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By ESEC at 11:56 am, Jul 05, 2019

June 17, 2019

The Honorable Kevin K. McAleenan
U.S. Department of Homeland Security
245 Murray Lane, SW
Washington, DC 20528

The Honorable Michael R. Pompeo
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Cc: Kenneth T. Cuccinelli, Acting Director of U.S. Citizenship and Immigration Services

Cc: Cameron Quinn, DHS Officer for Civil Rights and Civil Liberties

Re: Request for Extension and Redesignation of Syria for TPS

Dear Secretary McAleenan and Secretary Pompeo:

We are writing to you on behalf of the American Relief Coalition for Syria (ARCS), the Coalition for a Democratic Syria (CDS), and Americans for a Free Syria (AFS), a group of 2 Syrian-American broad-based coalitions and one non-profit organization (NGO) that collectively comprise 17 Syrian-American NGOs across the country.

ARCS, CDS, and AFS are writing to request that you extend the existing designation and redesignate Syria for Temporary Protected Status (“TPS”) in accordance with your authority to do so as Secretary of the Department of Homeland Security (“DHS”) pursuant to 8 U.S.C. § 1254a. Since your last designation, mass atrocities and violence against the Syrian people have continued and in some areas, they have increased. Syrians continue to be at severe risk of barrel bombing, airstrikes, chemical weapons attacks, siege, starvation, displacement, detention, and torture.

We are submitting this request as a broad coalition of Syrian community partners. CDS previously submitted requests for TPS extension and redesignation in April 2013, November 2014, March 2016, and December 2017 in coordination with the Arab American Anti-Discrimination Committee, Association of Free Syrians, and National Alliance for Syria and the Network of Arab-American Professionals (NAAP).

Extension

We commend the DHS' extension of Syria for TPS on March 5, 2018, effective through September 30, 2019. With the September expiration date approaching, we request that you extend the applicable period of TPS designation. We also request that you provide several months of advance notice for such extension in order to ease the strain on the system and decrease the pressure on individuals seeking TPS and employment authorizations.

Redesignation

We also request that you issue a fifth designation for Syria with a new registration period. The violence in Syria has continued since DHS redesignated Syria for TPS in August 2016. The previous designation is limited and does not help many of the Syrian nationals who have been severely affected by the deteriorating security situation since the 2016 redesignation. Hence, all Syrian nationals who fled to the United States since 2016 are not eligible to apply for TPS.

The decision to extend TPS without issuing a new designation based on the same conditions on the ground is unprecedented. We request that you reconsider your March 2018 decision and again redesignate Syria for TPS to allow eligible Syrian nationals who have not applied previously for TPS to do so for the first time. We urge you also to delay the date of implementation of the redesignation, or at least to announce the redesignation publicly well in advance of issuance in the Federal Register.

Syria continues to meet the qualifying conditions for redesignation under § 1254a.¹ DHS has previously redesignated other countries for TPS, sometimes with an extension of the initial designation, according to § 1254a.² In Syria, it continues to be the case that: “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 part of the state) would pose a serious threat to their personal safety.”³ Syria “is unable, temporarily, to handle adequately the return to [Syria] of aliens who are” Syrian nationals⁴; and “there exist **extraordinary and temporary conditions** in [Syria] that prevent aliens who are [Syrian nationals] from returning to [Syria] in safety.”⁵

Ending Syria's TPS designation would be a significant and unprecedented departure from historic U.S. policy. Since TPS was established in 1990, designations for countries in armed

¹ Temporary Protected Status, 8 U.S.C. § 1254a (2000).

² Id. See, e.g., South Sudan (Sept. 2, 2014); Sudan (Nov. 2, 2004, May 3, 2013); Somalia (Sept. 18, 2012); Haiti (July 23, 2011).

³ 8 USC § 1254a(b)(1)(A).

⁴ 8 USC § 1254a(b)(1)(B)(ii).

⁵ 8 USC § 1254a(b)(1)(C).

conflict have only been terminated after lasting ceasefires were established, armed groups began demobilizing, and refugees were able to return without fear of retribution.⁶ It would be highly irregular not to redesignate TPS for Syria so long as these basic requirements for safety and stability remain entirely unfulfilled.

