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By ESEC at 10:35 am, Aug 28, 2023

August 28th, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Secretary Antony Blinken
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

RE: FORMAL REQUEST FOR RELIEF MEASURES TO PROTECT NIGERIENS FROM DEPORTATION

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

The recent conflict, security, and political instability resulting from the coup d'état in Niger on July 26, 2023, threatens the lives of Nigerien individuals residing in the United States if returned. We write today to draw your attention to the imminent need for protection for Nigeriens in the United States, through authorized relief measures the White House, Department of State, and Department of Homeland Security can adopt in the event of armed conflict, political instability, and dire human rights and humanitarian crisis. As the situation escalates, we request the administration to proactively address these concerns by announcing one of the following measures to protect Nigerians from detention or deportation in the United States: Temporary Protected Status or Deferred Enforced Departure, Special Student Relief, prosecutorial discretion to limit enforcement for impacted Nigeriens and expedited processing of immigration petitions filed by Nigeriens to regularize their status and grant them immediate protection. We also request that the administration use its discretion to provide any form of relief using any special authority to give Nigeriens in the US as a result of the crisis.

Niger has experienced continuous growth in jihadist activity since 2018, with a record year for violence in 2021 measured by fatalities. Niger confronts an array of security challenges: in the west, it faces the Sahelian insurgency driven by IS Sahel and the al-Qaeda-affiliated JNIM, while the southeastern Diffa region is affected by the ISWAP and Boko Haram insurgency. The central Tahoua region is seeing a mixture of IS Sahel militancy and banditry. In Maradi, along the southern border with Nigeria, organized bandit gangs are also highly active. The Agadez region, rich in gold and smuggling routes that stretch along the border with Libya, Algeria, and Chad, has additionally attracted a plethora of armed groups, among them Chadian and Sudanese rebels, drug traffickers, and organized criminal gangs, all contributing to widespread rural banditry.

According to an Amnesty International report, increasing numbers of children are being killed and targeted for recruitment by armed groups in conflicts raging at Niger's borders with Mali and Burkina Faso.

Based on the International Committee of the Red Cross, in the Diffa Region of Niger, tens of thousands of refugees and displaced people are living in harsh conditions because of the fighting in neighboring Nigeria. Countless civilians have been killed in violent raids in the region since February 2015.

Additionally, until the recent power grab by a group of military leaders, Niger not only stood out as the "last bastion of democracy in the Sahel," but was considered the "last bulwark against jihadis and Russian influence" across the region.

Moreover, current events have impacted Niger's relations with regional and Western partners. Over the past 16 days, Niger is facing economic sanctions and threats of military intervention. ECOWAS group of West African leaders have declared that a standby military force is being assembled to restore constitutional order. But now the United States has suspended its counterterrorism training with soldiers in Niger after a coup. France has cut financial support, and the European Union has suspended security aid. Due to crime, terrorism, and kidnapping the travel advisory warns Americans not to travel to Niger, setting the advisory level at its highest possible: Level 4.

Disengagement of international partners would have severe consequences in a country that, according to the World Bank, relies on close to USD 2 billion a year in official development assistance. The United States condemned the coup against Niger. “What we are seeing in Niger is extremely troubling and provides nothing to the country and its people” said Secretary of State Anthony Blinken in an interview. He also said that the U.S. is backing regional efforts to bring a diplomatic resolution to the situation in Niger. After a surprise trip to Niger, U.S. deputy secretary of state, Victoria Nuland describes talks with coup leaders as ‘difficult’ as the US calls for ‘constitutional order’ in Niger.

Niger's junta on Wednesday 16th, said 17 of its soldiers were killed in an ambush by insurgents, the deadliest attack since a July 26 coup whose leaders have cited persistent insecurity as a justification for deposing the civilian government.

This urgent action would not only demonstrate the United States' commitment to humanitarian values but also alleviate the suffering and uncertainty faced by those directly impacted by the ongoing political unrest in Niger.

We understand the decision to adopt the proposed measures is made with careful consideration of various factors, including the current situation in the designated country. We have full confidence in your expertise and judgment in handling such matters and are hopeful that you will give this request your utmost attention.

Thank you for your time and consideration of this pressing matter. Your prompt action will undoubtedly have a positive and life-changing impact on the lives of Niger citizens residing in the United States during this challenging period.

Sincerely,

Nigeriens in the U.S.



U.S. Citizenship
and Immigration
Services

September 18, 2023

Myriam Mossi
mmossi@fordham.edu

Dear Ms. Mossi:

Thank you for your August 28, 2023 letter to the Department of Homeland Security (DHS) requesting immigration relief to Nigeriens in the United States such as Temporary Protected Status (TPS), Deferred Enforced Departure (DED), Special Student Relief (SSR), prosecutorial discretion, and expedited processing of immigration petitions filed by Nigeriens. I am responding on behalf of the Department.

I appreciate the concerns you have expressed regarding the situation in Niger and your requests for relief for nationals of Niger in the United States. DHS is monitoring conditions in Niger and is committed to administering its programs in an equitable manner.

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. In order to designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following: (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned; (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1). DHS makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances of the country.

DED is an administrative stay of removal that may be authorized by the President for a designated group of foreign nationals. The authority to grant DED arises from the President's constitutional authority to conduct the foreign relations of the United States. *See* Executive Order 12711 (April 11, 1990). The President can authorize DED for any reason related to this authority. Although DED is not a specific immigration status, individuals covered by DED are not subject to removal from the United States, usually for a designated period of time. The President may direct

DHS to offer certain benefits, such as employment authorization or advance parole to reenter the United States after travel abroad, to eligible foreign nationals covered by the DED directive. The Secretary authorizes employment for the period of time and under the conditions pursuant to the presidential directive. DHS is responsible for adjudicating and processing any DED-related applications for employment authorization or advance parole. In general, eligibility standards are set forth in the Presidential designation of DED for each specific group of eligible foreign nationals.

DHS, pursuant to federal regulations, also makes decisions to authorize SSR due to emergent circumstances after consultation with interagency partners and careful consideration of the conditions in the affected country. Under SSR, DHS may suspend the applicability of certain minimum course load requirements and employment limitations, allowing eligible F-1 nonimmigrant students to apply to U.S. Citizenship and Immigration Services (USCIS) for employment authorization. In addition to employment benefits available under SSR, federal regulations allow eligible students in F status who are experiencing severe economic hardship caused by circumstances beyond their control to apply to USCIS for off-campus employment authorization. These circumstances can include unexpected changes in the financial condition of their source of support.

USCIS also offers other types of immigration relief that may be available upon request to assist eligible noncitizen nationals residing in the U.S. who have been affected by emergencies or unforeseen circumstances. Such relief may include:

- Change or extension of nonimmigrant status if eligible nationals are currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;
- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the unforeseen circumstances; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information is available at <https://www.uscis.gov/humanitarian/special-situations>.

Myriam Mossi
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Thank you again for your letter and interest in this important issue. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director