



March 15, 2024

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 2052

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

RE: 109 ORGANIZATIONS CALL FOR EXTENSION AND REDESIGNATION OF TEMPORARY PROTECTED STATUS FOR BURMA

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

We are writing today to urge the administration to extend and redesignate Temporary Protected Status (TPS) for Burma. Over 100 organizations have endorsed the request to Secretary Mayorkas, (1) to provide an 18-month extension for current TPS holders from Burma, (2) to expand the protections to more recently arrived Burmese individuals present in the United States by redesignating Burma for TPS, (3) to provide a 180 day registration period for beneficiaries under the redesignation and the current designation's extension, and (4) a timely publication of the Federal Register to avoid employment disruptions and other hardships that result from any delays, and (5) to provide educational resources and public engagements for the impacted community. Approximately 9000 individuals would benefit from the designation, including those who entered into the United States since March 11, 2021 who are without immigration status.¹

The calls for extension and redesignation of TPS for Burma come as the military coup continues in Burma even after three long years. Since the coup, junta authorities have arbitrarily arrested more than 16,000 pro-democracy supporters.² Aung San Suu Kyi, the democratically elected leader of the National League for Democracy (NLD) party, has been sentenced to a total of 26 years in prison.³ Many former detainees have allegedly had to face torture or other ill-treatment,

¹ Temporary Protected Status protects families while also boosting the U.S. economy, fwd.us, February 2024 Report, <https://www.fwd.us/news/temporary-protected-status-report-2024/>

² Assistance Association for Political Prisoners (Burma), <https://aappb.org/>

³ Betsy Reed, Guardian US, October 12, 2022 <https://www.theguardian.com/world/2022/oct/12/aung-san-suu-kyi-faces-total-of-26-years-in-prison-after-latest-corruption-sentencing>

such as sexual violence, during their detention.⁴ In a report⁵ that investigated the aftermath of the coup in 2022, it was revealed that the military engaged in egregious acts of human rights abuse that continue to persist in Burma as the junta brutally subjugates any who oppose their rule to torture, executions, beatings, and even forced displacements.⁶ Violent crackdown on protesters and targeting of civilians reflects the political and institutional instability in the country. Clashes between resistance groups and the military have led to an increase in the civilian casualties and put many more at risk.⁷

I. Temporary Protected Status

TPS allows people from a designated country to remain in the United States while conditions in their home country make safe return impossible. The Secretary of Homeland Security can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions. TPS allows its beneficiaries to stay in the United States during the designation period and apply for work permits. It is life-saving, blanket protection, especially for those who are ineligible for or who have been denied asylum.

II. Country Conditions in Burma Make Safe Return Impossible

A. Ongoing armed conflict

In February 2021, the Burmese military overthrew the elected government in a coup, alleging fraud and irregularities in the November 2020 elections. Aung San Suu Kyi and President U Win Myint, along with other senior leaders from the ruling National League for Democracy (NLD), were arrested.⁸ The coup was followed by the transfer of all executive, legislative, and judicial authority to the State Administration Council, an authoritarian military-run administrative organization led by armed forces commander-in-chief Min Aung Hlaing.⁹ On August 1, 2021, Min Aung Hlaing declared himself prime minister.

The coup was followed by widespread civil disobedience. Protesters were met with indiscriminate violence from military forces. Journalists, activists, and ordinary people risked criminal charges and detention for voicing dissent. The military junta has detained nearly 20,000 civilians, killing an estimated 3,000 as of March 2023, while displacing millions of

⁴ Human Rights Watch, World Report, Myanmar, Events of 2022, <https://www.hrw.org/world-report/2023/country-chapters/myanmar>

⁵ Myanmar: 15 days felt like 15 years: Torture in detention since the Myanmar coup, Amnesty International, <https://www.amnesty.org/en/documents/asa16/5884/2022/en/>, August 2, 2022, Index Number: ASA 16/5884/2022

⁶ Human Rights Watch, World Report, Myanmar, Events of 2022, <https://www.hrw.org/world-report/2023/country-chapters/myanmar>

⁷ Myanmar: Resistance to the Military Junta Gains Momentum, Conflict Watch List 2024, Myanmar, 17 January, 2024, <https://acleddata.com/conflict-watchlist-2024/myanmar/>

⁸ "Myanmar Archives," Amnesty International, accessed September 12, 2022, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/>.

⁹ 2021 Country Reports on Human Rights Practices: Burma, United States Department of State, accessed September 12, 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/burma/>.

people as they engage in intra-state conflict with resistance groups over territorial control.¹⁰ Since the coup, the junta's violence has intensified, with civilians being at the mercy of mortar shelling, crossfire, airstrikes, and landmines in regions where the junta is attempting to assert its force over resistance groups.¹¹ A report released by the United Nations in March 2023 revealed that 18.6 million people living in Burma are in dire need of humanitarian assistance, including disaster relief.¹² Arbitrary arrests, torture, rape, killings, and disappearances of civilians have been attributed to regime forces.