Prior TPS Designations for Syria

1. March 29, 2012

DHS initially designated Syria for TPS on March 29, 2012, on the basis that “there exist extraordinary and temporary conditions in Syria that prevent Syrian nationals from returning in safety, and that permitting such aliens to remain temporarily in the United States would not be contrary to the national interest of the United States.”⁷ The TPS notice cited widespread protests, the Syrian government’s excessive use of force, arbitrary executions, arbitrary detentions, torture, and ill treatment, repressing and killing thousands of Syrians, in an effort to retain control of the country.⁸ At that time, DHS noted that “Observers generally agree that the conflict has become increasingly violent and militarized.”⁹ The notice cited United Nations estimates that “approximately 7,500 Syrians have been killed since the violence began,” 100,000 to 200,000 Syrians were internally displaced, and approximately 35,000 Syrians had sought refuge in neighboring countries.¹⁰

2. June 17, 2013

DHS redesignated and extended TPS for Syria on June 17, 2013 “due to the continued disruption of living conditions in the country that are a result of the extraordinary and temporary conditions that led to the initial TPS designation of Syria in 2012.”¹¹ DHS stated that “the extension [was] based on ongoing armed conflict in that region and the continued deterioration of country conditions.”¹² Then DHS Secretary Jeh Johnson “determined that an extension and redesignation [was] warranted because the extraordinary and temporary conditions in Syria that prompted the

⁶ Termination Reports, “Temporary Protected Status.” Department of Justice. Accessed June 9, 2019. <https://www.justice.gov/eoir/temporary-protected-status>.

⁷ Designation of Syrian Arab Republic for Temporary Protected Status, 77 Fed. Reg. 61,19026 (Mar. 29, 2012).

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ DHS Announces Redesignation and 18-Month Extension of Temporary Protected Status for Syria , U.S. Citizenship and Immigration Services. June 17, 2013. Available at <http://www.uscis.gov/news/dhsannouncesredesignationand18monthextensiontemporaryprotectedstatus> ria; Extension and Redesignation of Syria for Temporary Protected Status, 78 Fed. Reg. 116, 3622336229 (June 17, 2013).

¹² *Id.*

2012 TPS designation have not only persisted, but have deteriorated, and because there [was] an ongoing armed conflict in Syria that would pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.”¹³

3. January 5, 2015

DHS redesignated and extended TPS for Syria on January 5, 2015 because the “ongoing armed conflict and other extraordinary and temporary conditions that prompted the 2013 TPS redesignation have not only persisted, but have deteriorated, and because the ongoing armed conflict in Syria and other extraordinary and temporary conditions would pose a serious threat to the personal safety of Syrian nationals if they were required to return to their country.”¹⁴ The notice also acknowledged that 191,000 had been killed by the conflict, 6.4 million have been displaced, and 3.2 million had become refugees due to target attacks on civilians from the Syrian government and violent extremists.¹⁵

4. August 1, 2016

DHS redesignated and extended TPS for Syria on August 1, 2016 because “the ongoing armed conflict and other extraordinary and temporary conditions that prompted the January 5, 2015 redesignation continue to exist.”¹⁶ The notice further stated, “Violent conflict and the deteriorating humanitarian crisis continue to pose significant risk throughout Syria. Hundreds of thousands have been killed as a result of ongoing violence. Concerns for health and safety have led to large-scale civilian displacement within Syria and migrations to neighboring countries and Europe.”¹⁷

5. March 5, 2018

DHS extended, but did not redesignate, TPS for Syria on March 5, 2018 despite acknowledging that “the ongoing armed conflict and extraordinary and temporary conditions that prompted Syria's 2016 redesignation for TPS persist.”¹⁸ The notice stated that “new displacement and attempts to flee Syria outstripped returns by 3 to 1 in 2017, and the UN has stated that large-scale

¹³ Extension and Redesignation of Syria for Temporary Protected Status, 78 Fed. Reg. 166, (June 17, 2013).

¹⁴ Extension and Redesignation of Syria for Temporary Protected Status, 80 Fed. Reg. 245, (January 5, 2015).

¹⁵ *Id.*

¹⁶ Extension and Redesignation of Syria for Temporary Protected Status, 81 Fed. Reg. 50535, (August 1, 2016).

¹⁷ *Id.*

¹⁸ Extension of the Designation of Syria for Temporary Protected Status, 83 Fed. Reg. 43, (March 5, 2018).

returns now could have a catastrophic effect given the lack of safe conditions and the availability of basic infrastructure."¹⁹ The notice highlighted multiple humanitarian and security crises that endanger returning refugees and IDPs.

