



November 8, 2023

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By ESEC at 12:25 pm, Dec 05, 2023

The Honorable Alejandro Mayorkas
Secretary of the Department of Homeland Security
2707 Martin Luther King Jr Ave SE
Washington, DC 20528

Dear Secretary Mayorkas:

We, members of the Belarusian-American community, urgently request that you grant Temporary Protected Status (TPS) designation for Belarus and Special Student Relief for Belarusians studying in the US. Belarus satisfies the third condition for granting TPS: political repression in Belarus has created the *extraordinary and temporary condition* of a political and humanitarian crisis that prevents Belarusians from returning safely to Belarus. Further, Belarus is participating in Russia's war against Ukraine as a staging ground and launch site for attacks on Ukraine, satisfying the first condition for granting TPS. Both of these qualifying conditions for TPS threaten US national interests and sovereignty.

Belarusians in the US require TPS, because dictator Aliaksandr Lukashenka's September 4 Decree 278 has terminated consular services for all Belarusians, forcing them either to return to Belarus to face prosecution for political crimes (including extremism and terrorism) or to become stateless. Decree 278 bars Belarusian embassies and consulates from issuing and renewing passports, forbids them from certifying powers of attorney and voids powers of attorney issued and certified outside of Belarus. As a consequence, Belarusian citizens must return to Belarus to access normal consular services like renewing a passport and obtaining or certifying the documents confirming their educational credentials, marriage, and birth certificates. As the UN Special Rapporteur stated in her August 25, 2023 report [Situation of human rights in Belarus](#), "[V]irtually all human rights defenders, investigative journalists, civic activists and members of the political opposition [are] either in prison or in exile." Belarus' approximately 1,500 political prisoners attests to the humanitarian crisis inside Belarus. Ending consular services abroad closes a safety valve for those who escaped.

Lukashenka's actions create a human rights catastrophe by trying to extinguish the activism of those who escaped Belarus and continue to fight to establish a liberal democratic society in Belarus from countries like the United States. More importantly, Lukashenka, through Decree 278, threatens US national security: 1- violates American sovereignty by using American law to deny Belarusians the sanctuary the US offers through regular US immigration process; 2- seeks to undercut US support for Ukraine as it repels Russia's invasion; and 3- attempts to undermine President Biden's leadership of liberal democracies in the battle of authoritarian regimes like Lukashenka's and Vladimir Putin's.

Terminating consular services first and foremost violates American sovereignty. With this act, Lukashenka is reaching his despotic hands into the United States' sovereign territory to pull Belarusians from the safety offered by legal presence in the US. Without a valid passport, Belarusians will lose their identification, be unable to travel, and be without the means to obtain medical care, maintain employment, engage in banking, and other everyday tasks. If the US does not designate TPS for Belarus, Lukashenka will have turned the United States from sanctuary to prison for the thousands of Belarusians the US currently shelters within its borders.

Secondly, granting TPS for Belarus will protect the political opposition that Lukashenka fears. The intended effect of Decree 278 is to punish and neutralize that political opposition. It is Lukashenka's fear of being deposed that has limited his use as Vladimir Putin's partner in Russia's war to subjugate Ukraine. In February 2022, Belarus became a principal debarkation point for Russia's invasion of Ukraine. Russian troops deployed from Belarus committed some of the most horrific war crimes and crimes against humanity since World War II. The US has been the single largest supporter of Ukraine since Russia's invasion. It has invested almost one hundred billion US Dollars in military and non-military aid to Ukraine. Allowing Lukashenka to silence Belarusians abroad, by forcing them to return to Belarus or exist abroad in stateless limbo, strengthens him at home. If Lukashenka is permitted to oppress his citizens who have reached sanctuary abroad, he will feel confident that he can continue to support Russia. A stable, authoritarian Belarus supports Russia. It undermines American support for Ukraine.

Third, granting TPS for Belarus directly defends the liberal democratic world order. After falsifying the results of the August 2020 Belarusian Presidential election, Lukashenka began bloody repression against peaceful protesters seeking only to have the vote count. In May 2021, Lukashenka ordered Belarusian fighter aircraft to divert RyanAir FR 497, threatening the safety of civil aviation, to seize a single opposition journalist, Raman Pratasevich. Since February 2022, Belarus has supported Russia's war against Ukraine. The consequences of Lukashenka's crackdown on political dissent and Russia's war against Ukraine have been a flood of refugees from political chaos and war. The United States granted, and has now extended, TPS for Ukraine. Poland and Lithuania have developed temporary immigration statuses for Belarusians. TPS offers protection for Belarusians as a group in the same way that it is protecting Ukrainians.

Granting TPS for Belarus is a tangible message that the US defends liberal democracy and protects those fighting on its frontlines.

The United States has officially recognized the Lukashenka regime as a general threat. In February of 2022 the US Embassy in Belarus suspended its operations. The State Department has issued a Level 4 Travel Advisory that recommends U.S. citizens in Belarus leave and urges others not to travel to Belarus as a consequence of the legal situation and Belarus's support for Russia's war against Ukraine.

TPS is a lifeline for Belarusian citizens in the United States, providing them with valid proof of identity and the ability to travel. Belarus qualifies for TPS, because the Lukashenka regime's political repression and support for Russia in its war against Ukraine is extraordinary, total and well-documented. TPS for Belarus is justified on grounds similar to those granted for Venezuela, Ethiopia and Syria.

Thank you for considering our request to designate Belarus for TPS status and grant Special Student Relief for Belarusians studying in the United States.

Sincerely,

Belarus Freedom Forum

Association of Belarusians in America

Belarusian American Association



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

December 21, 2023

Belarus Freedom Forum
contact@belarusff.org

Dear Belarus Freedom Forum:

Thank you for your November 8, 2023 letter to the Department of Homeland Security (DHS) requesting a designation of Temporary Protected Status (TPS) and Special Student Relief (SSR) for Belarus. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program. U.S. Immigration and Customs Enforcement (ICE) is principally responsible for advising the Secretary on SSR issues and operationalizing relief for F-1 students. I am responding on behalf of the Department.

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

I appreciate the concerns you have outlined regarding the situation in Belarus and your interest in its designation for TPS. Please be assured that DHS is monitoring conditions in Belarus. DHS is committed to administering its programs, including TPS, in an equitable manner and makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances of the country.

Similarly, the Secretary decides whether to authorize SSR after consultation with interagency partners and careful consideration of the conditions in the affected country or other emergent circumstances. Eligible students in F-1 nonimmigrant status who are experiencing severe economic hardship caused by circumstances beyond their control can apply to USCIS for

off-campus employment authorization. These circumstances can include unexpected changes in the financial condition of their source of support.

Further, USCIS may, upon request, grant immigration relief to eligible noncitizens affected by emergencies or unforeseen circumstances. Such relief may include:

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

More information on these options is available at <https://www.uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances>. F-1 students should also consult with their designated school official for information on additional support that may be available to them.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director