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February 24, 2023

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

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

Secretary Antony Blinken
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

RE: ORGANIZATIONS CALL FOR DESIGNATION OF TEMPORARY PROTECTED STATUS AND SPECIAL STUDENT RELIEF FOR NIGERIA

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

The undersigned 128 civil rights, immigrant rights, human rights, educational, and grassroots organizations write to urge Secretary Mayorkas to review country conditions and designate Temporary Protected Status (TPS) or Deferred Enforced Departure (DED), and Special Student Relief (SSR) for Nigeria. Radical militant groups and designated terrorist factions have carried out widespread killings, kidnappings, and looting throughout Nigeria. In counterattacks, the government has resorted to air strikes, resulting in the ongoing armed conflict against Boko Haram and Islamic State in West Africa (ISWAP). Civilians face the brunt of the conflict, with large-scale displacement, interrupted livelihoods, food insecurity and safety concerns. According to ACAPS, an estimated 6,500,000 people have been displaced by its complex crisis. According to the United Nations, more than 80 percent of those in need are women and children, who face abductions, rape, and abuse.¹ Nigeria meets the requirements for Temporary Protected Status or Deferred Enforced Departure, and Special Student Relief, due to the ongoing armed conflict and extraordinary and temporary conditions in the country that make the safe return of nationals impossible.

¹ "Nigeria: Crisis in Northeast Will Worsen without Urgent Help, Says OCHA," *UN News*, June 21, 2022, <https://news.un.org/en/story/2022/06/1120912>.

Temporary Protected Status, Deferred Enforced Departure, & Special Student Relief

The Secretary of the Department of Homeland Security (DHS), after consultation with appropriate agencies of the U.S. Government, has the authority to designate a country for **Temporary Protected Status (TPS)** if the Secretary determines that the country conditions temporarily prevent their nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately,² such as the case of Nigeria. The Secretary can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions.

The President of the United States has the authority to announce **Deferred Enforced Departure (DED)** for a country under his constitutional powers to conduct foreign relations. The designations are provided in the event of a civil, political, and humanitarian crisis affecting a country that make it unsafe to return individuals. Like TPS, DED provides protection from deportation and work authorization.

The DHS can suspend certain regulatory requirements for F-1 students and issue **Special Student Relief (SSR)** benefits under emergent circumstances such as natural disasters, armed conflict and financial crises. F-1 students from countries experiencing such conditions face significant economic hardship.³ SSR allows students directly affected by the crises to apply for employment authorization to work off campus, be exempt from regular student employment requirements, and reduce their course loads if needed.

The country conditions analysis below will demonstrate that conditions in Nigeria merit TPS or DED, and SSR designations due to armed conflict and extraordinary and temporary conditions as a return to the country would pose a serious threat to the personal safety of Nigerians.

A. Ongoing Armed Conflict

The U.S. Secretary of State on November 14, 2013, designated Boko Haram as a Foreign Terrorist Organization.⁴ On February 28, 2018, the Secretary designated ISWAP as a Foreign Terrorist Organization.⁵ In 2022, another splinter faction backed by Al-Qaeda called Ansaru became a highlighted threat.⁶ Boko Haram and ISWAP have perpetuated violence in northeastern Nigeria, particularly in the states of

² *Immigration and Nationality Act, U.S. Code* (2020), §§ 244 et seq.

³ “Special Student Relief,” Homeland Security: Study in the States, accessed February 23, 2023, <https://studyinthestates.dhs.gov/students/special-student-relief>.

⁴ “Foreign Terrorist Organizations,” United States Department of State, accessed February 23, 2023, <https://www.state.gov/foreign-terrorist-organizations/>.

⁵ *Id.*

⁶ Human Rights Watch, “Nigeria: Events of 2022,” in *World Report 2023*, January 12, 2023, <https://www.hrw.org/world-report/2023/country-chapters/nigeria>.

Adamawa, Borno, and Yobe, and the northwestern region.⁷ In the southeast region of Nigeria, clashes between the Indigenous People of Biafra (IPOB) group, calling for the secession of southeast Nigeria, and the military have caused an increase in the death toll in the region.⁸ The violence has spread to neighboring countries, with Boko Haram and ISIS-WA targeting population centers in Northeast Nigeria, Cameroon, Chad, and Niger.⁹

Against the backdrop of ongoing violence, climate change and scarcity of land, as well as religious and ethnic tensions have caused civil unrest between farmers and herders as well as insurgent campaigns.¹⁰ As of 2018, over 60,000 people were killed and more than 300,000 displaced across four Nigerian states due to the farmer-herder conflict.¹¹ This number is increasingly growing.