Perpetuation of Syria's Armed Conflict

As the Syrian Arab Republic Government and their Russian allies intensified their offensive into Idlib Province in May 2019, the UN's head of Political and Peacebuilding Affairs, Rosemary DiCarlo, reminded the UN Security Council, "we have been here before: in Aleppo, Eastern Ghouta and Raqqa."²⁰ She added, "if the escalation continues, and the offensive pushes forward, we risk catastrophic humanitarian fallout and threats to international peace and security."²¹ The UN's Emergency Relief Coordinator, Mark Lowcock, described the intensified conflict as "our worst fears... coming true."²²

Violence in Syria has persisted since Syria TPS was extended on March 5, 2018. Last spring saw the Syrian regime, with Russian and Iranian aid, recapture Eastern Ghouta, and push into Daraa governorate later that summer.²³ Pro-government forces used prohibited weapons, indiscriminate strikes, and manipulation of humanitarian aid to force opposition forces to surrender, resulting in mass displacement. Anti-government armed groups indiscriminately attacked government-held areas and restricted civilians' ability to flee hostilities.²⁴ While an oft-violated ceasefire in Idlib Province provided a relative respite between September 2018 and April 2019, the new offensive has already displaced a further 200,000 people and marks the most significant escalation of the war since the summer of 2018.^{25, 26}

¹⁹ *Id.*

²⁰ United Nations. "Risk grows of 'catastrophic humanitarian fallout' in Syria's Idlib, where 3 million are trapped: top UN officials urge unity in Security Council." May 17, 2019.

<https://news.un.org/en/story/2019/05/1038681>

²¹ *Id.*

²² *Id.*

²³ Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

²⁴ *Id.*

²⁵ Reuters. "Kremlin rebuffs Trump on Syria, says military action in Idlib is justified." June 3, 2019.

<https://www.reuters.com/article/us-usa-trump-syria-kremlin/kremlin-rebuffs-trump-on-syria-says-military-action-in-idlib-is-justified-idUSKCN1T41AN>

²⁶ Tsvetkova, M. & Ece Toksabay. "Russia says an end to fighting in Syria's Idlib is Turkey's responsibility." Reuters. May 30, 2019.

<https://uk.reuters.com/article/uk-turkey-russia-syria/turkeys-erdogan-to-putin-we-need-a-ceasefire-in-syria-s-idlib-idUKKCN1T029J?il=0>

1. Continued Attacks on Civilians by the Syrian Government

The Syrian Government and its allies continue to use a wide range of tactical approaches to terrorize and kill civilian populations, compelling people to flee. These approaches include aerial bombardment, chemical weapons attacks, sieges, manipulative ceasefires, and property seizure and destruction. Syrian Government and Russian forces continue their familiar and deliberate strategy of targeting hospitals to “stop all services to civilians” in areas outside their control.²⁷ In April and May 2019, pro-Assad aircraft targeted at least 18 medical facilities in Idlib, according to the World Health Organization.²⁸ These attacks often use prohibited weapons systems, including cluster munitions, incendiary weapons, and barrel bombs.²⁹ Additionally, the Syrian regime has continued to deploy chemical weapons against civilian targets since the 2018 extension, including in an April 2018 strike that prompted U.S., British, and French retaliation.³⁰ The United States is further investigating reports from May 2019 that chemical weapons were again deployed in Idlib Province.³¹

President Trump has repeatedly signaled his concern over the actions of the Syrian regime and desire to protect Syrians. Early into his presidency, he reflected, “Years of previous attempts at changing Assad’s behavior have all failed and failed very dramatically. As a result, the refugee crisis continues to deepen, and the region continues to destabilize, threatening the United States and its allies.”³² As recently as June 2, 2019, he wrote in a Twitter post, “Hearing word that Russia, Syria and, to a lesser extent, Iran, are bombing the hell out of Idlib Province in Syria, and indiscriminately killing many innocent civilians. The World is watching this butchery. What is the purpose, what will it get you? STOP!”³³

²⁷ El Deeb, Sarah. “Syria uses familiar tactic in rebel Idlib: Bombing civilians.” Fox News. June 7, 2019. <https://www.foxnews.com/world/syria-uses-familiar-tactic-in-rebel-idlib-bombing-civilians>

²⁸ Crawford, Alex. “Syrian regime forces ‘drop banned cluster bombs’ on Idlib and target hospitals.” May 28, 2019.

<https://news.sky.com/story/syrian-regime-forces-drop-banned-cluster-bombs-on-idlib-and-target-hospitals-11730044>

²⁹ Human Rights Watch. “Syria: Events of 2018.” 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

³⁰ BBC. “Syria war: what we know about Douma ‘chemical attack’.” July 10, 2018.

<https://www.bbc.com/news/world-middle-east-43697084>

³¹ Williams, Katie Bo. “US probes suspected chlorine attack.” Defense One. May 22, 2019.

