

Congress of the United States
Washington, DC 20515

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June 21, 2018

The Honorable Kirstjen M. Nielsen
Secretary
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, DC 20530

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

Dear Secretary Nielsen and Secretary Pompeo:

In less than one month, this administration will decide the fate of nearly 1,200 Yemeni nationals who have built new lives that depend upon Temporary Protected Status for their continued livelihood, safety, and survival. We write to strongly urge you to both extend and re-designate Temporary Protected Status (TPS) for Yemen before the deadline on July 5, 2018.

Yemen remains in a constant state of war. For this reason, TPS for Yemen is not only deserved, but warranted under the law. The outbreak of war, which was the main reason for TPS designation in September 2015,¹ is not only ongoing today but is reaching new levels of violence throughout the country. The United Nations and the Armed Conflict Location and Event Data Project has documented thousands of civilian deaths, with upward of 3,000 persons killed in 2018 alone.² All parties involved in the war are indiscriminately targeting civilians and vital civilian infrastructure, including residences, medical centers, and transportation networks.³

Moreover, the war's widespread destruction has caused the world's worst humanitarian crisis, an extraordinary and temporary condition that justified the extension and re-designation of TPS in 2017.⁴ More than 22 million Yemenis—roughly three-quarters of the population—need some form of humanitarian assistance. At least 8.4 million are severely food insecure, and nearly every governorate in the country is at crisis levels for impending famine.⁵ The civil war has caused nearly 3 million Yemenis to be internally displaced, the majority of which have now been

¹Designation of the Republic of Yemen for Temporary Protected Status; USCIS Notice, 80 Fed. Reg. 53319 (September 3, 2015).

² Armed Conflict Location and Event Data Project, <https://www.acleddata.com/>

³ "Yemen--World Report 2018," Human Rights Watch, <https://www.hrw.org/world-report/2018/country-chapters/yemen>. Human Rights Watch documented 85 unlawful coalition airstrikes, killing nearly 1,000 civilians, and targeting homes, markets, hospitals, schools, and mosques. *Id.* Cluster munitions and air bombardment strikes have also been deployed in the country. *Id.*

⁴ Extension and Redesignation of the Republic of Yemen for Temporary Protected Status; USCIS Notice, 82 Fed. Reg. 859 (January 4, 2017).

⁵ United Nations Office for the Coordination of Humanitarian Affairs (OCHA). (2018). Yemen: Humanitarian Dashboard (January - February 2018). Retrieved from https://reliefweb.int/sites/reliefweb.int/files/resources/humanitarian_dashboard_Jan%20to%20feb%202018.pdf; 2017/2018 Amnesty International Report on Yemen, <https://www.amnesty.org/en/countries/middle-east-and-north-africa/yemen/report-yemen/>; UNCHR 2018 Global Focus, <http://reporting.unhcr.org/node/2647>.

displaced for over one year, and nearly 200,000 have left for refuge across the world.⁶ Preventable diseases are rampant, with the international community recording over 1 million cases of cholera and the spread of diphtheria and measles across the country.⁷

The case for extending TPS for the 18-month maximum allowed by the law, and re-designating TPS for eligible Yemenis, is statutorily clear. The armed conflict renders the safe return of roughly 1,200 Yemeni TPS holders in the United States unfeasible and inhumane. The humanitarian crisis represents a "substantial, but temporary, disruption of living conditions" for Yemenis, and the civil war and loss of territory and vital infrastructure renders the Yemeni government "unable, temporarily, to handle adequately the return" of Yemenis (8 U.S.C. §1254a).

Extending and re-designating TPS for Yemen is also clearly in the interest of America's national security. Since March 2015, the United States has been involved in a regional military campaign in support of the internationally recognized government and seeks, for the stability of Yemen and its neighbors, a negotiated settlement to the conflict and an amelioration of its resulting humanitarian crisis. The sudden return of 1,200 Yemenis will not only further undermine the international humanitarian response in Yemen, but also undermine America's standing amongst our allies and give antagonistic states and non-state actors in the region a needless propaganda boon.

Current TPS recipients from Yemen living in safely in the United States have contributed greatly to the social and economic welfare of our communities. Failing to extend TPS for Yemenis who have it and re-designate it for eligible individuals will put many men, women, children, and families in jeopardy and do much to undermine the security of the American homeland.

