

United States Senate  
WASHINGTON, DC 20510

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July 3, 2018

The Honorable Michael Pompeo  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

Honorable Kirstjen Nielsen  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
Nebraska Avenue Complex  
3801 Nebraska Avenue, N.W.  
Washington, D.C. 20530

Dear Secretary Pompeo and Secretary Nielsen:

We write to urge you to extend and re-designate Yemen for Temporary Protected Status (TPS) before the deadline on July 5<sup>th</sup>. We believe the deteriorating country conditions in Yemen continue to meet the standards for an extension of TPS to protect the nearly 1,200 Yemeni beneficiaries from being returned to a country where their lives would be in danger.

Yemen received its TPS designation in 2015 due to the ongoing armed conflict, which posed a serious threat to returnees' safety. In January 2017, then-Secretary of Homeland Security Jeh Johnson extended Yemen's TPS designation because of the deteriorating conditions for civilians in the country, the persistence of the armed conflict, and the effects of natural disasters on the country's infrastructure.

Both the State Department and independent organizations agree that country conditions have not improved since that last extension. According to the State Department's January 10<sup>th</sup>, 2018 travel advisory, "no part of Yemen is safe from violence." A January 2018 Human Rights Watch report found that parties in the civil war have used cluster munitions and disproportionate airstrikes, indiscriminately shelled Yemeni cities, homes, markets, hospitals, schools and mosques, and deployed antipersonnel landmines. The high levels of violence and disregard for the laws of war have contributed to the deaths of thousands of civilians. This situation has only been compounded by the recent Saudi-led coalition assault to recapture the port of Hudaydah, which serves as a critical lifeline for the Yemeni people, including as the principal access point for all humanitarian assistance into the country.

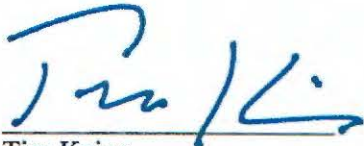
The war's widespread destruction has caused the world's worst humanitarian crisis. More than 22 million Yemenis—roughly three-quarters of the population—rely on humanitarian assistance. At least 8.4 million are severely food insecure, and nearly every governorate in the country is at crisis levels for impending famine. The civil war has caused nearly 3 million Yemenis to be internally displaced, the majority of which have now been displaced for over one year, and thousands more have left for refuge across the world. Preventable diseases are rampant, with the international

community recording over 1 million cases of cholera and the spread of diphtheria and measles across the country.

Congress created the TPS designation in 1990 to provide temporary lawful status to foreign nationals in the United States from countries experiencing armed conflict, natural disaster, or other extraordinary circumstances. The designation protects these nationals from having to return to their home countries where their lives would be in danger. TPS also supports recovery and stabilization efforts by letting designated countries focus on rebuilding, rather than reintegrating large numbers of returning nationals.

We believe the conditions in Yemen easily meet the standards for a TPS designation laid out in statute. Given the ongoing armed conflict, the extreme levels of violence, and the extent of the humanitarian crisis, returning Yemeni TPS holders is akin to a death sentence. TPS must be extended to protect this vulnerable population.

Sincerely,



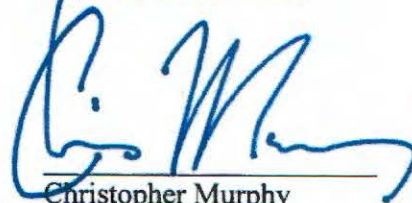
Tim Kaine  
United States Senator



Richard J. Durbin  
United States Senator



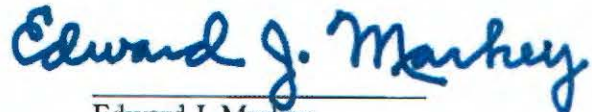
Tina Smith  
United States Senator



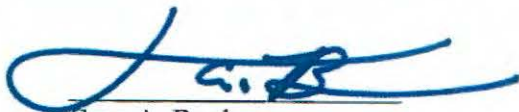
Christopher Murphy  
United States Senator



Christopher A. Coons  
United States Senator



Edward J. Markey  
United States Senator



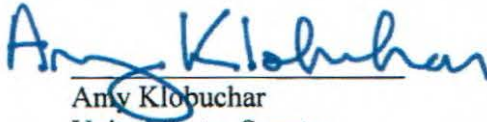
Cory A. Booker  
United States Senator




Kamala D. Harris  
United States Senator


  
Chris Van Hollen  
United States Senator

  
Benjamin L. Cardin  
United States Senator

  
Amy Klobuchar  
United States Senator

  
Richard Blumenthal  
United States Senator

  
Tammy Duckworth  
United States Senator

  
Bernard Sanders  
United States Senator



U.S. Citizenship  
and Immigration  
Services

July 24, 2018

The Honorable Tim Kaine  
United States Senator  
Washington, DC 20510

Dear Senator Kaine:

Thank you for your July 3, 2018 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Yemen. The Secretary of Homeland Security's authority to designate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation continue to be met with respect to a country, the designation must be extended. However, if the Secretary determines that the conditions are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

On July 5, 2018, after carefully considering relevant conditions in Yemen and the statutory TPS requirements, Secretary Nielsen announced her determination to extend the TPS designation for Yemen for 18 months, through March 3, 2020. Prior to the conclusion of this 18-month extension, the Secretary will review conditions in Yemen and, after consultation with other appropriate federal agencies, determine whether another extension or a termination is warranted, in full compliance with the INA.

Additional information on the extension of TPS for Yemen can be found in Secretary Nielsen's July 5, 2018 announcement of the decision posted on the Department of Homeland Security's website, on the USCIS website, and in a notice that will be published in the *Federal Register*.

The Honorable Tim Kaine  
Page 2

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive separate, identical responses. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative and Intergovernmental Affairs at (202) 272-1940.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna". The signature is stylized with a large initial "L" and a long horizontal stroke at the end.

L. Francis Cissna  
Director