The recruiting and forceful conscription of child soldiers, the continued abductions and sexual and gender-based violence, such as forced marriage, sexual slavery and rape on many women and girls, has placed millions of children in life-threatening situations and made it the most “unstable place to be.”¹² It was estimated that at least 18.5 million children would be absent from school in 2022 as a result of the ongoing fighting in the northeast and the rise in school kidnappings by armed militants in the northwest.

According to ACLED, there were 4197 violent events since January 2022 until February 2023, with 11,424 reported casualties.¹³ Fears of violence grow with the upcoming Presidential elections on February 25, 2023. There were at least 50 attacks by armed groups against Nigeria’s Independent National Electoral Commission (INEC) staff and facilities since the election in 2019 to the end of 2022.¹⁴ ACLED records a total of 38 violent events involving Ebubeagu between October 2021 and

⁷ “Non-International Armed Conflicts in Nigeria,” RULAC, accessed February 23, 2023, <https://www.rulac.org/browse/conflicts/non-international-armed-conflict-in-nigeria>.

⁸ Nkasi Wodu, “The U.S. Should Not Designate Nigeria’s IPOB a Terrorist Group,” *Council on Foreign Relations*, February 10, 2023, <https://www.cfr.org/blog/us-should-not-designate-nigerias-ipob-terrorist-group>.

⁹ *Id.*

¹⁰ Alfred Olufemi, “Horrors on the Plateau: Inside Nigeria’s Farmer-Herder Conflict | Conflict | Al Jazeera,” *Al Jazeera*, November 28, 2021, <https://www.aljazeera.com/features/2021/11/28/horrors-on-the-plateau-inside-nigerias-farmer-herder-conflict>.

¹¹ *Id.*

¹² *Id.*

¹³ “Nigeria Election Violence Tracker,” ACLED, accessed February 23, 2023, <https://acleddata.com/nigeria-election-violence-tracker/>.

¹⁴ Ahmed Kingimi and Tim Cocks, “Insecurity Threatens Nigeria’s Democracy as Voters Elect a New President,” *Reuters*, February 17, 2023, sec. World News, <https://www.reuters.com/article/nigeria-election-security-idAFKBN2UR0DJ>.

February 2023.¹⁵ Over half of these events involve violence against civilians, including members of opposition parties.¹⁶ Over 606 polling centres serving 287,373 voters have been identified as “not reachable,” and INEC said that 240 polling centres will not be used because of insecurity.¹⁷

B. Extraordinary and Temporary conditions

As of December 31, 2022, according to the UNHCR there are 3.1 million internally displaced persons in Nigeria due to the armed conflict in the northeast. According to Global Humanitarian Overview, 8.3 million people need assistance in 2023 in Northeast Nigeria. 8.4 million people are food insecure in northeast Nigeria.¹⁸ The November 2022 Cadre Harmonise data projects that more than 25.3 million people across Nigeria will face crisis or emergency level food insecurity from June to August 2023.¹⁹ Comparing January to August of 2021 to January to August 2022, Médecins Sans Frontières reported treating 64% more severely malnourished children in Zamfara State.²⁰ In the northwest Nigerian states of Sokoto, Zamfara, and Katsina between May 2022 and April 2023, more than 3.9 million children under the age of five are anticipated to be acutely malnourished, including over 926,000 with severe acute malnutrition.²¹ Limited access to clean water and healthcare, and a lack of humanitarian support, has caused a crisis that builds further insecurity in the region.

According to Nigeria’s National Emergency Management Agency, flooding from July to mid-November 2022 affected more than 4.4 million people across Nigeria.²²

¹⁵ “Nigeria Election Violence Tracker Situation Summary: 1-14 February 2023,” ACLED, February 16, 2023, <https://acleddata.com/2023/02/16/nigeria-election-violence-tracker-situation-summary-1-14-february-2023/>.

¹⁶ *Id.*

¹⁷ Kingimi and Tim Cocks, “Insecurity Threatens Nigeria’s Democracy as Voters Elect a New President.”

¹⁸ “Nigeria,” World Food Programme, March 31, 2022, <https://www.wfp.org/countries/nigeria>.

