

United States Senate

WASHINGTON, DC 20510

July 17, 2018

SCANNED/RECEIVED
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The Honorable Kirstjen Nielsen
Secretary
U.S. Department of Homeland Security
Washington, D.C. 20016

The Honorable Mike Pompeo
Secretary
U.S. Department of State
Washington, D.C. 20520

Dear Secretaries Nielsen and Pompeo:

We write to urge you to extend and re-designate Somalia for Temporary Protected Status (TPS) before the deadline on July 19, 2018. We believe the country's conditions continue to meet the standards for TPS extension, and failing to extend this protection could subject returnees to unnecessary violence, human rights abuses, and possibly death.

Somalia was first designated for TPS in September, 1991 due to extraordinary and temporary conditions in the country. Somalia was re-designated in 2001 and 2012. Most recently, TPS designation for Somalia was extended through September 17, 2018 because conditions in the country, including "(1) ongoing armed conflict and (2) extraordinary and temporary conditions that prevent Somali nationals from returning to Somalia in safety," continued to warrant TPS designation.¹

These conditions continue to persist, therefore extension and re-designation of Somalia for TPS is necessary and justified. The State Department's Country Report on Human Rights Practices, released in April, 2018, states, "Clan militias and al-Shabaab continued to commit grave abuses throughout the country, including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations (NGOs), and the United Nations. They also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press, assembly, and movement."² The report notes that there has been a rise in al-Shabaab recruitment of children, killings by clan militias, violence directed at humanitarian organizations, and internal displacement.

The United Nations Assistance Mission in Somalia similarly reported that "the overall security situation remains volatile."³ In October, 2017, Somalia witnessed its deadliest terrorist attack to date in a suicide attack that killed an estimated 512 people. The UN Mission also reported that as a result of a severe drought in early 2017, more than six million people continue to face food insecurity and that by the end of 2018 1.2 million children could be malnourished.

¹ Extension of the Designation of Somalia for Temporary Protected Status, 82 Fed. Reg. 4905 (Jan. 17, 2017), <https://www.federalregister.gov/documents/2017/01/17/2016-31861/extension-of-the-designation-of-somalia-for-temporary-protected-status>.

² U.S. Department of State, Bureau of Democracy, Human Rights, and Labor, *2017 Country Reports on Human Rights Practices* (April 20, 2018) <https://www.state.gov/j/drl/rls/hrrpt/2017/af/277045.htm>.

³ U.N. Security Council, Report of the Secretary General on Somalia (May 2, 2018), <http://undocs.org/S/2018/411>; U.N. Security Council, Report of the Secretary General on Somalia (Dec. 26, 2017), http://www.un.org/ga/search/view_doc.asp?symbol=S/2017/1109.

On July 9, 2018, the State Department issued a travel advisory that warns U.S. citizens not to travel to the country due to "crime, terrorism, and piracy."⁴ Clearly, there is considerable risk that Somali nationals forced to return to their home country would face significant danger and unsafe conditions.

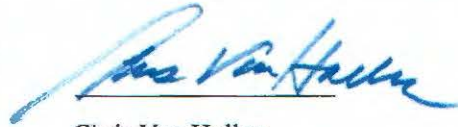
In 1990, Congress established TPS as a form of humanitarian relief for foreign nationals in the United States who would not be able to safely return to their home countries or for countries that would not be able to handle the return of nationals due to extraordinary conditions.⁵ Since then, this protection has helped protect immigrants from returning to dangerous conditions and helped designated countries better focus their efforts to allow for a safe reintegration in the future.

We believe the conditions in Somalia clearly meet the statutory standards for TPS designation, and that forcing Somali TPS holders to return would subject them to extreme risk of violence, death, and human rights abuses. Given the violence and humanitarian crisis in Somalia, the re-designation and extension of TPS for Somalia is necessary to protect this vulnerable population.

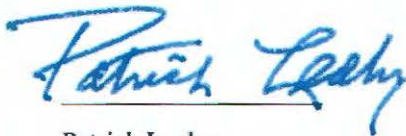
Sincerely,



Tina Smith
United States Senator



Chris Van Hollen
United States Senator




Patrick Leahy
United States Senator



Elizabeth Warren
United States Senator



Michael F. Bennet
United States Senator



Edward J. Markey
United States Senator

⁴ U.S. Department of State, Bureau of Consular Affairs, *Somalia International Travel Information* (July 9, 2018), <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Somalia.html>.

⁵ 8 U.S.C. §1254a.



Mazie K. Hirono
United States Senator



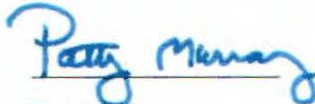
Bernard Sanders
United States Senator



Benjamin L. Cardin
United States Senator



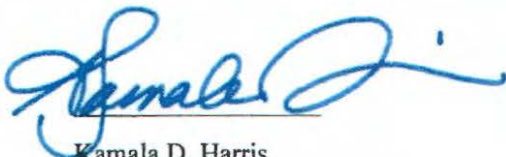
Richard J. Durbin
United States Senator



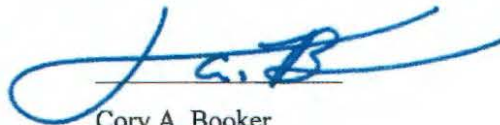
Patty Murray
United States Senator



Maria Cantwell
United States Senator



Kamala D. Harris
United States Senator



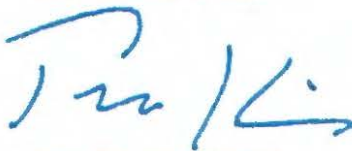
Cory A. Booker
United States Senator



Christopher A. Coons
United States Senator



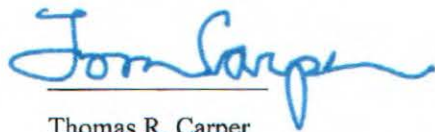
Amy Klobuchar
United States Senator



Tim Kaine
United States Senator



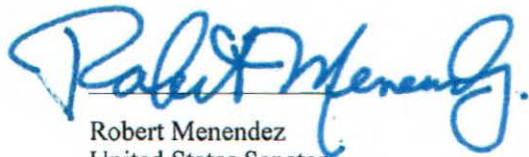
Jeffrey A. Merkley
United States Senator

A handwritten signature in blue ink that reads "Tom Carper". The signature is fluid and cursive, with the first name "Tom" being more prominent than the last name "Carper".

Thomas R. Carper
United States Senator

A handwritten signature in blue ink that reads "Sherrod Brown". The signature is bold and cursive, with the first name "Sherrod" being more prominent than the last name "Brown".

Sherrod Brown
United States Senator

A handwritten signature in blue ink that reads "Robert Menendez". The signature is cursive and includes a period at the end of the last name "Menendez".

Robert Menendez
United States Senator

A handwritten signature in blue ink that reads "Doug Jones". The signature is cursive and stylized, with the first name "Doug" being more prominent than the last name "Jones".

Doug Jones
United States Senator



U.S. Citizenship
and Immigration
Services

August 6, 2018

The Honorable Tina Smith
United States Senate
Washington, DC 20510

Dear Senator Smith:

Thank you for your July 17, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Somalia. 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 19, 2018, after carefully considering relevant conditions in Somalia and the statutory TPS requirements, Secretary Nielsen announced her determination to extend the TPS designation for Somalia for 18 months, through March 17, 2020. Prior to the conclusion of this 18-month extension, the Secretary will review conditions in Somalia 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 Somalia can be found in Secretary Nielsen's July 19, 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 Tina Smith
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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,



L. Francis Cissna
Director