

# Congress of the United States

Washington, DC 20510

May 9, 2023

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

**RECEIVED**

By ESEC at 3:26 pm, May 09, 2023

Dear Secretary Mayorkas:

We write to request that you protect Nigerian nationals currently in the United States by designating Nigeria for Temporary Protected Status (TPS).

Federal law provides authority to designate TPS in the case of ongoing armed conflict or extraordinary and temporary conditions. Specifically, the Immigration and Nationality Act provides discretionary authority to grant TPS when “there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety,” or when “there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety.”<sup>1</sup> Nigeria meets both the armed conflict and extraordinary and temporary conditions frameworks for TPS designation.

At present, Nigeria is facing an extraordinary level of insecurity in terms of the extent and protractedness of armed conflict. Ongoing armed conflict in Nigeria includes violent extremist insurgency in the northeast region by the terrorist groups Boko Haram and the Islamic State in West Africa, intense gang fighting, violence between farmers and herders and an emergent separatist insurgency movement known as the Indigenous People of Biafra in the southeast region.<sup>2</sup> This armed conflict has recently escalated. Kidnapping and criminality have increased, often fueled by religious and intercommunal polarization.<sup>3</sup> According to the Centre for Democracy and Development, 109 people were killed amid recent election-related violence in February and March of this year.<sup>4</sup>

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<sup>1</sup> 8 U.S.C. § 1254a(b)(1).

<sup>2</sup> Tomás Husted, *Nigeria: Key Issues and U.S. Policy*, CONG. RES. SERVICE (Mar. 25, 2022), <https://crsreports.congress.gov/product/pdf/R/R47052>.

<sup>3</sup> Elian Peltier, “Ahead of Crucial Election, Security Crises and Kidnappings Plague Nigeria,” THE NEW YORK TIMES (Feb. 24, 2023), <https://www.nytimes.com/2023/02/24/world/africa/nigeria-election-kidnappings.html>.

<sup>4</sup> “Nigeria recorded 109 deaths in three months linked to 2023 elections – CDD,” PREMIUM TIMES (Mar. 18, 2023), <https://www.premiumtimesng.com/news/top-news/588325-nigeria-recorded-109-deaths-in-three-months-linked-to-2023-elections-cdd.html>.

The scale and geographic extent of insecurity in Nigeria is unprecedented in the country's history. Military operations are underway against insurgencies nationwide, and military forces have been deployed in each of Nigeria's 36 states to support internal security.

Nigeria's ongoing armed conflict has had a dramatic human cost. Estimates suggest the presence of between 3.1 million and 3.3 million internally displaced persons in Nigeria.<sup>5</sup> This does not include an additional 2.1 million "returnees," formerly displaced people who have returned to their home areas but may not be fully resettled. An additional 336,900 individuals are refugees—that is, displaced outside of Nigeria (mostly in neighboring Niger and Chad). Of particular concern, thousands of children in Nigeria have recently been kidnapped, forcibly recruited, injured or killed by Boko Haram and other terrorist groups.<sup>6</sup>

The White House has acknowledged the armed conflict and humanitarian crisis in Nigeria,<sup>7</sup> and the State Department has urged travelers to reconsider travel to Nigeria due to crime, terrorism, civil unrest and kidnapping.<sup>8</sup> We urge you to designate Nigeria for Temporary Protected Status.

Thank you for your consideration.

Sincerely,



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Eleanor Holmes Norton  
Member of Congress

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<sup>5</sup> "Nigeria," CIA WORLD FACTBOOK (Apr. 11, 2023), <https://www.cia.gov/the-world-factbook/countries/nigeria/#transnational-issues>; "UNHCR Nigeria: All Population Snapshot," UN HIGH COMMISSIONER FOR REFUGEES (Apr. 18, 2023), <https://data.unhcr.org/en/documents/details/100139>.