¹⁹ *WFP Nigeria Country Brief October – November 2022*, World Food Programme, accessed February 23, 2023, https://docs.wfp.org/api/documents/WFP-0000145610/download/?_ga=2.50132198.1998596785.1675969414-1382646794.1675969414

²⁰ “Nigeria Acute Malnutrition Analysis,” Integrated Food Security Phase Classification, November 23, 2022, https://reliefweb.int/attachments/c4eaaca0-58b2-4aa6-bd6d-e47109420217/IPC_Nigeria_Acute_Malnutrition_May22_April23_Report.pdf

²¹ “UN Must Urgently Recognise Malnutrition Crisis in Northwest Nigeria,” Médecins Sans Frontières (MSF) International, September 27, 2022, <https://www.msf.org/un-must-urgently-recognise-malnutrition-crisis-northwest-nigeria>.

²² “Nigeria Complex Emergency Fact Sheet #1,” U.S. Agency for International Development, December 16, 2022, <https://www.usaid.gov/humanitarian-assistance/nigeria>.

Additionally, more than 1.6 million acres of farmland were submerged by flooding, and 340,000 homes nationwide suffered damage or were completely destroyed. As of November 18, 2022, flooding had caused at least 660 fatalities and displaced at least 2.4 million people.²³

According to Nigeria's Center for Disease Control, 466 people died and 19,000 were adversely affected across 31 of Nigeria's 36 states from January to October due to the Cholera outbreak.²⁴ An estimated one million people are at risk of catching cholera, and there is an urgent need for more designated and equipped Cholera Treatment Centers, Oral Rehydration Points, and rapid testing kits, and access to clean water, good sanitation, and hygiene.^{25 26}

Nigeria's economy is dependent on variables beyond its control, according to new information from the World Bank.²⁷ The impact of the Russian invasion of Ukraine in 2022 on the global economy lowered expected oil production due to technical inefficiencies and increased insecurity. Uncertainty from the upcoming general elections in February 2023, and worsening fiscal risks related to the Premium Motor Spirit (PMS) subsidy deductions are just a few of the problems threatening the nation's economic outlook.²⁸

C. Designation of TPS or DED for Nigeria is in United States National Interest

The U.S. State Department has time and again acknowledged that Nigeria still faces severe obstacles including terrorist attacks, intercommunal violence, crime and kidnapping, and widespread mistrust of the government. The U.S. Government supports Nigerian efforts to enhance democratic institutions, advance good governance, fight corruption, and improve security through foreign aid, while also addressing the causes of conflict and offering life-saving aid to people who have

²³ *Id.*

²⁴ *Id.*

²⁵ Mariam Ileyemi, "NCDC Calls for Improved Water Sanitation, as Cholera Kills 233 in 2022,"

Premium Times, October 13, 2022,

<https://www.premiumtimesng.com/news/top-news/559429-ncdc-calls-for-improved-water-sanitati-on-as-cholera-kills-233-in-2022.html?tztc=1>.

²⁶ "Nigeria: Flooding and Cholera Outbreak Snapshot - as of 21st September 2022," United Nations Office for the Coordination of Humanitarian Affairs, September 22, 2022,

<https://www.humanitarianresponse.info/en/operations/nigeria/infographic/nigeria-flooding-and-c-holera-outbreak-snapshot-21st-september-2022>.

²⁷ Chinedu Okafor, "Nigeria's Economy Is in a State of Instability and Threatened by Many Factors, According to the World Bank," *Business Insider Africa*, September 26, 2022,

<https://africa.businessinsider.com/local/markets/nigerias-economy-is-unstable-and-threatened-by-many-factors-according-to-the-world/nkcgp1v>.

²⁸ *Id.*

been affected by terrorism.²⁹ As of December 16, 2022, the U.S. has committed to \$41 million in humanitarian assistance to Nigeria for budget year 2023.³⁰

In the current White House US Strategy Toward Sub-Saharan Africa, Nigeria was acknowledged alongside Cameroon, Somalia, and Ethiopia (three current TPS designated countries) as being in armed conflict.³¹ The U.S. is intimately aware of the insecurity in Nigeria, so much so that the U.S. Department of State advises travelers to reconsider travel to Nigeria. On January 20, 2023, the US Embassy and Consulate in Nigeria reissued with updates a Nigeria Travel Advisory – Level 3: Reconsider Travel. The advice is to reconsider travel to Nigeria “due to crime, terrorism, civil unrest, kidnapping, and maritime crime.”³² According to the Department of State, Bureau for Consular Affairs, October 27, 2022, the Department ordered the departure of family members of U.S. government employees from Abuja due to the heightened risk of terrorist attacks.

