

Congress of the United States

Washington, DC 20515

December 15, 2023

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By ESEC at 12:11 pm, Dec 15, 2023

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

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

Dear Secretaries Blinken and Mayorkas,

We write to urge you to designate Belarus for Temporary Protected Status (TPS), which offers temporary relief from removal and access to work permits for eligible foreign nationals who are unable to return safely to their home country. The Republic of Belarus is rife with human rights abuses perpetrated by the authoritarian regime of Alexander Lukashenka, including arbitrary detention, torture, and extra-judicial executions. For Belarusians now present in the United States, a return to their home country would be extremely dangerous, even life-threatening. TPS for Belarus is therefore urgently warranted.

Belarus is widely regarded as one of the world's worst human rights abusers. The State Department's 2022 report on human rights practices in Belarus paints a picture of complete authoritarian rule by Lukashenka, whose "security forces aggressively, intentionally, and systematically perpetuate[] numerous abuses to stifle political dissent and repress human rights."¹ The list of abuses is almost too long to catalogue. According to the State Department, they include:

- unlawful or arbitrary killings by security forces;
- torture or cruel, inhumane, or degrading treatment or punishment by security forces;
- harsh and life-threatening prison conditions;
- arbitrary arrest and detention;
- serious problems with the independence of the judiciary;
- punishment of family members for alleged offenses by a relative;
- harsh restrictions on freedom of expression and media, including violence against journalists;
- substantial interference with the freedom of peaceful assembly and freedom of association;

¹ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, Belarus Human Rights Report at 1 (2022) (hereinafter "Belarus Human Rights Report"), https://www.state.gov/wp-content/uploads/2023/03/415610_BELARUS-2022-HUMAN-RIGHTS-REPORT.pdf.

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- lack of investigation of and accountability for gender-based violence, including domestic and intimate partner violence, sexual violence, and other forms of violence;
- trafficking in persons;
- crimes involving violence or threats of violence targeting lesbian, gay, bisexual, transgender, queer, or intersex persons; and
- outlawing of independent trade unions and significant restrictions on workers' freedom of association.²

The State Department is not alone in condemning Belarus' human rights record. In March 2023, the United Nations Human Rights Office of the High Commissioner released a report stating that "there are sufficient grounds to believe that systematic, widespread, and gross human rights violations have been and are being committed in Belarus," including possible "crimes against humanity."³ The UN Special Rapporteur affirmed this finding in her August 25, 2023 report on the human rights situation in Belarus, stating that "virtually all human rights defenders, investigative journalists, civic activists and members of the political opposition [are] either in prison or in exile."⁴

In 2020, Lukashenka was reelected president in an election punctuated by fraud and procedural violations.⁵ In 2021, he enforced a law amending Belarus's criminal code to authorize the death penalty for individuals convicted of "attempted acts of terrorism" — a bogus charge that the Lukashenka regime frequently uses to execute dissenters, political prisoners, and activists.⁶ And just this September, according to the United Nations Human Rights Office of the High Commissioner, Lukashenka ordered Belarusian consulates to stop renewing or extending passports, meaning that nationals "who were compelled to flee the country due to mass repression in the aftermath of the 2020 presidential election[,] including peaceful protesters," must return to Belarus to renew or extend their passports, where they face a "high risk of persecution."⁷

TPS provides protection to foreign nationals in the United States whose home countries are experiencing temporary and extraordinary conditions, including armed conflict, natural disasters,

² *Id.* at 2.

³ Gabrielle Tétrault-Farber, *Belarus Rights Abuses May Amount to 'Crime Against Humanity' - UN Report*, Reuters (Mar. 17, 2023), <https://www.reuters.com/world/europe/un-report-says-belarus-rights-abuses-may-amount-crime-against-humanity-2023-03-17/>.

⁴ Anaïs Marin, *Report of the Special Rapporteur on the Situation of Human Rights in Belarus*, U.N. Special Rapporteur on Belarus, (Aug. 25, 2023), <https://documents-dds-ny.un.org/doc/UNDOC/GEN/N23/251/37/PDF/N2325137.pdf?OpenElement>.

⁵ Kostya Manenkov & Daria Litvinova, *Belarus Poll Workers Describe Fraud in Aug. 9 Election*, AP (Sept. 1, 2020), <https://apnews.com/article/international-news-ap-top-news-europe-72e43a8b9e4c56362d4c1d6393bd54fb>.

⁶ Belarus Human Rights Report *supra* note 1 at 19.

⁷ Press Release, U.N. Office of the High Commissioner on Human Rights, Belarus: Presidential Decree Denying Consular Services Puts Belarusians Abroad at Risk (Sept. 20, 2023) <https://www.ohchr.org/en/press-releases/2023/09/belarus-presidential-decree-denying-consular-services-puts-belarusians>.

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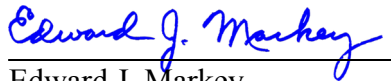
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and other extraordinary conditions that render return unsafe.⁸ TPS has been granted for countries such as Afghanistan, Burma, Cameroon, Haiti, Sudan, and Ethiopia where human rights abuses have prevented a safe return home.⁹

More than 79,000 Belarusians live in the United States.¹⁰ The extraordinarily dangerous situation facing Belarusians in their home country amply satisfies the requirements for a TPS designation. TPS is necessary to ensure the United States does not return Belarusian nationals to a country governed by an authoritarian regime that would likely subject them to repression, persecution, violence, and even death. Given the extraordinary conditions in Belarus, paired with the urgency posed by Lukashenka's forcing Belarusians to return home to renew or extend their passports, we urge you to use your authority under law to designate Belarus for TPS.

Thank you in advance for your attention to this matter.

Sincerely,



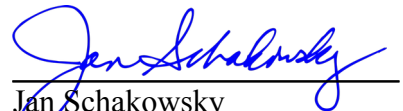
Edward J. Markey
United States Senator



Jeanne Shaheen
United States Senator



Elizabeth Warren
United States Senator



Jan Schakowsky
Member of Congress



Gerald E. Connolly
Member of Congress

⁸ 8 U.S.C. § 1255.

⁹ Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, Congressional Research Serv. (updated July 28, 2023), https://www.everycrsreport.com/files/2023-07-28_RS20844_98441e067ca6016e66ac8f3323ba1cd862fec999.pdf.

¹⁰ See U.S. Census Bureau, American Community Survey, 2022 Data Release (2022) (the population estimate in the United States of Belarusians for first entry was 66,499 and for second entry was an additional 12,834) <https://data.census.gov/mdat/#/search?ds=ACSPUMS1Y2022&rv=ANC1P&wt=PWGTP>.



U.S. Citizenship
and Immigration
Services

January 3, 2024

The Honorable Edward Markey
United States Senate
Washington, DC 20510

Dear Senator Markey:

Thank you for your December 15, 2023 letter to the Department of Homeland Security (DHS) in support of a designation of Temporary Protected Status (TPS) for Belarus. Secretary Mayorkas has asked that I respond on behalf of DHS.

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 facts: (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

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

U.S. Citizenship and Immigration Services (USCIS) also offers immigration relief that may be available upon request to assist eligible noncitizens affected by emergencies or unforeseen circumstances. Such relief may include the following aid:

¹ See Immigration and Nationality Act § 244(b)(1).

- 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 circumstances; 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>.

Thank you again for your letter and interest in this important issue. The cosigners 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,

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