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January 11, 2018

The Honorable Kirstjen Nielsen
Secretary of Homeland Security
Washington, D.C. 20528

The Honorable Rex W. Tillerson
Secretary of the Department of State
Washington D.C. 202528

Re: Request for Extension and Re-designation of Syria for TPS

Dear Secretary Nielsen & Secretary Tillerson,

On behalf of the American-Arab Anti-Discrimination Committee (ADC), we are writing to request that you extend and renew the designation of the Syrian Arab Republic (Syria) for Temporary Protected Status (TPS) for an 18-month period in accordance with your authority as Secretary of the Department of Homeland Security (DHS) pursuant to 8 U.S.C. § 1254a.

ADC is the largest grassroots Arab-American civil rights and civil liberties organization; it is non-profit, non-sectarian, and non-partisan, with members in every State of the United States. As the largest Arab-American civil rights organization, ADC is especially concerned for the welfare and human rights of the innocent civilians who are affected by the ongoing armed conflict in Syria. ADC's legal department regularly provides pro bono legal advice to Syrian nationals seeking information about refugee status, temporary protected status, and asylum.

ADC's initial TPS request, filed in January of 2012, was endorsed by the Arab American Institute (AAI), Refugee Council USA (RCUSA), US Committee for Refugees and Immigrants (USCRI), Hebrew Immigrant Aid Society (HIAS), and South Asian Americans Leading Together (SAALT). ADC previously submitted requests to extend and renew the designation of Syria for TPS in April 2013, November 2014, and February 2016.

Extension and Re-designation

We commended DHS's extension and re-designation of Syria for TPS on August 1, 2016, effective from October 1, 2016 through March 31, 2018.¹ Immigration is a priority for ADC's pro bono legal and policy practice. With the March expiration date approaching, we request that you extend the applicable period of TPS designation. We also request that you provide 60 days advance notice for such extension in order to ease the strain on the system and decrease the pressure on individuals seeking TPS and employment authorizations. Re-designation and extension of TPS for Syria is more than warranted. Syria is a clear-cut case of the purpose and need of TPS to protect nationals of a country where there is: 1) an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety; and 2) extraordinary conditions in the foreign state

¹ Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

that prevent aliens who are nationals of the state from returning to the state in safety. 8 U.S. Code § 1254(b)(1).

We also request that you issue a fifth designation for Syria with a new registration period. The humanitarian impact of the Syrian crisis, civil war and ongoing armed conflict is far reaching. The number of people in need of humanitarian assistance as a result of the armed conflict in Syria is calculated at 13.1 million.² At the time of 2016 TPS designation for Syria, 4.8 million Syrians were United Nations registered refugees.³ There has been a significant increase in U.N. registered refugees since 2016. As of January 2018, 5.4 million Syrians are registered as refugees, fleeing violence and risking their lives to find safety for themselves and their families.⁴ Over 6 million Syrians remain internally displaced separated from their families, with inadequate or no access to water, food, shelter, and basic necessities.⁵ Nearly 2 million Syrians were internally displaced in 2017 alone.⁶ Mass displacement persists with an average of 6,550 Syrians displaced by violence every day in 2017.⁷

Additionally, the current TPS designation does not help many of the Syrian nationals who have been forced to flee Syria since the end of 2016. With the registration deadline passed, we request that you renew the designation of Syria for TPS to allow eligible Syrian nationals to register and apply for TPS for the first time.

Syria continues to meet the qualifying conditions for re-designation under § 1254a.⁸ DHS has previously re-designated other countries for TPS, sometimes with an extension of the initial designation, according to § 1254a.⁹ In Syria, it continues to be the case that: “there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to part of the state) would pose a serious threat to their personal safety.”¹⁰ Syria “is unable, temporarily, to handle adequately the return to [Syria] of aliens who are” Syrian nationals¹¹; and “there exist extraordinary and temporary conditions in [Syria] that prevent aliens who are [Syrian nationals] from returning to [Syria] in safety.”¹²

Violence has escalated throughout the country since DHS re-designated Syria for TPS in August of 2016.¹³ According to the Strategic Steering Group on Syria under United Nations Office for the

² United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Strategic Steering Group, Summary: Syrian Arab Republic: 2018 Humanitarian Needs Overview, Nov. 2017,

https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2018_summary_171120_0.pdf; *see also* UNHCR, Syria Emergency, Data Statistics, <http://www.unhcr.org/en-us/syria-emergency.html>.

³ *See also* Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

⁴ UNHCR, Syria Regional Refugee Response, *available at* http://data.unhcr.org/syrianrefugees/regional.php#_ga=2.205654931.102936413.1515025292-1960642707.1459204692.

⁵ United Nations Office for the Coordination of Humanitarian Affairs, *supra* note 2.

⁶ *See id.*

⁷ UNOCHA, Strategic Steering Group, Report: Syrian Arab Republic: 2018 Humanitarian Needs Overview, Nov. 2017, https://reliefweb.int/sites/reliefweb.int/files/resources/hno_2018_summary_171120_0.pdf.

⁸ Temporary Protected Status, 8 U.S.C. § 1254a (2000).

⁹ *Id.* *See, e.g.,* South Sudan (Sept. 2, 2014); Sudan (Nov. 2, 2004, May 3, 2013); Somalia (Sept. 18, 2012); Haiti (July 23, 2011).

¹⁰ 8 USC § 1254a(b)(1)(A)

¹¹ 8 USC § 1254a(b)(1)(B)(ii)

¹² 8 USC § 1254a(b)(1)(C)

Coordination of Humanitarian Affairs (UNOCHA) report, over 8 million people live under constant siege areas subject to explosive hazards and massive contamination, military raids, bombing, and violent hostilities. High levels of civilian casualties are indicative of mass violations of international humanitarian law and international human rights law.

Humanitarian organizations have determined that over 3 million of these persons live in hard to reach areas or under informal sieges where aid and assistance is the most dire for lifesaving resources, food and water.¹⁴ These severely and critically damaged areas span the country including but not limited to Aleppo, Al-Hasakeh, Ar-Raqqa, Damascus, Dar'a, Deir-Ez-Zor, Idleb, Lattakia, Quneitra, and Tartous.¹⁵ Restrictions on freedom of movement and constant bombing add to difficulty in getting assistance to these areas.¹⁶

The Strategic Steering Group on Syria report shows that Syrian nationals especially women and children are at increased risk for child labor, human trafficking, and engagement in high risk activities to support their livelihood.¹⁷ The exposure to these risk factors exasperates the problems with physical security, living conditions, and access to basic services, goods and protection faced by the Syrian people.¹⁸ The forced return of thousands of Syrian TPS holders will only compound overburdened communities.¹⁹ “Indiscriminate attacks on densely populated areas, resulting in the destruction of civilian infrastructure, are particularly affecting health facilities, schools, water networks, markets and places of worship continue.”²⁰ In the first half of 2017, the Syria Monitoring and Reporting Mechanism reported 107 attacks on health facilities and health professionals, and 26 verified (dozens more reported) attacks on the education sector.²¹

Small Burden on the United States

Extension and re-designation will pose little burden on the U.S. Relatively few Syrians are able to obtain the documentation and travel arrangements necessary to come to the United States. For instance, when DHS re-designated Syria for TPS in January 2015, DHS estimated that there were “approximately 5,800 current Syrian TPS beneficiaries who are expected to apply for re-registration and may be eligible to retain their TPS under the extension” and “an additional 2,500 individuals may file initial applications for TPS under the re-designation of Syria.”²²

¹³ See generally U.N. Gen Assembly A/HRC/36/55, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Aug. 8, 2017.

¹⁴ See *id.*

¹⁵ *Id.*

¹⁶ See *id.*; UNICEF, Syria Crisis: November 2017 Humanitarian Results, at 2, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Crisis%20Situation%20Report%20-%20November%202017%20.pdf>; Syria 2016 Human Rights Report, at 34–36.

¹⁷ See *id.*

¹⁸ See

¹⁹ See *id.*

²⁰ *Id.*

²¹ See *id.*

²² Extension and Re-designation of Syria for Temporary Protected Status, 80 Fed. Reg. 245 (January 5, 2015).

