

United States Senate

WASHINGTON, DC 20510

May 17, 2023

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

RECEIVED

By ESEC at 7:17 am, May 18, 2023

Dear Secretary Mayorkas:

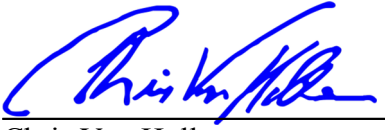
We are writing to urge you to issue a new Temporary Protected Status (TPS) designation for Sudan. Last week, State Department and Agency for International Development (USAID) officials testified before the Senate Foreign Relations Committee on the crisis unfolding in Sudan as a result of the extraordinary armed conflict between the Sudanese Armed Forces (SAF) and the paramilitary Rapid Support Forces (RSF). Re-designation of TPS for Sudan would safeguard Sudanese in the U.S. from a return to these dangerous conditions and uphold the United States' commitment to human rights and international stability.

Sudan faced record levels of humanitarian need before the current conflict, which exacerbated those needs and created new ones. Since the fighting began in April, U.S. and international reports document mounting casualties, increasing scarcity of essential goods and services, and a breakdown of law and order affecting as many as ten million people. There are concerns that the conflict could devolve into a full-blown civil war. On April 22, 2023, the State Department suspended the operations of the U.S. Embassy in Khartoum, ordered the departure of U.S. diplomats, and provided convoy assistance for American civilians who wished to leave the country due to the continued threat of armed conflict. Director of National Intelligence Avril Haines told Congress on May 4 that the fighting in Sudan is "likely to be protracted" as both sides believe they can win militarily and are unlikely to negotiate.

While we commend the Biden Administration for its prompt implementation of TPS protections for people from war-ravaged nations, including Sudan's 2022 re-designation, we are concerned about the impending expiration of the current TPS designation for Sudan on October 19, 2023. TPS provides life-saving protection from deportation and permission to work. Without it, Sudanese TPS recipients in Maryland and nationwide face a looming threat of forced return to a country facing ongoing violence and instability, and separation from their families and communities. Re-designating Sudan's TPS status, which has been in effect since 1997, would provide much-needed clarity to current Sudanese TPS holders and protect Sudanese nationals who recently arrived in the U.S.

Thank you for your consideration of this important matter.

Sincerely,



Chris Van Hollen
United States Senator



Benjamin L. Cardin
United States Senator

cc: Secretary of State Anthony J. Blinken



U.S. Citizenship
and Immigration
Services

June 8, 2023

The Honorable Chris Van Hollen
United States Senate
Washington, DC 20510

Dear Senator Van Hollen:

Thank you for your May 17, 2023 letter to the Department of Homeland Security (DHS) requesting an extension and redesignation of Temporary Protected Status (TPS) for Sudan. I am responding on behalf of the Department, as U.S. Citizenship and Immigration Services (USCIS) advises the Secretary on TPS issues and implements the programs.

As you are aware, 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.¹

At least 60 days before the expiration of a TPS designation or extension, the Secretary must review the country conditions to determine whether they continue to meet the conditions for the TPS designation.² If the Secretary determines that conditions for TPS designation continue to exist, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months.³ DHS makes decisions to designate a country for TPS after consultation with interagency partners and careful consideration of the individual country's circumstances.

Sudan was initially designated for TPS on November 4, 1997, due to (1) an ongoing armed conflict and (2) extraordinary and temporary conditions within Sudan preventing nationals

¹ See Immigration and Nationality Act § 244(b)(1), 8 U.S.C. § 1254a(b)(1).

² See INA § 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

³ See INA § 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C).

from returning to Sudan in safety.⁴ Subsequently, in October 2017, the Acting Secretary of Homeland Security at the time announced the termination of Sudan's TPS designation effective November 2, 2018.⁵ The termination of Sudan's TPS designation is being challenged in a lawsuit, and court injunctions require DHS to temporarily continue TPS for Sudan pending further court order.⁶ Most recently, Secretary Mayorkas newly designated Sudan on the basis of extraordinary and temporary conditions effective April 19, 2022, through October 19, 2023.⁷

DHS also offers support that may be available upon request to assist eligible individuals affected by special situations, including Sudanese nationals and others who last habitually resided in Sudan. This support may include:

- Change or extension of nonimmigrant status for noncitizens 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 special situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

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

I appreciate the concerns you have outlined regarding the situation in Sudan and the information you have provided; please be assured that DHS continues to monitor in-country conditions.

Thank you again for your letter and interest in this important issue. Senator Cardin, the cosigner of your letter, will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,


Ur M. Jaddou
Director

⁴ See Designation of Sudan Under Temporary Protected Status, 62 FR 59737 (Nov. 4, 1997).

⁵ For general history of TPS designations, redesignations and extensions for Sudan, see 81 FR 4045 (Jan. 25, 2016). See also Termination of the Designation of Sudan for Temporary Protected Status, 82 FR 47228 (Oct. 11, 2017).

⁶ See *Ramos v. Nielsen*, 336 F. Supp. 3d 1075 (N.D. Cal. 2018), vacated, 975 F.3d 872 (9th Cir. 2020), *pet. for reh'g en banc granted*, 59 F.4th 1010 (9th Cir. 2023).

⁷ See Designation of Sudan for Temporary Protected Status, 87 FR 23202 (Apr. 19, 2022).