

United States Congress

WASHINGTON, DC

January 18, 2023

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

Secretary Alejandro Mayorkas
U.S. Department of Homeland Security
301 7th Street, S.W.
Washington, D.C. 20528

Dear President Biden and Secretary Mayorkas:

We are requesting an 18-month designation of either Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) for Mauritania, given extraordinary conditions including systemic and ongoing slavery and entrenched ethnic and racial exclusion in the country. The United States must send a clear message that our nation condemns slavery and will not return people to conditions where they may be enslaved or denied citizenship rights through an immediate designation of TPS or DED for Mauritians living in the United States.

Black Mauritians began to flee their country in the late 1980s due to a wave of violent repression and forced expulsions, with a small number heading toward the United States. Currently, there are an estimated 8,000 foreign-born Mauritians residing in the United States. More than 3,000 foreign-born Mauritians live in Ohio, with the largest diaspora settling in Cincinnati and central Ohio¹.

In 2007, Mauritania became the world's last country to criminalize slavery, but the practice remains widespread². Despite recent efforts to combat human trafficking, slavery continues in both rural and urban settings³. In addition, Black Mauritians reportedly face significant discrimination, forced displacement, and exclusion from full citizenship rights⁴.

¹ <https://www.reuters.com/article/us-mauritania-immigration-usa/mauritians-who-sought-refuge-in-u-s-face-deportation-then-jail-idUSKBN1OG1DA>

² <https://www.hrw.org/world-report/2021/country-chapters/mauritania#>

³ <https://www.state.gov/reports/2021-trafficking-in-persons-report/mauritania/>

⁴ <https://sahelien.com/en/mauritania-a-history-of-land-slavery-and-forced-displacement/>

Beyond enslavement, Afro-Mauritians or Black Mauritians forcibly returned to their country face the threat of suffering human rights abuses including arrest, torture, and detention without due process⁵. This is especially true for Mauritanian activists and journalists who speak out against slavery and human rights issues. Although cases of state imprisonment and violent assault of anti-slavery activists and Afro-Mauritanian or Black Mauritanians activists have decreased under President Ghazouani, abuses continue⁶. Some of those who have been imprisoned after being forcibly returned to Mauritania have reportedly been subjected to inhumane conditions including unsanitary cells, lack of water, and torture⁷. Detainees have been waterboarded, forced to eat sand, beaten with electric cables, burned with hot knives, and more⁸. Treatment of this nature extends to those outside of prison as well.

As of 2018, the Mauritanian government was issuing one-time passes for deportees' entry back into the country, called "laissez-passers." These passes leave the individual stateless with no recognition of their citizenship or their right to reside or work in the country. This effectively removes their right to move freely and denies any opportunity to obtain identity documents, increasing their vulnerability to human trafficking and other forms of exploitation⁹.

By protecting lives and granting work authorization, TPS and DED serve key national and regional security interests and further moral and strategic U.S. engagement with the international community. TPS has long served to fill the gaps in the asylum and refugee resettlement systems, but changes still need to occur to rectify the barriers that Black asylum-seekers, including Black Mauritanians, face when attempting to gain the permanent protection of the United States. Compared to other non-Black immigrants, Black migrants are arrested, detained, and deported at higher rates¹⁰. Under the Trump administration, there was an increase in the number of Mauritanians being deported; unfortunately, deportations have continued. We encourage the administration to implement safeguards to combat the disproportionate challenges Black migrants encounter resettling in the United States.

The TPS program also serves domestic interests. TPS and DED holders contribute around \$2.3 billion in federal taxes and \$1.3 billion in state and local taxes as well¹¹. Many TPS and DED holders work in essential industries which upheld the United States during the COVID-19 pandemic and continue to contribute to the health and safety of our communities.

⁵ <https://www.dispatch.com/story/news/politics/2021/09/13/deported-asylum-seekers-ask-biden-rejoin-families-columbus-ohio/5574366001/>

⁶ <https://ifex.org/mauritania-tightens-noose-on-bloggers/>

⁷ <https://www.clevescene.com/news/ice-is-shipping-ohios-mauritians-back-to-slaverys-last-stronghold-in-northwest-africa-30632228>

⁸ <https://www.amnesty.org/en/latest/press-release/2013/06/men-women-and-children-tortured-confess-crimes-mauritania/>

⁹ <https://www.reuters.com/article/us-mauritania-immigration-usa/mauritians-who-sought-refuge-in-u-s-face-deportation-then-jail-idUSKBN1OG1DA>

¹⁰ <https://stateofblackimmigrants.com/assets/sobi-fullreport-jan22.pdf>

¹¹ <https://www.americanprogress.org/article/know-immigrants-temporary-protected-status/>

The ongoing human rights violations, including slavery and human trafficking, occurring in Mauritania warrant a designation of either TPS or DED. The appropriate designation would send a clear message of condemnation and protect those seeking refuge in the United States. We urge you to consider the circumstances the Mauritanian people are facing and uphold our country's commitment to the defense of human rights by immediately designating TPS or DED for Mauritians living in the United States.

Sincerely,



Sherrod Brown
United States Senator



Mike Carey
United States Representative



U.S. Citizenship
and Immigration
Services

February 21, 2023

The Honorable Sherrod Brown
United States Senate
Washington, DC 20510

Dear Senator Brown:

Thank you for your January 18, 2023 letter to the Department of Homeland Security (DHS) providing information on conditions in Mauritania and requesting an 18-month designation of Temporary Protected Status (TPS) or Deferred Enforced Departure (DED) for Mauritania. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary of DHS on TPS and DED issues and implementing the programs. Secretary Mayorkas asked that I respond on his behalf.

I appreciate the information you have provided on conditions in Mauritania and your interest in its designation for TPS or DED. DHS is monitoring conditions in Mauritania and makes decisions to designate TPS after consultation with interagency partners and careful consideration of the circumstances of the country.

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

DED is an administrative deferral 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

The Honorable Sherrod Brown

Page 2

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 the 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.

In addition to TPS, USCIS offers support that may be available upon request to assist eligible Mauritanian nationals who have been affected by conditions in Mauritania including:

- 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 travel authorization 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;
- Flexibility for those who received a Request for Evidence or a Notice of Intent to Deny but were unable to submit evidence or otherwise respond in a timely manner;; 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. Rep. Carey, the cosigner 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