In addition, Executive Orders 13,769 and 13,780, Protecting the Nation from Foreign Terrorist Entry into the United States, imposed limits on the travel and entry of Syrian nationals into the United States from January 2017 until September 2017.²³ Further, the Presidential Proclamation Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry into the United States by Terrorists or Other Public-Safety Threats, issued on September 24, 2017 is in effect. Proclamation 8693's implementation severely restricts travel and denies entry of Syrian nationals.²⁴

The ability of Syrian nationals to engage in employment in the United States under TPS will also ease the burden on America as hosts.²⁵ A renewed TPS designation will allow current TPS beneficiaries to renew the Employment Authorization Documents (EADs) and new applicants to apply for EADs for the first time. Further, granting TPS to Syrian nationals will not place a burden on our welfare system as TPS beneficiaries are ineligible for welfare benefits such as Social Security.²⁶

Prior TPS Designations for Syria

1. March 29, 2012

DHS initially designated Syria for TPS on March 29, 2012, on the basis that “there exist extraordinary and temporary conditions in Syria that prevent Syrian nationals from returning in safety, and that permitting such aliens to remain temporarily in the United States would not be contrary to the national interest of the United States.”²⁷ The TPS notice cited widespread protests, the Syrian government's excessive use of force, arbitrary executions, baseless detentions, torture, and ill-treatment, as repressing and killing thousands of Syrians, in an effort to retain control of the country.²⁸ At that time, DHS noted that: “Observers generally agree that the conflict has become increasingly violent and militarized.”²⁹ The notice cited that United Nations estimates that “approximately 7,500 Syrians have been killed since the violence began,” 100,000 to 200,000 Syrians are internally displaced, and approximately 35,000 Syrians have sought refuge in neighboring countries.³⁰

2. June 17, 2013

DHS extended and renewed the designation of Syria for TPS on June 17, 2013 “due to the continued disruption of living conditions in the country that are a result of the extraordinary and temporary conditions that led to the initial TPS designation of Syria in 2012.”³¹ DHS stated that “the extension

²³ Exec. Order 13,769, Protecting the Nation from Foreign Terrorist Entry into the United States, (2017); Exec. Order 13,780, Protecting the Nation from Foreign Terrorist Entry into the United States, (2017)

²⁴ Pres. Proc., Enhancing Vetting Capabilities and Processes for Detecting Attempted Entry Into the United States by Terrorists or Other Public-Safety Threats (2017).

²⁵ 8 U.S.C. § 1254a (B).

²⁶ 70B Am. Jur. 2d Soc. Sec. & Medicare § 913 (2005).

²⁷ Designation of Syrian Arab Republic for Temporary Protected Status, 77 Fed. Reg. 61,19026 (Mar. 29, 2012).

²⁸ *Id.*

²⁹ *Id.*

³⁰ *Id.*

³¹ *DHS Announces Re-designation and 18-Month Extension of Temporary Protected Status for Syria*, U.S. Citizenship and Immigration Services. June 17, 2013. Available at <http://www.uscis.gov/news/dhs-announces-re-designation-and-18-month-extension-temporary-protected-status-syria>; Extension and Re-designation of Syria for Temporary Protected Status, 78 Fed. Reg. 116, 36223-36229 (June 17, 2013)

[was] based on ongoing armed conflict in that region and the continued deterioration of country conditions.”³² DHS “determined that an extension and re-designation [was] warranted because the extraordinary and temporary conditions in Syria that prompted the 2012 TPS designation have not only persisted, but have deteriorated, and because there [was] an on-going armed conflict in Syria that would pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.”³³

3. January 5, 2015

DHS extended and re-designated Syria for TPS on January 5, 2015 because it determined that “the ongoing armed conflict and other extraordinary and temporary conditions that prompted the 2013 TPS re-designation have not only persisted, but have deteriorated, and because the ongoing armed conflict in Syria and other extraordinary and temporary conditions would pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.”³⁴ The notice cited that an estimate of more than 191,000 people had been killed since the start of the civil unrest in Syria in March 2011, approximately 6.4 million Syrians were internally displaced, and more than 3.2 million refugees from Syria had sought refuge in neighboring countries.³⁵ The notice cited that government associated armed groups and armed opposition groups increasingly target civilians in Syria.³⁶ The notice also cited 10.8 million Syrians remaining inside Syria were in need of humanitarian assistance, but that access for delivery of humanitarian assistance to vulnerable people in Syria continued to be a serious challenge, and that 7 million people in Syria had little to no access to necessary humanitarian assistance in 2014.³⁷

4. August 1, 2016

DHS extended and re-designated Syria for TPS on August 1, 2016, because the agency determined that “the ongoing armed conflict and other extraordinary and temporary conditions that prompted the 2015 TPS re-designation have not only persisted, but have deteriorated, and because the ongoing armed conflict in Syria and other extraordinary and temporary conditions would pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.”³⁸ The notice cited the U.S. Agency for International Development report that calculated the number of people in need of humanitarian assistance as a result of the armed conflict in Syria at 13.5 million.³⁹ The notice also affirmed that nearly 5 million people were U.N. registered refugees and 6.5 million people were internally displaced. Additionally, the notice confirmed that in 2016, the deteriorating country in the midst of a humanitarian crisis had resulted in approximately 400,000 deaths and 1.5 million people injured.⁴⁰

³² *Id.*

³³ Extension and Re-designation of Syria for Temporary Protected Status, 78 Fed. Reg. 116, 36223 (June 17, 2013)

³⁴ Extension and Re-designation of Syria for Temporary Protected Status, 80 Fed. Reg. 245 (January 5, 2015).

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

³⁹ *Id.*

⁴⁰ *Id.*

Syria's Humanitarian and Refugee Crisis

The actions of all the armed groups fighting in Syria have directly caused the Syrian refugee crisis. The Syrian humanitarian and refugee crisis has continued to get worse as the conflict has escalated. According to the United Nations Office for the Coordination of Humanitarian Affairs, 5.4 million Syrians have been forced to leave the country, and 6.1 million are internally displaced, making Syria the largest displacement crisis globally.⁴¹ As of February 2016, 13.1 million people remain in need of humanitarian assistance, including millions of children.⁴² Further, humanitarian access to people in need in Syria remains constrained by shifting armed conflict on the frontlines, administrative and bureaucratic hurdles, restrictions on delivering lifesaving assistance and support to millions of people across the country every month, starvation and rampant malnourishment of children, ongoing violence along access routes and general safety and security concerns.⁴³

Although the Obama Administration satisfied its commitment to accept 10,000 Syrian refugees for resettlement in the U.S. in Fiscal Year 2016, this was insufficient to truly address the Syrian refugee crisis.⁴⁴ 1.5 million Syrian refugees are in Lebanon, 3.4 million Syrian refugees are in Turkey, over 124,000 Syrian refugees are in Egypt, and over 40,000 refugees are in Canada.⁴⁵ Senate Democrats and refugee rights groups called for the U.S. to accept many more refugees.⁴⁶ Further, the Trump Administration's proposed cut to refugee admissions to 45,000⁴⁷ followed by the ultimate suspension of refugee admissions under Executive Orders 13,769 and 13,780, and the Presidential Proclamation ceased refugee admissions and brought the refugee program to a halt. This has drastically prevented the United States from fulfilling its obligations under the Refugee Convention and to provide a safe haven to Syrian refugees that continue to represent significant portion of the world's refugee population.⁴⁸

⁴¹ United Nations Office for the Coordination of Humanitarian Affairs, *Syria Crisis: Regional Overview*, available at <http://www.unocha.org/syrian-arab-republic/syria-country-profile/about-crisis>; UNHCR, Syria Regional Refugee Response, *supra* note 4.

⁴² *Id.*

⁴³ *Id.*

⁴⁴ See The Editorial Board, *America has accepted 10,000 Syrian refugees. That's still too few*, WASH. POST, Sept. 2, 2016, https://www.washingtonpost.com/opinions/global-opinions/america-has-accepted-10000-syrian-refugees-thats-still-too-few/2016/09/02/470446e2-6fc0-11e6-8533-6b0b0ded0253_story.html?utm_term=.3aecd561c5eb; Elise Foley, *Lawmakers, Refugee Groups To Obama: Accepting 10,000 Syrians Is Not Enough*, HUFF POST, Sept. 11, 2015, https://www.huffingtonpost.com/entry/10000-syrians-congress-refugee-groups_us_55f2eb12e4b077ca094eb7df.

⁴⁵ UNICEF, Syria Crisis: November 2017 Humanitarian Results, at 2–3, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Crisis%20Situation%20Report%20-%20November%202017%20.pdf>; Gov't of Canada, #WelcomeRefugees: Key Figures, <https://www.canada.ca/en/immigration-refugees-citizenship/services/refugees/welcome-syrian-refugees.html>.

⁴⁶ Martin Matishak, *Senate Dems call on Obama to resettle 65,000 Syrian refugees*, THE HILL, May 5, 2015, available at <http://thehill.com/policy/defense/242873-senate-dems-call-on-obama-to-resettle-6k-syrian-refugees>; Dan Reidman, *U.S. has only welcomed 1,800 Syrian refugees as migrants beg for world's help*, THE NEW YORK DAILY NEWS, September 5, 2015, available at <http://www.nydailynews.com/news/world/migrants-truck-included-syrian-iraqi-afghan-refugees-article-1.2348616>.

⁴⁷ Dept. of State, Proposed Refugee Admissions for Fiscal Year 2018 to Committees on Judiciary, U.S. Senate and U.S. House of Representatives, <https://www.state.gov/documents/organization/274857.pdf>.