Discrimination based on ethnicity and religion intensified post the coup, leaving vulnerable communities such as the Rohingya at greater risk. Following the military coup in Burma on February 1, 2021, security forces have detained numerous Rohingya individuals for "unauthorized travel" and implemented additional constraints on movement and aid access in Rohingya camps and villages. Security forces have been accused of committing human rights violations, including killings and sexual violence, against the Rohingya population. The situation remains concerning, with reports of limited access to essential services, restrictions on movement, and challenges in accessing humanitarian aid. The Rohingya have been displaced in waves due to conflict and persecution, with over 1 million fleeing their homeland. In 2023 alone, approximately 12,500 individuals attempted perilous journeys by land and sea to escape the ongoing conflict.¹³

This ongoing armed conflict, which has included killings, torture, and rape by regime forces, makes it impossible for Burmese individuals currently in the U.S. to return to Burma safely.

B. Extraordinary and temporary conditions

There exists little to no democratic freedoms or rights to expression within Burma, as the military prevents religious gatherings for religious minorities while criminalizing unauthorized demonstrations such as peaceful protests.¹⁴ The military also controls the state-owned broadcast media, removes private broadcasters from the air, and limits internet access to social media and new outlets, significantly restricting Burmese civil liberties.¹⁵

¹⁰ Alar Corritti, Mie Mie, Matthias, Ko Banya; United States Institute of Peace, *Atrocities in Myanmar: Documenting the Junta's Attacks on Civilians*, March 1, 2023, <https://www.usip.org/publications/2023/03/atrocities-myanmar-documenting-juntas-attacks-civilians#:~:text=In%20an%20attempt%20to%20assert,over%20the%20last%20two%20years>

¹¹ Id.

¹² United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Global Humanitarian Overview 2024*, <https://www.unocha.org/publications/report/world/global-humanitarian-overview-2024-enarfres&sa=D&source=docs&ust=1709681852881871&usg=AOvVaw2BfSaPehos8TUxGllt-JrD>

¹³ Future Bleak for Rohingya in Bangladesh, Myanmar, Human Rights Watch, August 20, 2023, <https://www.hrw.org/news/2023/08/20/future-bleak-rohingya-bangladesh-myanmar> and Rohingya Refugees fleeing over land and sea - Quarterly update as of 31 December 2023, UNHCR, <https://data.unhcr.org/en/documents/details/106455>

¹⁴ Myanmar, Freedom House Status and Country Report 2023, <https://freedomhouse.org/country/myanmar/freedom-world/2023>

¹⁵ Id.

Most recently, Burma's ruling junta has announced that it will begin enforcing a 2010 military conscription law on February 10, 2024.¹⁶ Under this law, men aged 18-45 and women aged 18-35 can be drafted into the armed forces for two years, with the option to extend to five years during national emergencies.¹⁷ This move by the junta comes in response to the military being stretched thin due to their operations around the country to suppress armed pro-democracy resistance forces that emerged after the army seized power in 2021.¹⁸ This also highlights the temporary nature of the conditions since the junta is losing ground over time.¹⁹ Evading conscription is punishable by three to five years of the law.²⁰

The conscription policies being enforced by the junta is forcing some of Burma's youth to either flee the country or join resistance groups as an attempt to avoid the junta's forced conscription.²¹ The risk of forced recruitment is especially high for displaced persons, Rohingya, and humanitarian staff. Nearly 60,000 individuals have been displaced to neighboring countries since the coup in 2021.²² According to the data for the last quarter of 2023, Burma is one of the top five countries for refugee arrivals to the U.S.²³ To date, The United Nations High Commissioner for Refugees has estimated that there are 1.3 million refugees and asylum seekers from Burma who have fled the country to escape the harsh living conditions imposed by the junta, while there are 2.1 million estimated international displaced²⁴ persons within the country who are living without proper shelter or in areas such as the jungle, where they cannot access basic services. An additional 25 million people are also living in poverty, with the rural population reported to be at risk for starvation due to the restrictions imposed by the military.²⁵

The Department of State maintains a Level 4: Do Not Travel advisory for Burma due to civil unrest, armed conflict, and arbitrary enforcement of local laws.²⁶ As the junta rule continues

¹⁶ Sebastian Strangio, Myanmar's NUG Condemns Military Conscription Drive, Vows to Resist, *The Diplomat*, 14 February, 2024, <https://thediplomat.com/2024/02/myanmars-nug-condemns-military-conscription-drive-vows-to-resist/>

¹⁷ Id.

