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September 14, 2022

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: 89 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, formerly known as Myanmar. Over 80 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) to provide educational resources and public engagement for the impacted community. An estimated 1,800 TPS beneficiaries would benefit from the designation.¹

The calls for extension and redesignation of TPS for Burma come as the elected leaders of the nation are spending their 20th month under house arrest after the military coup in February 2021. Aung San Suu Kyi, the democratically elected leader of the National League for Democracy (NLD) party, has been sentenced to 17 years in prison.² Violent crackdown on protesters and targeting of civilians reflects the political and institutional instability. In 2022, more incidents of violence against civilians by state forces operating domestically were reported in Burma than in any other country in the world.³ Civilians are arbitrarily detained, tortured, and killed in politically motivated attacks and crimes against humanity,⁴ and crimes against women such as rape are being used as a weapon of war.⁵ Aid operations are at significant risk since the increase

¹ Donald Kerwin, José Pacas, and Robert Warren, "Ready to Stay: A Comprehensive Analysis of the US Foreign-Born Populations Eligible for Special Legal Status Programs and for Legalization Under Pending Bills," *Journal on Migration and Human Security* 10, no. 1 (March 2022): 37–76, <https://doi.org/10.1177/23315024211065016>.

² Grant Peck, "Myanmar Court Convicts Suu Kyi on More Corruption Charges," *AP NEWS*, August 15, 2022, <https://apnews.com/article/myanmar-philanthropy-aung-san-suu-kyi-government-and-politics-65b31bd a03227a2bf73e3b26cea32b12>.

³ "10 Conflicts to Worry About in 2022: Myanmar | Mid-Year Update," ACLED, accessed September 12, 2022, <https://acleddata.com/10-conflicts-to-worry-about-in-2022/myanmar/mid-year-update/>.

⁴ "Myanmar: Crimes against Humanity Committed Systematically, Says UN Report," *UN News*, August 9, 2022, <https://news.un.org/en/story/2022/08/1124302>.

⁵ Charlotte Attwood, Ko Ko Aung, and Rebecca Henschke, "I Can't Forget Her' - Myanmar's Soldiers Admit Atrocities," *BBC News*, July 21, 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62208882>.

in violence against aid workers in 2021.⁶ The United Nations estimates that 907,500 are internally displaced across Burma as a result of the conflict.⁷ Over 14.4 million people are in need of humanitarian assistance.⁸

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.⁹ 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.¹⁰ 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. An estimated 15,161 anti-coup protesters have been arrested since the coup, and 4,954 are still being detained as political prisoners.¹¹ Four democracy activists were executed by the military in the first use of capital punishment in decades, as recently as July 2022.¹² Arbitrary arrests, torture, rape, killings, and disappearances of civilians have been attributed to regime forces.¹³ More than 2,500 civilians have been killed, of

⁶ “Aid Worker Security Database Signal Alert Report - Politically Motivated Attacks Rising in Myanmar,” Humanitarian Outcomes, December 8, 2021, <https://www.humanitarianoutcomes.org/publications/signal-alert-myanmar>.

⁷ UN High Commissioner for Refugees, “Myanmar Emergency Update,” ReliefWeb, April 6, 2022, <https://reliefweb.int/report/myanmar/myanmar-emergency-update-6-april-2022>.

⁸ UN Office for the Coordination of Humanitarian Affairs, “Myanmar Humanitarian Response Plan 2022,” ReliefWeb, January 30, 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-response-plan-2022-january-2022>.

⁹ “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/>.

¹⁰ *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/>.

¹¹ “Assistance Association for Political Prisoners (Burma),” Assistance Association for Political Prisoners, accessed September 12, 2022, <https://aappb.org>.

¹² “Myanmar: First Executions in Decades Mark Atrocious Escalation in State Repression,” Amnesty International, July 25, 2022, <https://www.amnesty.org/en/latest/news/2022/07/myanmar-first-executions-in-decades-mark-atrociou-s-escalation-in-state-repression/>.

¹³ *2021 Country Reports on Human Rights Practices: Burma*.

which at least 382 were children.¹⁴ According to the NGO Assistance Association for Political Prisoners (Burma), at least 100 political prisoners died due to torture inflicted by authorities between February 1 and September 9, 2021.¹⁵ Sexual violence and threats of sexual violence by the security forces against women, girls, and men arrested during protests were also documented.¹⁶

Discrimination based on ethnicity and religion intensified post the coup, leaving vulnerable communities such as the Rohingya at greater risk. This year marks the decade of over 135,000 Rohingya and Kaman Muslims being arbitrarily detained in the Rakhine State. After the coup, local authorities reinstated a directive that further restricted the freedom of movement of Rohingya communities.¹⁷ Rohingya must now obtain travel authorization to leave their township.¹⁸ The persecution, apartheid, and severe deprivation of liberty are being investigated by the International Court of Justice under a case brought by the Gambia against Myanmar for genocide.¹⁹

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 safely return to Burma.