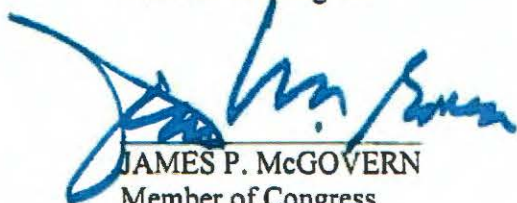
Sincerely,



DEBBIE DINGELL
Member of Congress



NYDIA M. VELÁZQUEZ
Member of Congress



JAMES P. McGOVERN
Member of Congress



GENE GREEN
Member of Congress

⁶ *Id.*

⁷ World Health Organization, Epidemic and pandemic-prone diseases outbreak update – cholera in Yemen, 30 March 2018, <http://www.emro.who.int/pandemic-epidemic-diseases/cholera/outbreak-update-cholera-in-yemen-30-march-2018.html>



BETTY MCCOLLUM
Member of Congress



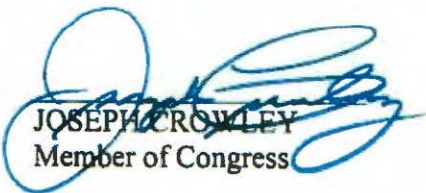
ELEANOR HOLMES NORTON
Member of Congress



YVETTE D. CLARKE
Member of Congress



FREDERICA S. WILSON
Member of Congress



JOSEPH CROWLEY
Member of Congress



BARBARA LEE
Member of Congress



ADRIANO ESPAILLAT
Member of Congress



RICK LARSEN
Member of Congress




BRENDA L. LAWRENCE
Member of Congress



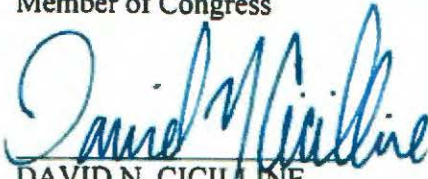
BONNIE WATSON COLEMAN
Member of Congress



GWEN MOORE
Member of Congress



ADAM SMITH
Member of Congress



DAVID N. CICILLINE
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ZOE LOFGREN
Member of Congress



DAVID E. PRICE
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ELIJAH E. CUMMINGS
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DIANA DeGETTE
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JACKIE SPEIER
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DINA TITUS
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JAN SCHAKOWSKY
Member of Congress



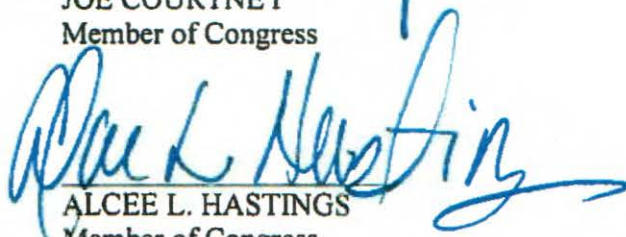
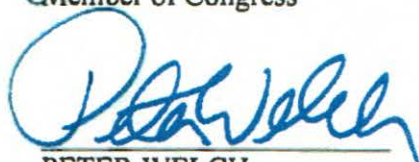

FRANK PALLONE, JR.
Member of Congress



TED DEUTCH
Member of Congress



MICHAEL CAPUANO
Member of Congress


RO KHANNA
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JOHN YARMUTH
Member of Congress
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Member of Congress
PETER A. DeFAZIO
Member of Congress
PETER WELCH
Member of Congress
TED W. LIEU
Member of Congress



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

July 24, 2018

The Honorable Debbie Dingell
U.S. House of Representatives
Washington, DC 20515

Dear Representative Dingell:

Thank you for your June 21, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Yemen. The Secretary of Homeland Security's authority to designate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). 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 INA, if the Secretary determines that the conditions for designation continue to be met with respect to a country, the designation must be extended. However, if the Secretary determines that the conditions are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

On July 5, 2018, after carefully considering relevant conditions in Yemen and the statutory TPS requirements, Secretary Nielsen announced her determination to extend the TPS designation for Yemen for 18 months, through March 3, 2020. Prior to the conclusion of this 18-month extension, the Secretary will review conditions in Yemen and, after consultation with other appropriate federal agencies, determine whether another extension or a termination is warranted, in full compliance with the INA.

Additional information on the extension of TPS for Yemen can be found in Secretary Nielsen's July 5, 2018 announcement of the decision posted on the Department of Homeland Security's website, on the USCIS website, and in a notice that will be published in the *Federal Register*.

The Honorable Debbie Dingell
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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 "LFC", written in a cursive style.

L. Francis Cissna
Director