¹⁸ The Daily Guardian, *Myanmar says will draft 5,000 people a month for military service*, February 29, 2024, <https://thedailyguardian.com/myanmar-says-will-draft-5000-people-a-month-for-military-service/>

¹⁹ Myanmar's Human Rights Crisis: In Freefall with Insufficient International Attention, USCRI, Policy and Advocacy Report, February 29, 2024, Volume 7, Issue No. 11, <https://sway.cloud.microsoft/CzoUaYNQrtdSmWjS>

²⁰ ABC News, Many in Myanmar consider fleeing to Thailand to escape conscription into an army they despise, February 24, 2024

²¹ BBC, Myanmar: Young people attempt to flee ahead of conscription order, February 26, 2024 <https://www.bbc.com/news/world-asia-68345291>

²² Myanmar UNHCR displacement overview, 05 Feb 2024, <https://data.unhcr.org/en/documents/details/106598>

²³ Refugee Council USA, US Refugee Admissions, <https://rcusa.org/wp-content/uploads/2024/02/Q1FY24-Refugee-Arrivals-Report-FINAL.pdf>

²⁴ UNHRC, Myanmar Rmergency Update, November, 2023, <https://reporting.unhcr.org/myanmar-emergency-regional-update-6584>

²⁵ U.S. Department of State, Burma (Myanmar) Travel Advisory, January 22, 2024, <https://myanmar.un.org/sites/default/files/2023-05/OHCHR%20HRC%20Report%20-%20English.pdf>

²⁶ <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/burma-travel-advisory.htm>
l?_gl=1*jz0sbq*_gcl_au*MTgxMDcyNzA2OS4xNzAzMDIwNjIy

within Burma, the country is slowly edging toward a larger humanitarian crisis that has been increasingly affecting the region's stability and making it impossible for civilians to return to the country.

III. TPS for Burma is in line with U.S. interests

On 31 January, 2024 a Joint Statement Marking Three Years Since the Military Coup in Myanmar was made on behalf of the European Union, and the Foreign Ministers of Australia, Canada, New Zealand, Norway, the Republic of Korea, Switzerland, the United Kingdom and the United States condemned the military regime's ongoing atrocities and human rights violations, such as sexual and gender-based violence, and the restriction of fundamental freedoms including freedom of expression, through peaceful protests and the media. The Department of State and the Treasury have placed numerous sanctions on the military regime officials, supporters, and supporting enterprises.²⁷ In 2022, the United States announced more than \$152 million in additional humanitarian assistance to Burma.²⁸ The United States has acknowledged the conflict and crisis in Burma and has committed to supporting democracy, human rights, and rule of law in the country using sanctions, diplomacy, and life-saving humanitarian aid. It is only fit for the administration to stick to its promise of protection for Burmese individuals present in the United States by extending and redesignating Burma for TPS.

IV. Conclusion

As highlighted above, the country conditions in Burma meet the statutory requirements for the extension and redesignation of Temporary Protected Status. We urge President Biden, Secretary Mayorkas, Secretary Blinken, and other relevant decision-makers in the administration to review country conditions and provide an 18-month extension for current TPS holders from Burma. The administration must continue to support Burmese migrants by expanding the protections to individuals who arrived in the United States after the last designation, as the ongoing armed conflict and extraordinary and temporary conditions persist and deteriorate. In addition, we request a 180-day registration period for beneficiaries under the extension and redesignation, and an outreach campaign for the impacted community. Burmese nationals in the U.S. particularly face the threat of being targeted by the military for their presence in the United States, owing to which they are unable to safely return home. Lastly, we request a timely publication of the Federal Register Notice to avoid employment disruptions and other hardships that result from any delays, and to provide educational resources and public engagements for the impacted community.

Sincerely,

National

²⁷ U.S. Department of State, Burma Sanctions, <https://www.state.gov/burma-sanctions/>

²⁸ "The United States Announces More Than \$152 Million in Additional Humanitarian Assistance for the People of Burma and Bangladesh," U.S. Agency for International Development, March 29, 2022, <https://www.usaid.gov/news-information/press-releases/mar-29-2022- united-states-announces-more-152-million-additional-humanitarian>.