<sup>6</sup> "Conflict in NE Nigeria still affects children 9 years after Chibok girls 'nightmare': UNICEF," UN NEWS (Apr. 14, 2023), <https://news.un.org/en/story/2023/04/1135662>.

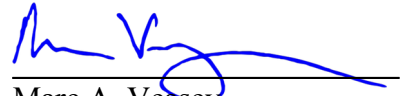
<sup>7</sup> "U.S. Strategy Toward Sub-Saharan African," THE WHITE HOUSE (Aug. 2022), <https://www.whitehouse.gov/wp-content/uploads/2022/08/U.S.-Strategy-Toward-Sub-Saharan-Africa-FINAL.pdf>.

<sup>8</sup> "Nigeria Travel Advisory," U.S. DEPARTMENT OF STATE, BUREAU OF CONSULAR AFFAIRS (Jan. 20, 2023), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/nigeria-travel-advisory.html>.



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Yvette D. Clarke  
Member of Congress



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Marc A. Veasey  
Member of Congress



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Earl Blumenauer  
Member of Congress



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Jamaal Bowman, Ed.D.  
Member of Congress



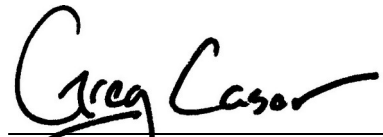
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Cori Bush  
Member of Congress



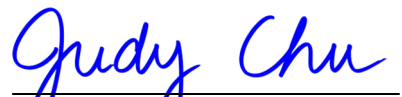
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André Carson  
Member of Congress



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Greg Casar  
Member of Congress



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Judy Chu  
Member of Congress



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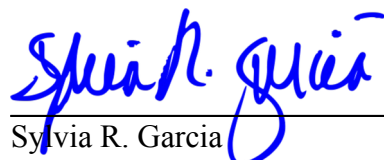
Dwight Evans  
Member of Congress




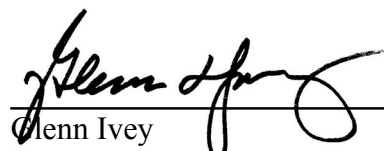
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Valerie P. Foushee  
Member of Congress


  
Maxwell Alejandro Frost  
Member of Congress


  
Sylvia R. Garcia  
Member of Congress

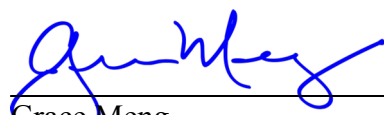
  
Jesús G. "Chuy" García  
Member of Congress


  
Glenn Ivey  
Member of Congress

  
Henry C. "Hank" Johnson, Jr.  
Member of Congress

  
Barbara Lee  
Member of Congress

  
James P. McGovern  
Member of Congress

  
Grace Meng  
Member of Congress

  
Delia C. Ramirez  
Member of Congress

  
C. A. Dutch Ruppersberger  
Member of Congress



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Bonnie Watson Coleman  
Member of Congress



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Frederica S. Wilson  
Member of Congress



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

May 25, 2023

The Honorable Eleanor Holmes Norton  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Norton:

Thank you for your May 9, 2023 letter to the Department of Homeland Security (DHS) in support of a designation of Temporary Protected Status (TPS) for Nigeria. 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.<sup>1</sup>

I appreciate your concerns and the information you shared about conditions in Nigeria. Please be assured DHS continues to monitor conditions in Nigeria and remains committed to administering its programs, including TPS, in an equitable manner. DHS also offers support that may be available upon request,<sup>2</sup> to assist eligible individuals residing in the United States affected by conditions in their home country. 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;

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<sup>1</sup> See Immigration and Nationality Act § 244(b)(1).

<sup>2</sup> Additional information is available at the U.S. Citizenship and Immigration Services website at: <https://www.uscis.gov/humanitarian/special-situations>.

- Expedited adjudication of requests for off-campus employment authorization for eligible 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 conditions; and
- Expedited replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

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 contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou  
Director