⁴⁸ See Yeganeh Torbati & Mica Rosenberg, *Trump administration proposes to cut refugee cap to 45,000*, REUTERS, Sept. 27, 2017, <https://www.reuters.com/article/us-usa-immigration-refugees/trump-administration-proposes-to-cut-refugee-cap-to-45000-idUSKCN1C22RN>

In light of the difficulties of resettling refugees in the U.S., extending and renewing the designation of Syria for TPS is a reasonable step that the United States should take to help the international community in assisting Syrians who are fleeing the ongoing armed conflict and humanitarian crisis in Syria.⁴⁹

Polio Outbreak

In March of 2017, a polio virus outbreak in Syria emerged in the Deir Ez-Zor and Raqqa governorates.⁵⁰ In the initial outbreak, the World Health Organization (WHO) identified 16 cases are from Mayadeen district, Deir Ez-Zor governorate, and one case from Raqqa district, Raqqa governorate with circulating vaccine-derived poliovirus type-2 (cVDPV2).⁵¹ Children as young as five months were found to have acute flaccid paralysis (AFP) with the average age being 15 months.⁵² At a minimum, 75 cases of children suffering from the polio outbreak have been confirmed with many suffering paralysis as a result.⁵³

“[The] outbreak derived from the polio vaccine itself . . . The vaccine, a weakened form of the polio virus that triggers the immune system’s response, is secreted in the waste of vaccinated children, and over time can mutate into an infectious strain that may afflict the unvaccinated. The risks are especially high in areas where not all children have received the vaccine and where the mutated virus can spread from contaminated sewage or water. These vaccine-derived outbreaks really are a marker of poor vaccination and poor sanitation in the community.”⁵⁴

However, serious concerns remain with the destruction of the health infrastructure, and restrictions on movement and ongoing armed conflict as barriers to health care access has left 200,000 children without basic immunization and polio immunizations.⁵⁵ In October 2017, attacks on hospitals, including one attack on the only vaccine cold room facility in Deir Ez-Zor governorate, where majority of polio cases diagnosed, delayed the immunization of children where 35,000 doses of polio vaccines

⁴⁹ See. UN High Commissioner for Refugees, *Guidelines on Temporary Protection or Stay Agreements*, available at <http://www.unhcr.org/542e99fd9.pdf>.

⁵⁰ World Health Organization and UNICEF, *Syria cVDPV2 Outbreak Situation Report #1*, June 19, 2017, http://www.emro.who.int/images/stories/syria/WHO_UNICEF_Situation_Report_1_cVDPV2_outbreak_Syria_19.6.17.pdf?ua=1.

⁵¹ *Id.*

⁵² World Health Organization and UNICEF, *Syria cVDPV2 Outbreak Situation Report #27*, December 19, 2017, http://www.emro.who.int/images/stories/syria/WHO_UNICEF_Situation_Report_27_cVDPV2_outbreak_Syria_19.12.2017.pdf?ua=1.

⁵³ World Health Organization and UNICEF, *Syria cVDPV2 Outbreak Situation Report #1*, June 19, 2017, http://www.emro.who.int/images/stories/syria/WHO_UNICEF_Situation_Report_1_cVDPV2_outbreak_Syria_19.6.17.pdf?ua=1; see Rick Gladstone, Polio Paralyzes 17 Children in Syria, W.H.O. Says, NY Times, June 20, 2017, <https://www.nytimes.com/2017/06/20/world/middleeast/syria-polio-children-paralyzed.html>; World Health Organization, Week 52, 23-29 December 2017, Humanitarian Response – Syria, <https://www.humanitarianresponse.info/en/operations/syria/document/who-syria-weekly-updates-week-52-2107>.

⁵⁴ Gladstone *supra* note 114.

⁵⁵ UNICEF *supra* note 39 at 2; see Jason Beaubien, *Mutant Strains Of Polio Vaccine Now Cause More Paralysis Than Wild Polio*, NPR, June 28, 2017, <https://www.npr.org/sections/goatsandsoda/2017/06/28/534403083/mutant-strains-of-polio-vaccine-now-cause-more-paralysis-than-wild-polio>.

were stored.⁵⁶ Children between the ages of 2 to 23 months with IPV in infected and high-risk areas of Deir Ez-Zor, Raqqa, Aleppo, Idleb, Hama, Homs, Hasakah and areas of Damascus including rural Damascus remain top priority for vaccinations by the WHO.⁵⁷

Escalation of Syria's Armed Conflict and the Impact

The ongoing armed conflict in Syria has grown more violent, even in de-escalation zones, since Syria TPS was re-designated in August of 2016.⁵⁸ Over 5 million people live in 18 areas classified as besieged and 3 classified as hard-to-reach.⁵⁹ Extraordinary and temporary conditions continue to pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.⁶⁰ Hundreds of thousands of people have been killed as a result of the ongoing armed conflict and violence, with estimates as high as 500,000.⁶¹ In 2017, over 10,000 civilians were killed.⁶² Violent conflict and the deteriorating humanitarian crisis continue to pose significant risk throughout Syria, including largescale civilian displacement within Syria and health concerns.

A statement by the Chair of the Independent Commission of Inquiry on the Syrian Arab Republic to the U.N. Human Rights Council clearly lays out the state of the humanitarian crisis,

Civilians continue to be deliberately attacked, deprived of humanitarian aid and essential healthcare services, forcibly displaced, and arbitrarily detained or held hostage by all warring parties: pro-Government forces, anti-Government armed groups, terrorist organizations and their loyal affiliates. By shedding light on these atrocities, we hope to advance the cause of justice for the victims.

For years, we have reported on how sieges are ruthlessly enforced and their resulting impact on the civilians. As we sit in this chamber, can you imagine a life under siege? Starved. Deprived of access to water. Hospitals and schools destroyed or at best moved underground with limited staff and supplies. Besieged civilians are given little choice, but to starve, surrender or die.⁶³

⁵⁶ World Health Organization, Attack on vaccines sets back immunization efforts in eastern Syrian Arab Republic, Oct. 13, 2017, <http://www.who.int/mediacentre/news/releases/2017/syria-vaccines-attack/en/>.

⁵⁷ *Id.*

⁵⁸ See World Health Organization, Syrian Arab Republic Humanitarian Response Plan 2017, <http://www.who.int/emergencies/response-plans/2017/syria/en/>; see generally U.N. Gen Assembly A/HRC/36/55, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, Aug. 8, 2017.

⁵⁹ See *id.*

⁶⁰ UNICEF Syria Crisis Situation Report (Humanitarian Results) - November 2017, <https://reliefweb.int/report/syrian-arab-republic/unicef-syria-crisis-situation-report-humanitarian-results-november-2017>.

⁶¹ See

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⁶³ OHCHR, Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, Sept. 18, 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22095&LangID=E>.

The Eastern Ghouta region in Damascus, technically classified as a de-escalation area, like the rest of Syria continues to be under daily siege, violence and conflict, bombardment, and shelling.⁶⁴ The living conditions for all persons, especially children, have deteriorated with hundreds of thousands trapped.⁶⁵ “The U.N. last reached Eastern Ghouta on 23 September with help for some 25,000 people in the besieged towns of East Harasta, Misraba and Modira. Between January and September, the government only accepted 26% of requests to deliver assistance to besieged and hard-to-reach areas.”⁶⁶

On October 27, 2017, the U.N. Office of the High Commissioner (OHCHR) reflected on how severely malnourished children in Eastern Ghouta were due to the inhumane conditions caused by violence and siege.⁶⁷ A survey conducted in November 2017 found that approximately 12 percent of children under age 5 living in Ghouta suffer from acute malnutrition.⁶⁸ This represented a significant increase from 2 percent in January 2017.⁶⁹

On November 10, 2017, OHCHR condemned the Syrian government’s denial of food and access to medical care to civilians in besieged Eastern Ghouta.⁷⁰ “The obstruction of access to adequate health care for an estimated 350,000 civilians who have been under siege for four years is a clear and repugnant violation of the right to health.”⁷¹ Seven people from Eastern Ghouta have died awaiting government authorization for medical evacuation since August 2017.⁷² Medical professionals and health care units have also come under attack in the Ghouta region.⁷³ These same humanitarian crisis concerns were part of the basis for DHS re-designation of TPS for Syria in 2016.⁷⁴ In 2016, DHS referred to an Amnesty International Report in its notice for TPS re-designation for Syria citing that “bombardment and shelling by Syrian government forces is magnifying the suffering of civilians trapped under siege and facing an escalating humanitarian crisis in the Eastern Ghouta region.”⁷⁵

⁶⁴ UNOHCHR, *Syria: Suffering of civilians in Eastern Ghouta “an outrage”* – Zeid, Oct. 27, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22312&LangID=E>.

⁶⁵ UNICEF *supra* note 39.

⁶⁶ *Id.*

⁶⁷ UNOHCHR, *Syria: Suffering of civilians in Eastern Ghouta “an outrage”* – Zeid, Oct. 27, 2017, <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22312&LangID=E>; *see also* Child malnutrition levels increase sharply in besieged East Ghouta, Nov. 29, 2017, <http://childrenofsyria.info/2017/11/29/child-malnutrition-levels-increase-sharply-in-besieged-east-ghouta/>.

⁶⁸ *Id.*; *see also* World Health Organization, WHO support saves lives of malnourished children in Syria, Mar. 8, 2017, <http://www.emro.who.int/syr/syria-news/who-support-saves-lives-of-malnourished-children-in-syria.html>.

⁶⁹ *Id.*

⁷⁰ UNOHCHR, *Syria: Denial of care and food for civilians in Eastern Ghouta must stop - UN experts*, Nov. 10, 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22381&LangID=E>

⁷¹ *Id.*

⁷² *Id.*

⁷³ *Id.*

⁷⁴ *See* Bethan McKernan, *A Year After the Fall of Aleppo, Syria’s Ghouta Faces Same Fate*, THE INDEPENDENT, Nov. 25, 2017, <http://www.independent.co.uk/news/world/middle-east/syria-civil-war-east-ghouta-damascus-bashar-al-assad-siege-tactics-starvation-bombing-a8075666.html>.