B. Extraordinary and temporary conditions

Over 1.2 million people are internally displaced across Burma due in large part to the ongoing armed conflict.²⁰ The junta has torched 12,000 civilian homes across the country resulting in further displacement.²¹ More than 26 percent of Myanmar's population lives below the poverty line and three million people are spending a high percentage of their limited income on food with a restricted diet that does not meet all their consumption needs.²² The Kyat has lost more than 60% of its value since September 2021, driving up the cost of food, fuel, and other essential goods.²³ Following the COVID-19 pandemic and political crisis, school enrolment in Burma has dropped by up to 80 percent in two years, leaving at least 7.8 million children shut out of the classroom.²⁴ Physicians for Human Rights reported at least 415 attacks and threats against

¹⁴ "Myanmar: Shocking Toll on Children Must Be Spur to Action, Says UN Rights Expert," *UN News*, June 29, 2022, <https://news.un.org/en/story/2022/06/1121662>.

¹⁵ *2021 Country Reports on Human Rights Practices: Burma*.

¹⁶ Richard C. Paddock, "It's Better to Walk Through a Minefield: Victims of Myanmar's Army Speak," *The New York Times*, March 9, 2021, <https://www.nytimes.com/2021/03/09/world/asia/myanmar-military-tatmadaw-violence.html>.

¹⁷ "Myanmar Archives."

¹⁸ *2021 Country Reports on Human Rights Practices: Burma*.

¹⁹ "Developments in Gambia's Case Against Myanmar at the International Court of Justice," Human Rights Watch, February 14, 2022, <https://www.hrw.org/news/2022/02/14/developments-gambias-case-against-myanmar-international-court-justice>.

²⁰ "Myanmar Humanitarian Update No. 20," ReliefWeb, July 31, 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-20-31-july-2022>.

²¹ "April-May Situation Update of Burma/Myanmar," Women's League of Burma, July 11, 2022, <http://womenofburma.org/reports/april-may-situation-update-burmamyanmar>.

²² "Myanmar," World Food Program USA, accessed September 12, 2022, <https://www.wfpusa.org/countries/myanmar/>.

²³ "Crisis in Myanmar: Violent Deadlock Leaves Millions in Need," International Rescue Committee, January 24, 2022, <https://www.rescue.org/article/crisis-myanmar-violent-deadlock-leaves-millions-need>.

²⁴ "Myanmar's Multidimensional Crises Have 'Deepened and Expanded Dramatically,'" *UN News*, June 13, 2022, <https://news.un.org/en/story/2022/06/1120292>.

health workers and facilities since the coup.²⁵ The state absence has resulted in a socioeconomic and humanitarian crisis.

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

Secretary Blinken announced sanctions against five people and entities connected to Burma earlier this year,²⁶ and there is news that the administration is considering sanctions targeting Burma's energy sector.²⁷ The U.S. Department of State, Bureau of East Asian and Pacific Affairs stated "Burma is facing a grave political, economic, human rights, and humanitarian crisis due to a brutal crackdown by a powerful military that acts with impunity." 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

We urge Secretary Mayorkas to provide an 18-month extension for current TPS holders from Burma as the country's conditions for the TPS designation continue to be met. 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.

Sincerely,

National

African Communities Together
American Immigration Lawyers Association
Amnesty International USA
Asian Americans Advancing Justice | AAJC
Asian Pacific American Labor Alliance, AFL-CIO

²⁵ Lindsey Green, "Our Health Workers Are Working in Fear': After Myanmar's Military Coup, One Year of Targeted Violence against Health Care," Physicians for Human Rights, accessed September 12, 2022, <https://phr.org/our-work/resources/one-year-anniversary-of-the-myanmar-coup-detat/>.

²⁶ "Treasury Sanctions Military Leaders, Military-Affiliated Cronies and Businesses, and a Military Unit Prior to Armed Forces Day in Burma," U.S. Department of the Treasury, March 25, 2022, <https://home.treasury.gov/news/press-releases/jy0679>.

²⁷ Robbie Gramer and Mary Yang, "U.S. Eyes New Energy Sanctions on Myanmar After Execution of Activists," *Foreign Policy*, August 2, 2022, <https://foreignpolicy.com/2022/08/02/myanmar-burma-energy-sanctions-biden-execution-democracy-activists/>.

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>.

