law, are on the rise.<sup>18</sup> In addition to deportation, there is great concern that Syrians will continue to return “voluntarily” due to a false sense of security based on inflated returnee numbers.<sup>19</sup> Furthermore, Assad and allies are engaged in a propaganda campaign, calling on Syrians to return as part of a political effort to legitimize the government.<sup>20</sup> Analysts predict that decisions to return to Syria based on false information and perceptions will continue to increase, putting more lives at risk.<sup>21</sup>

Moreover, Syrian TPS holders and their families are taxpayers who contribute significantly to local communities and businesses. They have contributed to the economic, social, and civic wellbeing of the United States. Should the Department of Homeland Security allow Syrian TPS designations to expire, it would force recipients and their families to make a nearly impossible choice about whether to return to dangerous conditions or stay in the United States and risk deportation. Ending TPS would harm not only the recipients but their U.S.-born children, their families, their employers, and the millions of people in and around their communities whose lives they touch.

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<sup>10</sup> *Global Humanitarian Overview 2019*, UNOCHA (2019), [www.unocha.org/sites/unocha/files/GHO2019.pdf](http://www.unocha.org/sites/unocha/files/GHO2019.pdf).

<sup>11</sup> For e.g., *S.A.M.S. alarmed by heightened attacks on civilian infrastructure in northwest Syria*, Syrian American Medical Society (June 11, 2019), [www.sams-usa.net/press\\_release/sams-alarmed-by-heightened-attacks-on-civilian-infrastructure-in-northwest-syria/](http://www.sams-usa.net/press_release/sams-alarmed-by-heightened-attacks-on-civilian-infrastructure-in-northwest-syria/); *Syria's war: NGOs suspend aid to embattled Idlib province*, Al Jazeera (May 11, 2019), [www.aljazeera.com/news/2019/05/syria-war-ngos-suspend-aid-embattled-idlib-province-190511093135241.html](http://www.aljazeera.com/news/2019/05/syria-war-ngos-suspend-aid-embattled-idlib-province-190511093135241.html).

<sup>12</sup> *Food assistance fact sheet*, USAID (April 24, 2019), [www.usaid.gov/syria/food-assistance](http://www.usaid.gov/syria/food-assistance).

<sup>13</sup> *Id.*

<sup>14</sup> *The Syrian Conflict: Eight Years of Devastation and Destruction of the Health System*, Physicians for Human Rights (March 12, 2019), <https://phr.org/resources/the-syrian-conflict-eight-years-of-devastation-and-destruction-of-the-health-system/>.

<sup>15</sup> *Medical Personnel are Targeted in Syria*, Physicians for Human Rights (2019), <https://phr.org/resources/medical-personnel-are-targeted-in-syria/>.

<sup>16</sup> *Id.*

<sup>17</sup> *Global Humanitarian Overview 2019*, UNOCHA (2019), [www.unocha.org/sites/unocha/files/GHO2019.pdf](http://www.unocha.org/sites/unocha/files/GHO2019.pdf).

<sup>18</sup> Jesse Marks, *Why Syrian refugees are at risk of a forced return to Syria*, The Washington Post (Feb. 13, 2019), [www.washingtonpost.com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-heres-why/?utm\\_term=.64538974272b](http://www.washingtonpost.com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-heres-why/?utm_term=.64538974272b).

<sup>19</sup> Jesse Marks, *Why Syrian refugees are at risk of a forced return to Syria*, The Washington Post (Feb. 13, 2019), [www.washingtonpost.com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-heres-why/?utm\\_term=.64538974272b](http://www.washingtonpost.com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-heres-why/?utm_term=.64538974272b); *TIMEP Brief: The Return of Refugees*, The Tahrir Institute for Middle East Policy (March 18, 2019), <https://timep.org/reports-briefings/timep-brief-return-of-refugees/>.

<sup>20</sup> *Id.*

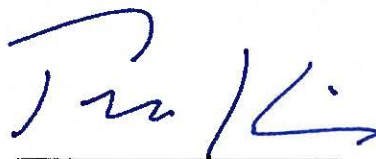
<sup>21</sup> *TIMEP Brief: The Return of Refugees*, The Tahrir Institute for Middle East Policy (March 18, 2019), <https://timep.org/reports-briefings/timep-brief-return-of-refugees/>.

We urge you to extend and redesignate TPS for Syrians. We look forward to action from your office before July 31, 2019.

Sincerely,



Kirsten Gillibrand  
United States Senator



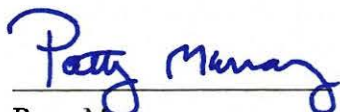
Tim Kaine  
United States Senator



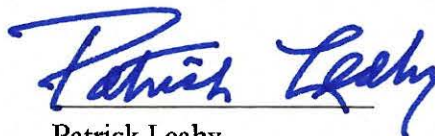
Elizabeth Warren  
United States Senator



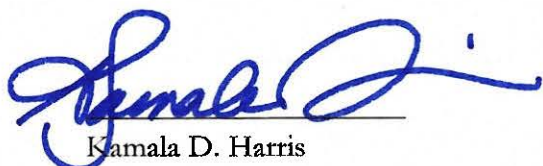
Bernard Sanders  
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Patty Murray  
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Patrick Leahy  
United States Senator



Kamala D. Harris  
United States Senator




Chris Van Hollen  
United States Senator



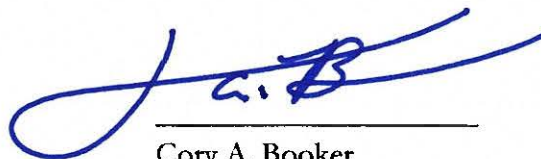
Mazie K. Hirono  
United States Senator



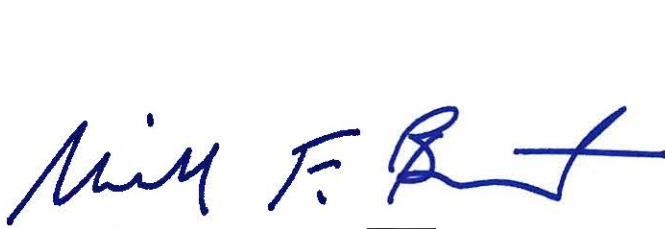
Mark R. Warner  
United States Senator



Edward J. Markey  
United States Senator



Cory A. Booker  
United States Senator



Michael F. Bennet  
United States Senator



Tina Smith  
United States Senator



Benjamin L. Cardin  
United States Senator



Richard Blumenthal  
United States Senator



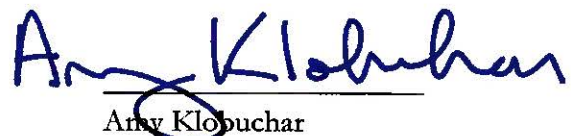
Sherrod Brown  
United States Senator



Richard J. Durbin  
United States Senator



Gary C. Peters  
United States Senator



Amy Klobuchar  
United States Senator





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

September 12, 2019

The Honorable Kirsten Gillibrand  
United States Senate  
Washington, DC 20510

Dear Senator Gillibrand:

Thank you for your July 29, 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 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", with a stylized flourish at the end.

Ken Cuccinelli II  
Acting Director

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<sup>3</sup> See INA § 244 (b)(5)