⁷⁵ Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

In reporting on Syria on September 25, 2016, the U.N. Special Envoy for Syria reported that besieged Eastern Aleppo, a de-escalation area, “deteriorates to new heights of horror”.⁷⁶ This reality continued throughout 2017 with civilians being killed by all parties’ in the commission of war crimes.⁷⁷ On November 13, 2017, Russia dropped bombs on the town of al Atareb, killing 79 civilians including 8 children.⁷⁸

Food and physical insecurity, limited access to water and medical care, and massive destruction of Syria's infrastructure persists. It is estimated that 6.5 million people face acute food insecurity and suffer from limited to no access to food.⁷⁹ The World Food Program has identified 9 million in need of food assistance but has only been able to provide assistance to half of the identified need population.⁸⁰ Food shortages in host countries housing Syrian refugees increased with majority of refugees living at or below the poverty line with many family households with five or more people.⁸¹

Gaps in humanitarian funding among key organizations including the United Nations subject food security programs to budget cuts.⁸² Unsafe water sources are still the primary source of water for 35% of the population.⁸³ The need for water, sanitation, and hygiene resources is prevalent with UNICEF continuing to provide to internally displaced persons serving nearly 5.8 million people in 2017.⁸⁴ UNICEF reported a \$26.5 million funding gap for assistance for informal settlements and a \$2.8million funding gap to provide assistance for water, sanitation, hygiene and healthcare needs.⁸⁵ These problems are only compounded as less than half of medical facilities in Syria are fully operational and health care units are overburdened.⁸⁶

⁷⁶ See U.N. Res. S-25/1, The Deteriorating Situation of Human Rights in the Syrian Arab Republic, and the Recent Situation in Aleppo, Human Rights Council, Oct. 21, 2016, *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/238/14/PDF/G1623814.pdf?OpenElement>.

⁷⁷ See U.N. Gen. Assembly, Report of the Independent International Commission of Inquiry on the Syrian Arab Republic, A/HRC/34/64, <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/026/63/PDF/G1702663.pdf?OpenElement>.

⁷⁸ Syrian Network for Human Rights, Russian Forces Perpetrated a Huge Massacre in a De-Escalation Zone 79 Civilians Killed, Including Eight Children in a Russian Bombing on al Atareb Town, <http://sn4hr.org/blog/2017/12/22/49838/>.

⁷⁹ OCHA Summary *supra* note 2, at Key Figures.

⁸⁰ World Food Program, Syrian Arab Republic, <http://www1.wfp.org/countries/syrian-arab-republic>; Humanitarian Food Assistance: Syria 2017, World Food Program, https://docs.wfp.org/api/documents/WFP-0000015560/download/?_ga=2.233464414.1521805286.1515047040-1707549134.1515047040.

⁸¹ See e.g., *Syrian refugees in Lebanon face economic hardship and food shortages – joint UN agency study*, UN NEWS CENTRE, Jan 6, 2017, <http://www.un.org/apps/news/story.asp?NewsID=55920#.Wk3Lt4eWyg0>.

⁸² See *id.*

⁸³ OCHA Summary *supra* note 2, at Key Figures.

⁸⁴ UNICEF, Syria Crisis: November 2017 Humanitarian Results, at 3, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Crisis%20Situation%20Report%20-%20November%202017%20.pdf>.

⁸⁵ See *id.* at 2–3.

⁸⁶ OCHA Summary *supra* note 2, at Key Figures; see World Health Organization, Syrian Arab Republic Humanitarian Response Plan 2017, <http://www.who.int/emergencies/response-plans/2017/syria/en/>; World Health Organization, *Bringing life-saving health services to Syria's most vulnerable*, Apr. 4, 2017, <http://www.who.int/hac/crises/syr/releases/bringin-life-saving-health-services/en/>; World Health Organization, Health care a casualty of 6 years of war in the Syrian Arab Republic, Mar. 15, 2017, <http://www.who.int/mediacentre/news/releases/2017/syria-six-years/en/>.

The starvation of civilians and targeting of medical facilities is still used as a weapon of war.⁸⁷ In comparison to 2016, there has been a 25% increase in attacks against health facilities.⁸⁸ Even where convoys carrying resources are allowed to enter or reach besieged/hard to reach areas, life-saving medical equipment and items have been removed out of convoys.⁸⁹ “On September 19, 2016, airplanes struck a U.N. humanitarian aid convoy and a Syrian Red Crescent warehouse in Urum al-Kubra in Aleppo, killing 20 civilians and one staff member as they unloaded trucks.”⁹⁰

Numerous parties to the conflict have participated in enforced disappearance and the targeting of medical professionals.⁹¹ A July 2016 report by the Physicians for Human Rights revealed that 269 medical facilities sustained 382 attacks between 2011 and June 2016, and 757 medical personnel were killed.⁹²

The use of chemical weapons, irregular warfare tactics, forced conscription and child soldiers relied upon as part of the rationale for TPS re-designation in 2016⁹³ remains pertinent today. All armed groups in the conflict have sought out children to serve in combat and have used children as human shields.⁹⁴ “Da’esh camp near Aleppo trained children as young as 14. In Raqqa governorate, according to the COI (U.N. Commission of Inquiry), Da’esh recruited and enlisted children as young as 10.”⁹⁵ The Syrian Democratic Forces have also been accused of using children for military purposes.⁹⁶ Child soldiers that are recruited are often subject violence and/or threat of violence and harm.⁹⁷ Armed groups have additionally been accused of using children and women for sex slavery, where they are abducted, traded like property, and subject to forced servitude, systematic rape, and sexual violence.⁹⁸ Child labor is a related concern tied to the trafficking of children.⁹⁹

1. Attacks on Civilians

The majority of civilian deaths and injuries are perpetrated by actors’ unlawful use of conventional arms, namely indiscriminate aerial bombardments using cluster munitions and explosive weapons in civilian populations.¹⁰⁰ Armed groups committed mass killings and ethnic based massacres in Homs,

⁸⁷ Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

⁸⁸ OCHA Summary *supra* note 2, at Key Figures.

⁸⁹ World Report 2017: Unlawful Restrictions on Humanitarian Assistance, HUMAN RIGHTS WATCH, *available at* <https://www.hrw.org/world-report/2017/country-chapters/syria>; *see also* Syria 2016 Human Rights Report at 2.

⁹⁰ *Id.*

⁹¹ *Id.* at 26–27.

⁹² *Id.* at 27.

⁹³ Extension and Re-designation of Syria for Temporary Protected Status, 81 FR 50533 (August 1, 2016).

⁹⁴ Dept. of State *infra* note 106 at 25; Dept. of State, 2017 Trafficking of Person’s Report: Syria, at 90, <https://www.state.gov/documents/organization/271344.pdf>.

⁹⁵ Dept. of State *infra* note 106 at 25.

⁹⁶ HRW Accuses US, Allies of Using Child Soldiers to Recapture Raqqa, PRESS TV, June 13, 2017, <http://www.presstv.com/DetailFr/2017/06/13/525183/Syria-Daesh-Raqqa-HRW-US-SDF-Kurds>.

⁹⁷ *Id.* at 380–81.

⁹⁸ Dept. of State, 2017 Trafficking of Person’s Report: Syria, at 381, <https://www.state.gov/documents/organization/271344.pdf>.

⁹⁹ *See id.* at 381–82.

¹⁰⁰ OHCHR, Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, Sept. 18, 2017,

Palmyra, and Aleppo, among other locations.¹⁰¹ In February 2015, a sectarian militia raided homes in the as-Sabil neighborhood of Homs, killing 14 civilians, including four children and five women.¹⁰² In February 2015, a Shiite militia reportedly kidnapped 320 individuals from two Aleppo villages and used them as human shields while retreating, killing 48 civilians.¹⁰³

Additionally, opposition armed actors have attacked civilians with impunity. Indiscriminate attacks in civilian populated areas persist and add to the ever-increasing total of innocent victims in the seven-year war, where civilians have suffered the most under constant violent siege. “Nongovernment [opposition] armed extremist groups conducted kidnappings, particularly in the northern areas, targeting religious leaders, aid workers, suspected government affiliates, journalists, and activists.”¹⁰⁴ Some activists arrested and detained by opposition groups include Razan Zaitouneh, Wael Hamada, Samira Khalil, and Nazim Hamadi; religious leaders Bolous Yazigi and Yohanna Ibrahim; and peace activist Paulo Dall’Oglio.¹⁰⁵ These individuals were among the estimated thousands of disappearances reported by activists and media.¹⁰⁶ On April 29, 2016, 16 civilians were killed and 41 injured in a shelling attack on a mosque in Aleppo, Syria, by a non-state armed actor.¹⁰⁷ On May 3, 2016, a maternity hospital in Aleppo, Syria was hit from shelling by opposition armed groups.¹⁰⁸ On June 5, 2016, 5 people were killed and 77 injured when opposition groups fired rockets indiscriminately into government controlled areas of Aleppo, Syria.¹⁰⁹ The rockets hit an Armenian church and electricity company business.¹¹⁰

A. Attacks on minorities

Opposition forces and government associated armed groups continue to engage in mass genocide, rape, human trafficking, persecution, torture, and war crimes against all persons who they deem against them and/or their ideology.