Currently, the United States continues to assist Nigerian institutions and the people in their efforts to hold peaceful, fair, and transparent elections.³³ The United States is the largest foreign investor in Nigeria, with U.S. foreign direct investment concentrated largely in the petroleum/mining and wholesale trade sectors.³⁴

An immediate designation of either TPS or DED is warranted and necessary to safeguard vulnerable people in the United States and promote U.S. foreign policy objectives.

Conclusion

Nigeria is experiencing ongoing armed conflict and other extraordinary and temporary conditions that make the safe return of Nigerians from the United States impossible. As highlighted above, the country conditions in Nigeria meet the requirements for a designation of Temporary Protected Status or Deferred Enforced Departure, and Special Student Relief. We strongly urge the Secretary and his counterparts in the administration to take necessary measures to protect Nigerian nationals in the United States and provide an initial 18-month designation of TPS or DED for Nigeria. In addition, we request that the

²⁹ “U.S. Relations With Nigeria,” United States Department of State, April 29, 2021, <https://www.state.gov/u-s-relations-with-nigeria/>.

³⁰ “Nigeria Complex Emergency Fact Sheet #1.”

³¹ *U.S. Strategy Towards Sub-Saharan Africa*, The White House, August 2022, <https://www.whitehouse.gov/wp-content/uploads/2022/08/U.S.-Strategy-Toward-Sub-Saharan-Africa-FINAL.pdf>

³² U. S. Mission Nigeria, “Security Alert: Update to Nigeria Travel Advisory - January 20, 2023,” U.S. Embassy and Consulate in Nigeria, January 23, 2023, <https://ng.usembassy.gov/security-alert-update-to-nigeria-travel-advisory-january-20-2023/>.

³³ “U.S. Relations With Nigeria.”

³⁴ *Id.*

designation is accompanied by SSR benefits, and a culturally relevant outreach campaign to the impacted community.

Sincerely,

International

African Immigration Initiative of Courageous Resistance of the Desert
American Friends Service Committee (AFSC)
Anglican Church of the Epiphany
Ark of Salvation Int'l Church of Christ
Asian Children's Educational Fellowship
Christ Liberated Church
Church World Service
Coalition for Dialogue and Negotiations
Dardur Charities Inc
Deported Asylum Seekers Assistance Project
Diaspora Alliance
Egbe Omo Yoruba
Egbuoma Community Development
Eko Club
Food as Medicine Global
Global African Business Association
Global Christian Relief
Holy Order of the Cherubim & Seraphim Movement Church
International Missions Outreach
Jubilee Campaign/Women's and Africa IRF Working Groups
Leadership Empowerment Advocacy Humanitarian Foundation
Love Your Menses
Nigeria Ex-International Footballers Association
Religious Freedom Coalition
The Black Alliance for Just Immigration (BAJI)
The Campaign for Hong Kong
Think Yoruba First
U.S. Committee for Refugees and Immigrants
Universal Peace Federation

National

African Communities Together
African Diaspora for Good Governance

African Public Affairs Committee
Alianza Americas
American Immigration Lawyers Association
Asian Americans Advancing Justice | AAJC
Association of Nigerian Nurse Practitioners in North America
Association of Nigerian Physicians in the Americas
Asylum Seeker Advocacy Project (ASAP)
Catholic Legal Immigration Network, Inc. (CLINIC)
Co-Chair African Working Group IRF Roundtable Washington DC
Communities United for Status & Protection (CUSP)
Congolese Community of Washington Metropolitan (CCWM)
Disciples Immigration Legal Counsel
Friends Committee on National Legislation
Glory of God Cherubim and Seraphim Church
Haitian Bridge Alliance
Ikorodu Oga Descendants of North America
Immigrant Legal Resource Center
Innergy Incorporated
InReach
Justice Action Center
Lutheran Immigration and Refugee Service
Mboho Ndito Ibibio USA, Inc.
Mefrican Initiatives Service Organization
NAHRA, Nicaraguan American Human Rights Alliance
National Association for the Advancement of Colored People (NAACP)
National Employment Law Project
National Immigration Law Center (NILC)
National Network for Arab American Communities
NETWORK Lobby for Catholic Social Justice
Nigerian America Lawyer's Association
Nigerian American Public Affairs Committee
Northeastern University School of Law Immigrant Justice Clinic
Presidents' Alliance on Higher Education and Immigration
Sister of St. Joseph of Carondelet
Sisters of Saint Joseph
Sisters of St. Francis of Philadelphia
UndocuBlack Network
Women Advancing Nutrition Dietetics and Agriculture
World Education Services
Young Center for Immigrant Children's Rights
Ziklag Hope Foundation