Action Corps
African Communities Together (ACT)
African Immigration Initiative
ALTSEAN Burma
American Friends Service Committee (AFSC)
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asylum Seeker Advocacy Project (ASAP)
Burma Advocacy Group
Better Burma
Campaign for a New Myanmar
Catholic Legal Immigration Network, Inc. (CLINIC)
Center for Gender & Refugee Studies
Church World Service
Communities United for Status & Protection (CUSP)
Dominican Sisters of Sparkill
Fortify Rights
FWD.us
Global Refuge
Haitian Bridge Alliance
Hope For Tomorrow
Human Rights First
Immigrant Legal Resource Center
Immigrants Act Now
Immigration Hub
Insight Myanmar Podcast
International Campaign for the Rohingya
International Institute of New England

Karen Organization of America
Maryknoll Office for Global Concerns
Maryknoll Sisters
National Asian Pacific American Families Against Substance Abuse
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center
National Korean American Service & Education Consortium (NAKASEC)
National Partnership for New Americans
P1 Group Facilities
Red Eagle Enterprises
Refugees International
Sisters of Charity of Nazareth Western Province Leadership
Students for Free Burma
The Episcopal Church
TPS-DED AAC
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
Union for Reform Judaism
Unitarian Universalist Service Committee (UUSC)
United Stateless
United States Chin Coalition
US Campaign for Palestinian Rights Action

State/Local

Adhikaar for Human Rights & Social Justice
Advocates for Immigrant Rights

Al Otro Lado
Alianza Sacramento
American Friends Service Committee, Colorado
Ayuda
Boston Free Burma
Buen Vecino of Ventura County
Burma Center
California Karen Youth Connection
Chacón Center for Immigrant Justice
Chin Association of Maryland
Church Women United in New York State
Clergy and Laity United for Economic Justice Ventura County (CLUE VC)
Coalition for Humane Immigrant Rights (CHIRLA)
Comunidades Sin Fronteras CSF-CT INC
Connecticut Shoreline Indivisible
Dominican Sisters of Houston
Dorcas International Institute of RI
Dorothy Day Catholic Worker, Washington DC
Estrella del Paso (Formerly DMRS)
Freedom House Detroit
Heartfelt Tidbits
Humanity
Illinois Coalition for Immigrant and Refugee Rights
Immigrant and Refugee Community Organization (IRCO)
Immigrant Defenders Law Center
Immigrant Legal Advocacy Project
Immigration Support Services Network
International Institute of Los Angeles

International Institute of New England
International Institute of St. Louis
Jewish Coalition for Immigrant Justice NW
Just Neighbors
Karen Organization of Minnesota
Karen Organization of San Diego
La Comunidad
Latin American Coalition
Latino Policy Forum
LCSNW
Massachusetts Law Reform Institute
Middle Eastern Immigrant and Refugee Alliance
Overseas Burmese Christian Fellowship
Partnership for the Advancement of New Americans - PANA
Pax Christi Florida
Refugee & Immigrant Transitions
Rise Together
Sisters of Charity of the Blessed Virgin Mary
Sisters of St. Dominic of Blauvelt, New York
The Urban Village
TRUE ALLIANCE CENTER INC
University of San Francisco Immigration & Deportation Defense Clinic
USCRI Cleveland
WESPAC Foundation, Inc.
Westchester Jewish Coalition for Immigration
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center
YMCA of the Greater Houston Area



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

April 2, 2024

Kalyani Menon
TPS-DED AAC
Campaign Coordinator
kalyanim@masadc.com

Dear Ms. Menon:

Thank you for your March 15, 2024 letter to the Department of Homeland Security (DHS) requesting an extension of Burma's Temporary Protected Status (TPS) designation and redesignation of Burma for TPS. I am responding on behalf of the Department.

I appreciate the concerns you outlined regarding the situation in Burma. On March 25, 2024, DHS published a Federal Register Notice (FRN) extending and redesignating Burma for TPS for an additional 18 months, from May 26, 2024, through November 25, 2025.¹ The redesignation of Burma for TPS enables nationals of Burma, and individuals without nationality who last habitually resided in Burma, who have been continuously residing in the United States since March 21, 2024, to file applications to register for TPS.

Pending applications that are approved after publication of the March 25 FRN will be approved through November 25, 2025. Those who have initial applications pending with U.S. Citizenship and Immigration Services (USCIS) as of the date of publication of the FRN do not need to file a new application under the redesignation.

I also acknowledge your requests to provide a 180-day registration period for both current TPS holders and new beneficiaries under the redesignation and to engage with the impacted community about the availability of TPS. Please note that the FRN provides a 60-day re-registration period for current TPS beneficiaries and the full designation period for initial applicants. USCIS plans to organize a national stakeholder engagement to provide an overview and answer questions on the extension and redesignation of Burma for TPS.

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

¹ <https://www.federalregister.gov/documents/2024/03/25/2024-06104/extension-and-redesignation-of-burma-myanmar-for-temporary-protected-status>.

Ms. Kalyani Menon

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- Change or extension of nonimmigrant status if eligible noncitizens 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 due to the circumstances; 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 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 do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a horizontal line extending to the right.

Ur M. Jaddou
Director