As documented by Human Rights Watch and the U.N. Independent International Commission Inquiry on Syria, ISIS has committed beheadings, crucifixions, and public executions against Shi’a, Syrian military officers, local residents accused of spying, Yazidis, Christians, and Kurds.¹¹¹ In September 2016, ISIS beheaded 15 Sunni civilians on charges of “apostasy” in Deir al-Zour.¹¹² In July 2016, ISIS

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22095&LangID=E>; see Syria 2016 Human Rights Report, at 21.

¹⁰¹ Syria 2016 Human Rights Report, at 21–22.; Jack Moore, ISIS Executes 12 in Palmyra, Including Teachers, Monitor Says, NEWSWEEK, Jan. 19, 2017, <http://www.newsweek.com/isis-executes-12-palmyra-including-teachers-monitor-says-544465>

¹⁰² *Id.*

¹⁰³ *Id.*

¹⁰⁴ *Id.* at 5, 19–21, 29–30.

¹⁰⁵ *Id.* at 19.

¹⁰⁶ *Id.* at 19, 23.

¹⁰⁷ Human Rights Watch, World Report 2017: Abuses by Other Non-State Armed Groups, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹⁰⁸ *Id.*

¹⁰⁹ *Id.*

¹¹⁰ *Id.*

¹¹¹ Dearden *supra* note 107; see also 2016 Syria Religious Freedom Report at 1–2.

¹¹² Syria 2016 Religious Freedom Report at 12.

crucified a Sunni man in northern Aleppo on apostasy charges for refusing to join prayers.¹¹³ In May 2016, ISIS executed three Sunni civilians in Raqqa also on charges of apostasy for spying and fighting against the self-declared caliphate, according to activists.¹¹⁴ All communities including but not limited to Yazidis, Christians and Muslims have suffered genocide.

Secretary Kerry stated on March 17 that in his judgment, Da'esh was responsible for genocide against groups in areas under its control, including Yezidis, Christians, and Shia Muslims, and was also responsible for crimes against humanity and ethnic cleansing directed at these same groups and in some cases also against Sunni Muslims, Kurds, and other minorities.¹¹⁵

Other opposition armed groups have taken discrete actions to intentionally target religious minorities including Christians and other ethnic religious minorities. Jabhat al-Nusra (JAN) killed more than 20 Druze in a massacre in Idlib governorate in June 2015.¹¹⁶ The Kurdish dominated Syrian Democratic Forces have also been cited for systematically persecuting Arabs in regions they take over and for summarily executing individuals they determine to be associating with ISIS.¹¹⁷

i. Attacks on Christians

In February 2016, 42 Assyrian Christian children and women were released after being detained by ISIS for over a year.¹¹⁸ The 42 individuals were only released after payment of ransom by their families.¹¹⁹ However, Syrian Orthodox Archbishop Yohanna Ibrahim and Greek Orthodox Archbishop Paul Yazigi, whom were kidnapped in April 2013, are still missing.¹²⁰ The location and condition of Jesuit priest Paolo Dall'Oglio, whom was kidnapped by ISIS in July 2013 in Raqqa, remains unknown as well.¹²¹

Some Christians were only allowed to continue to live in ISIS controlled or taken areas if they paid a special tax and converted to Islam.¹²² If Christians refused to pay or convert, they would be killed or be subject to increased violence. In June 2016, an ISIS suicide bomber targeted Syriac Christians in Qamishli.¹²³ The June 2016 ISIS suicide bomb was the fourth ISIS attack in short time that targeted

¹¹³ *Id.*

¹¹⁴ *Id.*

¹¹⁵ Appendix F:Errata, 2016 Country Reports on Human Rights Practices, at 2, Mar. 3, 2017, <https://www.state.gov/documents/organization/265844.pdf>.

¹¹⁶ Syria 2016 Human Rights Report, at 22.

¹¹⁷ Roy Gutman, Have the Syrian Kurds Committed War Crimes?, THE NATION, Feb. 7, 2017, <https://www.thenation.com/article/have-the-syrian-kurds-committed-war-crimes/>.

¹¹⁸ Syria 2016 Religious Freedom Report at 14.

¹¹⁹ *Id.*

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² *Id.*

¹²³ *Id.* at 15.

Qamishli, a historical Syriac Christian population area.¹²⁴ In 2016, over 20 churches were damaged and destroyed by airstrikes and shelling in the Aleppo.¹²⁵

ii. Attacks on Shias

On February 21, 2016, ISIS bombings in Damascus and Homs were motivated by the religious beliefs of the victims being Shi'a.¹²⁶ The Damascus bombing targeted a Shi'a religious site and the bombing in Homs targeted a civilian neighborhood killing 105 civilians and injuring 235 people including children.¹²⁷ In April 2017, a car bomb killed approximately 100 internally displaced persons in al-Rashidin (Aleppo), including 68 children.¹²⁸ These internally displaced persons were Shi'a Muslims from besieged Fu'ah and Kafraya – had lived under armed group siege since 2015.¹²⁹ After the attack, many were taken hostage by armed groups, while others remain missing.¹³⁰

JAN and other rebel groups inflicted constant violence in the Shia villages of Fu'a and Kafraya.¹³¹ Shia villages were treated as hostages and targeted for their religious affiliation.¹³² JAN used violence as a coercive tool.¹³³ Similarly, on March 11, 2017, 40 civilians were killed when busses full of Shi'a pilgrims from Iraq were attacked by suicide bombers.¹³⁴ Hayat Tahrir al-Sham, an al-Qaeda and JAN affiliated Sunni armed group claimed responsibility for the attack.¹³⁵

iii. Attacks on Alawites

ISIS has made it clear that it is targeting Alawites as a minority group. Human Rights Watch reports that the May 23, 2016, car and suicide bomb attacks in Latakia, claimed by ISIS, were done to target where "Alawites gather."¹³⁶ 145 civilians were killed in the attack on May 23, 2016.¹³⁷ Latakia is a historically Alawite population center.¹³⁸

¹²⁴ See *id.*; Human Rights Watch, World Report 2017: Jabhat al-Nusra and ISIS Abuses, <https://www.hrw.org/world-report/2017/country-chapters/syria>; see Syria 2016 Religious Freedom Report, at

¹²⁵ See Syria 2016 Religious Freedom Report, at 10

¹²⁶ Human Rights Watch, World Report 2017: Jabhat al-Nusra and ISIS Abuses, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹²⁷ *Id.*

¹²⁸ OHCHR, Statement by Mr. Paulo Sérgio Pinheiro, Chair of the Independent International Commission of Inquiry on the Syrian Arab Republic, Sept. 18, 2017,

<http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=22095&LangID=E>.

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Syria 2016 Religious Freedom Report at 12–13.

¹³² *Id.*

¹³³ *Id.*

¹³⁴ 40 Iraqis Killed in Suicide Bombing Near Shia Shrine in Damascus, TELEGRAPH, March 11, 2017, <http://www.telegraph.co.uk/news/2017/03/11/40-iraqis-killed-suicide-bombing-near-shia-shrine-damascus/>.

¹³⁵ Syrian al-Qaeda Affiliate Claims Twin Bombing in Damascus, BBC NEWS, March 12, 2017,

<http://www.bbc.com/news/world-middle-east-39250040>

¹³⁶ Human Rights Watch, World Report 2017: Jabhat al-Nusra and ISIS Abuses, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹³⁷ See *id.*

¹³⁸ See Syria 2016 Religious Freedom Report, at 3.

Alawites also faced harm from other armed opposition groups like JAN and Jund al-Aqsa, based on the perception that Alawites support the government and/or government policies.¹³⁹ According to the Department of State 2016 Report on Religious Freedom in Syria, physical abuse and torture of Alawites was permissible and sanctioned by armed opposition groups.¹⁴⁰ The actions taken against the Alawites, similar to the Christians, had the impact of uprooting this minority community from their homeland.

iv. Attacks on Yazidi

Thousands of Yazidi women, girls and boys in Syria are being massacred as part of ISIS's campaign of genocide that began in 2014.¹⁴¹ Thousands of females are brutally raped as traded property, subject to sex trafficking and slavery, forced marriages, forced religious conversions, coerced into having abortions and subject to torture.¹⁴² "ISIS sells Yazidi women and girls in slave markets, or *souk sabaya*, or as individual purchases to fighters who come to the holding centers. In some instances, an ISIS fighter might buy a group of Yazidi females in order to take them into rural areas without slave markets where he can sell them individually at a higher price. The remaining twenty percent are held as collective property of ISIS and were distributed in groups to military bases throughout Iraq and Syria. In Syria, Yazidi females have been held at bases in Al-Shaddadi and Tel Hamis in Hasakah; Al-Bab and Minbej in Aleppo; Raqqah and Tabqa cities in Raqqah; Tadmur in Homs; and in various other locations including Al-Mayadin and Konica gas fields in Dayr Az-Zawr."¹⁴³

Many older women were subject to death.¹⁴⁴ Males were forced to convert to Islam or die, and required to join ISIS and fight among other forced labor.¹⁴⁵ Many Yazidi's taken hostage still remain captive in Syria,¹⁴⁶ with the number of hostages as high as 3,200.¹⁴⁷

*After we were captured, ISIS forced us to watch them beheading some of our Yazidi men. They made the men kneel in a line in the street, with their hands tied behind their backs. The ISIS fighters took knives and cut their throats. Girl, aged 16 at capture, held for 7 months, sold once.*¹⁴⁸

¹³⁹ See *id.* at 11.