State and Local

Activated Massachusetts African Community (AMAC)
African Advocacy Network
African Health Coalition
Al Otro Lado
AVAN Immigrant Services
Beacon Presbyterian Fellowship
Black Immigrant Collective
Casa de Venezuela Delaware
Catholic Charities of SW Kansas
Centro Romero
Chacon Center for Immigrant Justice at Maryland Carey Law
Chicago Religious Leadership Network on Latin America-CRLN
Church Women United in New York State
Clergy and Laity United for Social Justice Ventura County
Concerned Nigerians in New York
DRUM - Desis Rising Up & Moving
Ezinne Association of Old Orlu Province
Family Action Network Movement
Florida Immigrant Coalition
Guadalupe Presbyterian Detention Ministry
Haitian Americans United Inc.
Healthy and Uplifted, Inc
Human Rights Initiative Of North Texas
Illinois Coalition for Immigrant and Refugee Rights
Illinois Venezuelan Alliance
Immigrant Action Alliance
Immigrant Legal Advocacy Project
International Institute of New England
InterReligious Task Force on Central America
Jesus House, DC
Just Neighbors Ministry
Justice for Our Neighbors El Paso
Latino Policy Forum
Louisiana Advocates for Immigrants in Detention
Louisiana Organization for Refugees and Immigrants
Lutheran Church of Our Redeemer
Nigerian Center
North Carolina Justice Center
Ohio Immigrant Alliance
Opening Doors International Services, Inc.
Pennsylvania Council of Churches
Renaissance Center for Culture and Education
Sisters of St. Dominic of Blauvelt, New York

Sisters of St. Joseph of Carondelet, LA
Social Justice Coalition, Central Church
Strangers No Longer (Michigan)
The Coalition of African Communities-Philadelphia (AFRICOM)
United African Organization
United African Women Organization of Michigan
United Nigerian Americans Council-MD
Utah County Nigerians
Wallingford Indivisible
Wayne Action for Racial Equality
Wilco Justice Alliance (Williamson County, TX)
Yoruba American Community
Yoruba Unite of North Carolina



April 11, 2023

American Friends Service Committee
1501 Cherry Street
Philadelphia, PA 19102
afscinfo@afsc.org

Dear American Friends Service Committee:

Thank you for your February 24, 2023, letter to the Department of Homeland Security (DHS) in support of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED), and Special Student Relief, for Nigeria. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising Secretary Mayorkas on TPS and DED issues, and I am responding on behalf of the Department.

The Secretary may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. 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 permitting the country's nationals to remain temporarily would not be contrary to the national interest of the United States. *See* Immigration and Nationality Act § 244(b)(1).

DED is an administrative stay of removal that may be authorized by the President for a designated group of foreign nationals. The authority to grant DED arises from the President's constitutional authority to conduct the foreign relations of the United States. *See* Executive Order 12711 (April 11, 1990). The President can authorize DED for any reason related to this authority. Although DED is not a specific immigration status, individuals covered by DED are not subject to removal from the United States, usually for a designated period of time. The President may direct DHS to offer certain benefits, such as employment authorization or advance parole to reenter the United States after travel abroad, to eligible foreign nationals covered by the DED directive. The Secretary authorizes employment for the period of time and under certain conditions, pursuant to the presidential directive. DHS is responsible for adjudicating and processing any DED-related applications for employment authorization or advance parole. In general, eligibility standards are set forth in the Presidential designation of DED for each specific group of eligible foreign nationals.

I appreciate the concerns you have outlined regarding the situation in Nigeria. Please be assured that DHS is monitoring the conditions in Nigeria. DHS also offers support that may be available upon request to assist eligible nationals of Nigeria residing in the United States affected by special situations. Such support 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 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 under “Immigration Relief in Emergencies or Unforeseen Circumstances” on the USCIS website at uscis.gov/newsroom/immigration-relief-in-emergencies-or-unforeseen-circumstances.

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 contact the Office of Public Engagement at public.engagement@uscis.dhs.gov.

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