Asian Pacific Institute on Gender-Based Violence
Asylum Seeker Advocacy Project (ASAP)
Center for Disability Rights
Center for Gender & Refugee Studies
Church World Service
Communities United for Status & Protection (CUSP)
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Congregation of Sisters of St. Agnes
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Haitian Bridge Alliance
Human Rights First
ICNA Council for Social Justice
Immigrant Legal Resource Center
Immigration Hub
InReach
International Refugee Assistance Project (IRAP)
Jewish Council for Public Affairs
Lutheran Immigration and Refugee Service
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Jewish Women
National Employment Law Project
National Partnership for New Americans
Presbyterian Church (USA)
Provincial Council Clerics of St. Viator
Service Employees International Union (SEIU)
Sisters of Charity Federation
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Charity of Nazareth Western Province Leadership
Sisters of St Joseph of Carondelet
South Asian Americans Leading Together (SAALT)
Southeast Asia Resource Action Center (SEARAC)
The Campaign for Hong Kong
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
Unitarian Universalists for Social Justice
Venezuelan American Caucus
Wheaton Franciscan Sisters JPIC Office
Win Without War

State/Local

Adhikaar
Advocates for Immigrant Rights
Alliance San Diego
American Friends Service Committee, Colorado
Capuchin Franciscans - Prov. of St. Joseph
Catholic Charities of SW Kansas
Central American Resource Center of Northern CA - CARECEN SF
Centro Romero
Church Women United in New York State
Clergy and Laity United for Economic Justice of Ventura County (CLUE VC)

Connecticut Shoreline Indivisible
Cooperative Baptist Fellowship
Cooperative Baptist Fellowship of Texas
Dorothy Day Catholic Worker, DC
Envision Freedom Fund
Fellowship Southwest
First Congregational Church of SanJose
Greater Cleveland Immigrant Support Network
Immigrant Legal Advocacy Project
Immigration Support Services Network
Interfaith Welcome Coalition - San Antonio
International Institute of New England
InterReligious Task Force on Central America
Jewish Coalition for Immigrant Justice NW
Just Neighbors Ministry
Lutheran Church of Our Redeemer
Lutheran Social Services of the National Capital Area (LSSNCA)
Massachusetts Law Reform Institute
Master in Migration Studies- University of San Francisco
National Council of Jewish Women, Greater Long Beach & West Orange County (CA) Section
New York Immigration Coalition
Pennsylvania Council of Churches
Seattle Immigrant Rights Action Group
Sisters of St. Joseph TOSF
The Advocates for Human Rights
The Legal Project
Venezuelans and Immigrants Aid, Inc.
Wallingford Indivisible
Wayne Action for Racial Equality
Welcome House Raleigh
Wesley Foundation Serving UCLA
WESPAC Foundation, Inc.
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center
Women Watch Afrika



October 14, 2022

Ramya Reddy
Managing Policy Counsel
Masa Group
ramya@masadc.com

Dear Ms. Reddy:

Thank you for your September 14, 2022 letter to the U.S. Department of Homeland Security (DHS) requesting an extension of Burma's Temporary Protected Status (TPS) designation and redesignation of TPS for Burma. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program, and Secretary Mayorkas asked that I respond on his behalf.

I appreciate the concerns you have outlined regarding the situation in Burma and your interest in its extension and redesignation for TPS. As you know, on September 26, 2022, after careful consideration, including a thorough review of the country conditions and consultation with interagency partners, Secretary Mayorkas determined that the conditions for the TPS designation of Burma continued to be met, and accordingly extended and redesignated Burma for TPS for 18 months. This extension will be in effect from November 26, 2022, through May 25, 2024. For additional information, please see the press release announcing the extension and redesignation of TPS for Burma.¹

DHS estimates that approximately 2,290 individuals may become newly eligible for TPS under the redesignation of Burma. On September 27, 2022, DHS published a *Federal Register* notice to provide instructions for initial applicants to register and current beneficiaries to re-register for TPS. See *Extension and Redesignation of Burma (Myanmar) for Temporary Protected Status* (87 FR 58515).² The *Federal Register* notice provides for the automatic extension of employment authorization documents that expire on November 25, 2022 and includes information about fees and how applicants may request a fee waiver, if necessary.

USCIS will continue to process pending TPS applications. Applicants with a pending Form I-821, Application for Temporary Protected Status, or Form I-765, Application for Employment Authorization, will not need to file either application again. If USCIS approves a pending Form I-821 that was filed during the initial designation of TPS for Burma, USCIS will grant the applicant TPS through May 25, 2024. Similarly, if USCIS approves a Form I-765 for

¹ <https://www.dhs.gov/news/2022/09/26/secretary-mayorkas-extends-and-redesignates-temporary-protected-status-burma>

² <https://www.federalregister.gov/documents/2022/09/27/2022-20784/extension-and-redesignation-of-burma-myanmar-for-temporary-protected-status>

an initial applicant, USCIS will issue a new Employment Authorization Document (EAD) valid through May 25, 2024. USCIS will also plan and coordinate outreach opportunities regarding the extension of TPS for Burma to provide information and answer questions from the public.

In addition to TPS, USCIS also offers support that may be available upon request to assist eligible Burmese nationals who have been affected by conditions there, including the following:

- Change or extension of nonimmigrant status if eligible Burmese 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 natural disaster; 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 under “Special Situations” on our website at <https://www.uscis.gov/humanitarian/special-situations>.

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", with a long horizontal flourish extending to the right.

Ur M. Jaddou
Director