¹⁴⁰ *Id.* at 13.

¹⁴¹ OHCHR, Commission of Inquiry on Syria calls for justice on the occasion of the third anniversary of ISIL's attack on the Yazidis, Aug. 3, 2017, <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=21935&LangID=E>; Human Rights Watch, World Report 2017: Jabhat al-Nusra and ISIS Abuses, <https://www.hrw.org/world-report/2017/country-chapters/syria>; Dept. of State, 2017 Trafficking of Persons report, at 381, <https://www.state.gov/documents/organization/271344.pdf>; U.N. Gen. Assembly, A/HRC/32/CRP.2, They came to destroy": ISIS Crimes Against the Yazidis, June 15, 2016, at 1–4, 6–8, 21–31, http://www.ohchr.org/Documents/HRBodies/HRCouncil/CoISyria/A_HRC_32_CRP.2_en.pdf.

¹⁴² See Dept. of State, *supra* note 106 at 23; see generally U.N. Gen. Assembly, A/HRC/32/CRP.2, They came to destroy": ISIS Crimes Against the Yazidis, *supra* note 126, at 9–16.

¹⁴³ U.N. Gen. Assembly, A/HRC/32/CRP.2, They came to destroy": ISIS Crimes Against the Yazidis, *supra* note 126, at 12.

¹⁴⁴ See *id.* at 11.

¹⁴⁵ See *id.* at 4.

¹⁴⁶ *Id.* at 1,4

¹⁴⁷ U.N. Gen. Assembly, A/HRC/32/CRP.2, They came to destroy": ISIS Crimes Against the Yazidis, *supra* note 126, at 4, 8–9.

¹⁴⁸ *Id.* at 8.

*We were driven into Raqqah city at night and held in a building there. I was there for three weeks before I was sold. Throughout that time, ISIS fighters were coming to buy women and girls. All of us were Yazidi. I think I was sold about 15 times in all. It is hard to remember all those who bought me. Woman, held for 12 months, sold approximately 15 times.*¹⁴⁹

The Syrian government is unable to protect Yazidis and other Syrian nationals from sex trafficking. The Syrian government has made vulnerable populations with limited access to basic necessities, opportunity and sources for livelihood more susceptible by failing to implement prevention measures.¹⁵⁰ Consequently, the Department of State classified Syria as Tier 3 country on grading based on failure to meet the minimum standards under the elimination of trafficking.¹⁵¹

B. Attacks on Sunnis

Government associated armed groups targeted, killed, arrested, and physically abused Sunnis.¹⁵² In December 2016, government associated armed groups reportedly killed dozens of Sunni civilians in Aleppo and refused to evacuate civilians from the city.¹⁵³ Government associated armed groups targeted mosques located in Idlib, Daraa, Aleppo, Damascus among other areas in Syria in 2016 and 2017.¹⁵⁴

The Independent International Commission of Inquiry reported multiple forced disappearances of Sunnis and continued massive and systematized deaths in state-controlled detention facilities. . . The Syrian Network for Human Rights reported at least 10,000 cases of arbitrary arrests, the vast majority of detentions committed by Syrian government forces. Opposition activists stated that majority of detainees the government took into custody were Sunni Arabs.¹⁵⁵

The Syria 2016 Religious Freedom report states that the Syrian government engaged in mass forced displacement of Sunnis with the intention of changing the religious demography of Aleppo to Alwaite and Shia.¹⁵⁶ These widespread displacements have been motivated by religious divides and are supported by a similar pattern and practice of government associated armed groups in Sunni neighborhoods in Daraya, the Damascus suburb of Mu'damiya and the Homs neighborhood of al-Wa'er.¹⁵⁷

¹⁴⁹ *Id.*

¹⁵⁰ Dept. of State, 2017 Trafficking of Person's Report: Syria, at 89, <https://www.state.gov/documents/organization/271344.pdf>.

¹⁵¹ *Id.*

¹⁵² Dept. of State, Syria 2016 International Religious Freedom Report, at 1, 6, <https://www.state.gov/documents/organization/269158.pdf>.

¹⁵³ *Id.* at 7.

¹⁵⁴ *See id.* at 10.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.* at 7–8.

¹⁵⁷ *Id.* at 8.

C. Deployment of Chemical Weapons

The use of chemical weapons has only intensified the humanitarian crisis. Official reports show that the use of chemical weapons in Syria is a common occurrence. “Chemicals weapons have been used in violation of international law and increasingly plac[e] civilians in direct harm throughout 2016 and 2017.”¹⁵⁸

- April 5, 2016: chlorine gas is used in the town of Shekih Maqsoud in Aleppo, Syria injuring 4 persons
- August 1, 2016: helicopters drop chlorine munitions in residential area of Saraqeb of Idlib, Syria injuring 28 persons including 10 children and 5 women
- September 6, 2016: chlorine bomb kills 13-year-old girl and man, and injures 80 civilians in the town of Al-Sukkari in Aleppo, Syria
- October 1, 2016: hospital in Aleppo, Syria hit with buster bomb and cluster munitions and chlorine, medical staff and patients suffer, from chlorine inhalation
- Between November and December 2016, chemical weapons used at least 8 times¹⁵⁹
- December 8, 2016: chlorine bombs dropped in the towns of Al-Kalasa, Al-Firdous, and Bustan Al-Qasr in Aleppo, Syria
- December 9, 2016: bombs with chlorine payloads injure 35 people in the towns of Al-Kalasa and Bustan Al-Qasr in Aleppo, Syria
- December 10, 2016: chemical bombs dropped on Al-Hayat Clinic of Aleppo, Syria injuring patients
- January 9, 2017: chlorine munitions injure 6 civilians in the town of Bseema of Damascus, Syria¹⁶⁰
- January 30, 2017: chlorine strikes in the town of Sultan Al-Marj of Damascus, Syria
- March 25, 2017: chlorine bomb used at Al-Latamnen Hospital in Hama, Syria killing 3 civilians and injuring over 30 persons
- March 29, 2017: three rockets launched with release of chlorine in the town of Qadun of Damascus, Syria, injuring 35 people including women and children
- March 30, 2017: two chemical bombs dropped in the town of Al-Latamnen in Hama, Syria injuring 85 people including farmers, children, and medical professionals
- April 4, 2017: sarin released, killing 80 people and injuring hundreds more, mostly women and children
- April 7, 2017: patients treated for chlorine contact at Al-Hayat Clinic in Aleppo, Syria
- July 1- July 2, 2017, and July 6: chemical weapons used three times against opposition groups and opposition group held areas in Damascus, Syria. Persons suffer from bronchial secretions, hypoxia, and rhinorrhea.

¹⁵⁸ Chemical Weapons’ Attacks Documented by the U.N. Commission of Inquiry of the Syrian Arab Republic, http://www.ohchr.org/SiteCollectionImages/Bodies/HRCouncil/IICISyria/COISyria_ChemicalWeapons.jpg

¹⁵⁹ See Russell Goldman *supra* note 92.

¹⁶⁰ See *id.*; see also Syria conflict: Jets deliberately bombed Damascus spring – UN, BBC, Mar. 14, 2017, <http://www.bbc.com/news/world-middle-east-39266213>.

The use of chemical weapons has continued in spite of international condemnation and Resolution S-25/1 adopted by the U.N. Human Rights Council on October 25, 2016, which addressed the unlawful use of chemical weapons and unlawful attacks against the Syrian people and demanded the Syrian government and non-state actors comply with international law.¹⁶¹

Government associated armed groups and non-state actors have continued to disregard and violate U.N. Security Council resolutions that call for compliance with international law, an end to aerial bombardments, and a need for humanitarian access and accountability, including Security Council resolutions 2139 (February 22, 2014) 2165 (July 14, 2014), 2191 (December 17, 2014), 2199 (February 12, 2015), 2254 (December 18, 2015), 2258 (December 18, 2015) and 2268 (February 26, 2016).¹⁶² Further, the March 2017 updated Department of State Human Rights Report found that the Syrian government is unable to control paramilitary groups with non-uninformed pro-government militias acting autonomously.¹⁶³ It is clear that the Syrian government is unable to and refuses to protect Syrian civilians from being subject to chemical weapons and other gross human rights violations.

D. Arbitrary arrests, detention, torture and summary executions

Arbitrary arrests and detentions, rape, torture, and summary executions are employed on a wide scale in Syria today

Enforced disappearances remain high among activists, opposition leaders, journalists, medical personnel, antigovernment protesters, and their families and associates going missing.¹⁶⁴ Mass arrests of wounded persons and Sunni men of fighting age by government associated armed groups continue to occur.¹⁶⁵ Amnesty International reported that “[Syrian] authorities forcibly had abducted more than 65,000 persons since the start of the conflict, including 58,000 civilians and seven thousand members of armed groups.”¹⁶⁶ Government associated armed groups have engaged in abductions and routinely detain aid workers.¹⁶⁷ Similarly, armed opposition groups in Syria have regularly imprisoned civilians that oppose them or that they see as threats.¹⁶⁸

Thousands of political prisoners and activists subject to arbitrary arrest and detention by Syrian authorities have not been located.¹⁶⁹ Arbitrary arrest is often used a tool to coerce the individual’s

¹⁶¹ U.N. Res. S-25/1, The Deteriorating Situation of Human Rights in the Syrian Arab Republic, and the Recent Situation in Aleppo, Human Rights Council, Oct. 21, 2016, *available at* <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G16/238/14/PDF/G1623814.pdf?OpenElement>.

¹⁶² *See id.*; *see also* Human Rights Watch, World Report 2017: Key International Actors, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹⁶³ Dept. of State, Syria 2016 Human Rights Report, at 1 (updated Mar. 29, 2017), <https://www.state.gov/documents/organization/265732.pdf>.

¹⁶⁴ *See id.* at 19–21, 29–30.

¹⁶⁵ *Id.* at 4–5.

¹⁶⁶ *Id.* at 5.

¹⁶⁷ Dept. of State *infra* 102 at 23.

¹⁶⁸ Human Rights Watch, World Report 2017: Events of 2016, <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹⁶⁹ Syria 2016 Human Rights Report, at 5, 18–19 (estimates as high as 65,000 political prisoners arrested and detained since 2011).

family members to surrender to arrest and detention, and as a method of conscription for males at checkpoint stops.¹⁷⁰

Torture is prevalent in Syrian government controlled detention centers.¹⁷¹ Torture is frequently used in detention centers to coerce confessions for false crime charges and criminal convictions.¹⁷² The Syrian Network for Human Rights reported that over 12,000 persons in detention died from torture occurring in detention.¹⁷³ Forms of torture include beatings on the head, bodies, and soles of feet (“falaqua”) with wooden and metal sticks, hoses, cables, belts, whips, and wires as well as sexual assault and mutilation, administration of electric shocks, burning detainees with cigarettes, cutting off body parts, removing nails and hair, degradation of religious beliefs, threats to family, and forced placement in stress positions.¹⁷⁴

In addition, government associated armed groups target individuals for torture who have previous ties to foreign governments that favored the opposition; they also target family members and associates of such individuals. It is foreseeable and increased likelihood that Syrian TPS beneficiaries forced to return to Syria will be automatically subject to torture based on perception of political opinion from having ties to the United States.

Opposition armed groups similarly participated in acts of arbitrary detention and torture. Opposition armed groups are also notorious for summary executions. In 2016, the U.N. Human Rights Council reported that ISIS has committed the crimes against humanity of murder and torture, and war crimes.¹⁷⁵ The U.N. Human Rights Council found that ISIS subjected detainees to serious abuses, including torture and summary executions. ISIS detainees were frequently executed by ISIS after unauthorized courts issued death sentences. The Council reported that JAN has set up detention facilities in Idlib where deaths in detention were documented.¹⁷⁶ The terrorist group also conducted mass executions of captured Syrian government soldiers. JAN and other anti-government armed groups have also committed summary executions, cruel treatment of detainees, and torture.¹⁷⁷ For instance, JAN has been cited by Amnesty International as having summarily executed children they accuse of being gay as well as murdering any member of an opposition armed group, including other groups that fight the Syrian government.

E. Airstrikes, Bomb, and Cluster Munition Campaigns

¹⁷⁰ *Id.* at 15.

¹⁷¹ *See* Syria 2016 Human Rights Report at 6–11.

¹⁷² *See id.* at 6.

¹⁷³ *Id.*

¹⁷⁴ *Id.* at 6–7.

¹⁷⁵ U.N. Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1 (February 3, 2016).

¹⁷⁶ U.N. Human Rights Council, *Out of Sight, Out of Mind: Deaths in Detention in the Syrian Arab Republic*, A/HRC/31/CRP.1 (February 3, 2016).

¹⁷⁷ Amnesty International, Syria: Abductions, Torture and Summary Killings at the Hands of Armed Groups, July 5, 2016, <https://www.amnesty.org/en/latest/news/2016/07/syria-abductions-torture-and-summary-killings-at-the-hands-of-armed-groups/>; Human Rights Watch, World Report 2017: Jabhat al-Nusra and ISIS Abuses, <https://www.hrw.org/world-report/2017/country-chapters/syria>; Human Rights Watch, Syria: Key Concerns for Raqqa Battle, June 13, 2017, <https://www.hrw.org/news/2017/06/13/syria-key-concerns-raqqa-battle>.

Government associated armed groups actively engage in “indiscriminate and deadly force against civilians, conducting air and ground-based military assaults on cities, residential areas, and civilian infrastructure.

According to Human Rights Watch, between 2012 and 2016 the Syrian government employed the use of “13 types of internationally banned cluster munitions in over 400 attacks on opposition held areas,” killing civilians including children.¹⁷⁸ The use of internationally banned cluster munitions has continued throughout the Russian-Syrian joint military operations.¹⁷⁹ On April 27, 2016, a Russian-Syrian airstrike that hit Al-Quds hospital killed 58 civilians.¹⁸⁰ In August 2016, the Russian-Syrian campaign targeted al-Sakhour Medical Center and other medical facilities in Aleppo, Hama, Homs, and Idlib, with aerial bombings.¹⁸¹

The Russian-Syrian coalition employed the use of indiscriminate unlawful weapons and incendiary weapons set buildings on fire and caused massive trauma to those harmed and their communities.¹⁸² On September 23, 2016, 16 civilians were killed.¹⁸³ On September 27, 2016, 24 civilians were killed.¹⁸⁴ 950 bomb sites were confirmed in the month-long campaign.¹⁸⁵ On October 11, 2016, 35 civilians were killed in another Russian-Syrian airstrike in Bustan al-Qasr.¹⁸⁶

Reports provide that 300 civilians were killed in an airstrike that hit mosque in Aleppo, Syria, which involved the United States military.¹⁸⁷ The United Kingdom Syrian Observatory for Human Rights reports that between April 23, 2017 and May 23, 2017, air strikes carried out in support by the United States and its partners in Syria caused the death of 225 civilians.¹⁸⁸

F. Displacement

In 2017 alone, 2 million people became internally displaced in Syria, for many this was not the first time they have been displaced.¹⁸⁹ In total, over 6 million in Syria remain internally displaced.¹⁹⁰ Armed conflict in Aleppo between non-state armed actors and government associated armed groups triggered the displacement of more than 10,000 residents.¹⁹¹ Since September 2017, more than 90,000 persons have been internally displaced from As-Saan, Hamra and Oqierbat in Hama governorate and Tamanah

¹⁷⁸ World Report 2017: Targeting Civilians, Indiscriminate Attacks, Use of Incendiary Weapons, Cluster Munitions, and Chemical Weapons, HUMAN RIGHTS WATCH, *available at* <https://www.hrw.org/world-report/2017/country-chapters/syria>.

¹⁷⁹ *See id.*

¹⁸⁰ *Id.*

¹⁸¹ *See id.*

¹⁸² *Id.*

¹⁸³ *Id.*

¹⁸⁴ *Id.*

¹⁸⁵ *Id.*

¹⁸⁶ *Id.*

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¹⁸⁸ Bethan McKernan, *Past month ‘deadliest on record’ for Syrian civilians killed in US-led air strikes*, THE INDEPENDENT, May 23, 2017, <http://www.independent.co.uk/news/world/middle-east/syria-war-us-air-strikes-civilian-death-toll-deadliest-on-record-isis-donald-trump-a7751911.html>.

¹⁸⁹ United Nations Office for the Coordination of Humanitarian Affairs, *supra* note 2.

¹⁹⁰ *Id.*

¹⁹¹ UNICEF *supra* note 39.

in southern Idlib.¹⁹² Displaced populations in Raqqa are subject to unexploded ordinances and landmines.¹⁹³ “Humanitarian partners estimate more than 200 related trauma cases [have been reported] since [the] cessation of military activities in Raqqa City, the majority of cases involve children.”¹⁹⁴ Internal displacement continues to limit access to essential services of health care and education for children in Syria. As a result, an estimated 1.7 million children remain out-of-school.¹⁹⁵

Protections for Syrians in the U.S. immigration system

With TPS no longer an option for those who were not residing in the U.S. on August 1, 2016, the only viable options that remain for the vast majority of Syrians who have since migrated to the U.S. are asylum and humanitarian parole.¹⁹⁶ However, these options alone are insufficient to respond to the magnitude of the Syrian humanitarian and refugee crisis. According to the DHS website, humanitarian parole is used “sparingly.”¹⁹⁷ Further we have been involved in cases where there have been extensive delays of asylum processing, which make it almost impossible for Syrian nationals to economically support themselves. A USCIS report showed that the number of pending asylum cases has increased each year since the conflict began, with 223,433 affirmative asylum cases awaiting adjudication in the end of 2016.¹⁹⁸ Majority of USCIS asylum offices are still processing asylum applications filed in 2014.¹⁹⁹ Extending and re-designating TPS would ease the strain in processing asylum applications, and provide temporary protection to Syrians in accordance with the U.N. High Commissioner for Refugees Guidelines on Temporary Protection or Stay Agreements.²⁰⁰

¹⁹² See *id.*

¹⁹³ *Id.*; See e.g., World Health Organization, WHO delivers medicines and medical supplies to Al-Qamishli to support Ar-Raqqa response, Aug. 2, 2017, <http://www.emro.who.int/syr/syria-news/who-delivers-medicines-and-medical-supplies-to-al-qamishli.html>; see also World Health Organization, *WHO responds to critical health needs of displaced populations in Al-Tabqa city, Ar-Raqqa governorate*, Sept. 18, 2017, <http://www.emro.who.int/syr/syria-news/who-responds-to-critical-health-needs-of-displaced-populations-in-al-tabqa-city-ar-raqqa-governorate.html> (“As a result of mass displacement in Ar Raqqa governorate following escalating violence, more than half of the 180 000 people now residing Al-Tabqa city are internally displaced. Patients with diabetes, hypertension and other chronic illnesses are unable to obtain needed life-saving essential medicines, and access to health facilities is limited due to extreme insecurity and damages to some health facilities.”); World Health Organization, *WHO and health partners provide vital care to displaced people in northern Syria*, June 13, 2017, <http://www.euro.who.int/en/countries/turkey/news/news/2017/06/who-and-health-partners-provide-vital-care-to-displaced-people-in-northern-syria>.

¹⁹⁴ UNICEF, Syria Crisis: November 2017 Humanitarian Results, at 2, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Crisis%20Situation%20Report%20-%20November%202017%20.pdf>.

¹⁹⁵ See *id.*; see also UNICEF, Syria Crisis: November 2017 Humanitarian Results, at 4, <https://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Syria%20Crisis%20Situation%20Report%20-%20November%202017%20.pdf>.

¹⁹⁶ Official Website of the Department of Homeland Security, *Refugees & Asylum*, available at <http://www.uscis.gov/humanitarian/refugees-asylum>; Official Website of the Department of Homeland Security, *Humanitarian Parole*, available at <http://www.uscis.gov/humanitarian/humanitarian-parole>.

¹⁹⁷ Official Website of the Department of Homeland Security, *Humanitarian Parole*, available at <http://www.uscis.gov/humanitarian/humanitarian-parole>

¹⁹⁸ DHS, Annual Report to Congress, June 2017, https://www.dhs.gov/sites/default/files/publications/DHS%20Annual%20Report%202017_0.pdf.

¹⁹⁹ USCIS, Affirmative Asylum Scheduling Bulletin. Last Accessed Jan. 3, 2018, available at <https://www.uscis.gov/humanitarian/refugees-asylum/asylum/affirmative-asylum-scheduling-bulletin>.

²⁰⁰ See UN High Commissioner for Refugees, *Guidelines on Temporary Protection or Stay Agreements*, available at <http://www.unhcr.org/542e99fd9.pdf>.

The need for temporary and complementary protections for Syrians in the U.S. immigration system

TPS is a reasonable step that the United States has taken and should continue to take to assist with the Syrian Refugee Crisis and alleviate the suffering of innocent Syrians by providing temporary and complementary protection in accordance with U.N. Guidelines.

1. Temporary protection

Under international law, fundamental protections such as *non-refoulement* are supposed to apply even before the persons have been processed and formally recognized as refugees.²⁰¹ Thus, the principle of *non-refoulement* prohibits expulsion and return of Syrian refugees, in any manner whatsoever, to the territories where their life or freedom would be threatened on account of their race, religion, nationality, membership of a particular social group or political opinion, whether or not they have been formally granted refugee status.²⁰² The principal of *non-refoulement* is codified in the Refugee Convention, as well as Torture Convention²⁰³ and the International Covenant on Civil and Political Rights (ICCPR).²⁰⁴ UNHCR and legal experts have held the principle of *non-refoulement* to be *jus cogens*, a peremptory norm of international law from which no derogation is permitted.²⁰⁵ Re-designating Syria for TPS would help to uphold the principle of *non-refoulement* by providing a much needed temporary protection to the Syrians refugees who are waiting asylum processing in the US.²⁰⁶

2. Complementary protection

Extending and re-designating Syria for TPS is appropriate because fear of persecution in Syria is no longer limited to those who meet the legal definition of a refugee under the Immigration and Nationality Act and the Refugee Convention.²⁰⁷ As a practical matter, the indiscriminate nature of the killing of civilians in Syria by both government associated armed groups and opposition groups have complicated the traditional notion of refugee, and therefore the requirements for asylum in the US.²⁰⁸ Non-state armed groups continue to commit violence and add to displacements. With SARG and Russia dropping bombs on civilians, JAN targeting Alawites and Christians, and ISIS indiscriminately

²⁰¹ See Sir Elihu Lauterpacht and Daniel Benthlehem, *The scope and content of the principle of non-refoulement: Opinion*. UNHCR. available at <http://www.unhcr.org/419c75ce4.html> ; UNHCR, Handbook on Procedures and Criteria for Determining Refugee Status (Geneva, 1979, re-edited 1992), at para. 28.

²⁰² UNHCR, *Executive Committee of the High Commissioner's Program*, Conclusion No. 79 (XLVII) 1996.

²⁰³ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, art. 3. (1984). ("Torture Convention")

²⁰⁴ International Covenant on Civil and Political Rights, art. 7, Dec. 16, 1966, 999 UNTS 171. (ICCPR); RI/HEN/1/Rev.1, 28 July 1994, at para. 9.

²⁰⁵ See. Alice Farmer, *Non-refoulement and jus cogens: limiting anti-terror measures that threaten refugee protection*, 23 Geo. Immigr. L.J. 1 (2008); UNHCR Executive Comm. Programme, *Non-Refoulement*, Conclusion No. 6 (XXVIII) (1977). ("[T]he fundamental humanitarian principle of *non-refoulement* has found expression in various international instruments adopted at the universal and regional levels and is generally accepted by States.")

²⁰⁶ USCIS, *Asylum applications filed by nationals of Syria*, available at <https://www.uscis.gov/sites/default/files/USCIS/Outreach/PED-Syria-AffirmativeAsylumFY93-15.pdf>.

²⁰⁷ Immigration and Nationality Act (INA) §101(a) (42).

²⁰⁸ DHS, *Asylum*, USCIS.Gov, Accessed 02/18/ 2016, available at <http://www.uscis.gov/humanitarian/refugees-asylum/asylum>; See 8 U.S.C. §1158 Asylum (2006) .


killing civilians under its control, there are no religious or social group that is safe in Syria. Thus, many persons fleeing Syria would have well founded reasons for fearing that their lives would be in danger if they returned to Syria, whether or not they are able to demonstrate particularized persecution on the basis of race, religion, nationality, or membership in a particular social group or political opinion. Although some politicians have called for only accepting Christian refugees,²⁰⁹ the principle of non-discrimination in human rights law provides support for extending equal asylum protection to all Syrians regardless of categories such as race or religion.²¹⁰ ADC strongly supports the human and civil rights of all people. Extending TPS would help to fulfill the United States' treaty obligations to provide equal protection of law to all persons without any discrimination under Article 26 of the ICCPR.²¹¹

Conclusion


We urge you to extend and renew the designation of Syria for TPS. The humanitarian crisis in Syria continues to deteriorate, and the escalation of the armed conflict and mass daily displacement from violence indicates that there is no immediate possibility for safe return. The conditions that prompted the August 1, 2016, re-designation and extension of TPS for Syria continue to be met.

ADC looks forward to working with your office to ensure that this request is granted. Should you have any questions, or to schedule a meeting, please feel free to contact us at the office at 202-244-2990 or via e-mail to aayoub@adc.org

Respectfully Submitted,



Abed A. Ayoub
ADC Legal & Policy Director



Yolanda Rondon
ADC Staff Attorney

²⁰⁹ Steve Benen, *Jeb Bush would back refugees who 'prove' they're Christian*, MSNBC, November 18, 2015, available at <http://www.msnbc.com/rachel-maddow-show/jeb-bush-would-back-refugees-who-prove-theyre-christian>.

²¹⁰ See. Jason Pobjoy, *Treating like alike: The Principle of Non-discrimination as a tool to mandate the equal treatment of refugees and beneficiaries of complementary protection*, 34 MELBOURNE U.L.R 181, (2010); See JANE MCADAM, COMPLEMENTARY PROTECTION IN INTERNATIONAL REFUGEE LAW, 219-20 (2007)

²¹¹ International Covenant on Civil and Political Rights, art. 26, Dec.16, 1966, 999 UNTS 171. ('ICCPR') ("All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.")



U.S. Citizenship
and Immigration
Services

March 20, 2018

Ms. Yolanda Rondon
Staff Attorney
American-Arab Anti-Discrimination Committee
1990 M Street, NW, Suite 610
Washington, DC 20036

Dear Ms. Rondon:

Thank you for your January 11, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Syria. 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 are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

After carefully considering relevant conditions in Syria and the statutory TPS requirements, Secretary Nielsen decided to extend the TPS designation for Syria for 18 months, through September 30, 2019. Prior to the conclusion of the 18-month extension, the Secretary will review conditions in Syria 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 Syria can be found in Secretary Nielsen's January 31, 2018 announcement of the decision posted on the DHS website, on the USCIS website, and in a notice that was published in the *Federal Register* on March 5, 2018.

Thank you again for your letter and interest in this important issue. The co-signer of your letter will receive a separate, identical response. Should you wish to discuss this matter further, please do not hesitate to contact me.

Sincerely,

L. Francis Cissna
Director



U.S. Citizenship
and Immigration
Services

March 20, 2018

Mr. Abed A. Ayoub
Director of Legal & Policy Affairs
American-Arab Anti-Discrimination Committee
1990 M Street, NW, Suite 610
Washington, DC 20036

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Sincerely,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna".

L. Francis Cissna
Director