<https://www.defenseone.com/news/2019/05/us-probes-suspected-chlorine-attack/157203>

³² Newsweek. “Full Transcript: Donald Trump Speech on Bashar al-Assad and Ordering Strikes on Syria.” April 7, 2017.

<http://www.newsweek.com/transcript-donald-trump-speech-order-syria-strikes-assad-580339>

³³ Reuters. “Trump calls on Russia, Syria to stop bombing Idlib province.” June 2, 2019.

<https://www.reuters.com/article/us-usa-trump-syria/trump-calls-on-russia-syria-to-stop-bombing-idlib-province-idUSKCN1T404S?il=0>

a. Aerial Attacks on Civilian Populations

Aerial attacks continue to be the Syrian Government's top tool for population displacement. The Syrian Government deliberately drops barrel bombs – air-dropped explosive weapons with wide-area effects – and other munitions on non-military targets. Lama Fakih, acting Middle East director at Human Rights Watch, stated in May 2019 that "the Syrian-Russian military alliance is using a cocktail of internationally banned and indiscriminate weapons on a trapped civilian population."³⁴ Syrian regime forces dropped at least 3,601 barrel bombs in 2018 alone, despite a ceasefire in Idlib starting in September that curtailed the practice.³⁵ The bombs further destroy civilian infrastructure, making life unsustainable. Barrel bombs have obliterated schools, places of worship, water and electric infrastructure, and particularly medical facilities.³⁶ The Syrian Government further pursues a strategy known as "double-tapping," wherein aircraft wait for civil defense and medical workers to arrive at the site of a previous attack before dropping additional munitions, often including barrel bombs.³⁷ In May 2019 alone, Russian and Syrian aerial attacks killed an estimated 200 civilians, including 20 children.³⁸

b. Sieges

The Syrian Government often conducts strategic humanitarian denial campaigns in conjunction with indiscriminate aerial attacks to displace or subjugate local populations. Since the March 2018 extension of Syria's TPS status, Syrian Government forces have employed these "kneel-or-starve" tactics in Damascus suburbs, Daraa, and, most recently, the southern city of al-Sanamayn—an area ostensibly under their own control.³⁹ Under siege, these towns or neighborhoods continue to experience regular shelling, may be cut off from all government

³⁴ Human Rights Watch. "Russia/Syria: Flurry of Prohibited Weapons Attacks." June 3, 2019.

<https://www.hrw.org/news/2019/06/03/russia/syria-flurry-prohibited-weapons-attacks>

³⁵ Syrian Network for Human Rights. "At least 3,601 barrel bombs dropped by the Syrian regime in 2018." January 7, 2019. <http://sn4hr.org/blog/2019/01/07/53023/>

³⁶ Crawford, Alex. "Syrian regime forces 'drop banned cluster bombs' on Idlib and target hospitals." May 28, 2019.

<https://news.sky.com/story/syrian-regime-forces-drop-banned-cluster-bombs-on-idlib-and-target-hospitals-11730044>

³⁷ Shaheen, Kareem. "MSF Hospital in Syria Hit by 'doubletap' Barrel Bombing." The Guardian , December 1, 2015. <http://www.theguardian.com/world/2015/dec/01/syriamsfhospitalhomsbarrelbombing>.

³⁸ Human Rights Watch. "Russia/Syria: Flurry of Prohibited Weapons Attacks." June 3, 2019.

<https://www.hrw.org/news/2019/06/03/russia/syria-flurry-prohibited-weapons-attacks>

³⁹ Syrian Observatory for Human Rights. "Regime forces continue their siege of al-Sanamayn city for the 8th consecutive day in conjunction with tension between 'reconciliation' factions and the regime forces in the western countryside of Daraa." May 23, 2019. <http://www.syriahr.com/en/?p=128887>

utilities (e.g., water, electricity) and are denied international relief.⁴⁰ Many of the estimated 3 million people under threat in Idlib were previously displaced from their homes earlier in the war because of barrel bombs and siege warfare.⁴¹

d. Arbitrary Detention, Torture, Rape, and Execution by the Syrian Government

The Syrian Government has notoriously pursued a strategy of arbitrary detention, torture, and execution. Since 2011, nearly 128,000 people have disappeared into the regime's prisons and never emerged.⁴² There were 5,607 new arrests during the year, a 25 percent increase from 2017.⁴³ A March 2018 UN report found that "the Syrian Government and associated militias used rape and other forms of sexual violence as part of a widespread and systematic attack against the civilian population of Syria in order to cause maximum terror and humiliation to the population and to target civilians broadly perceived as associated with the opposition."⁴⁴ The UN says that Syria's unhealthy detention conditions are so extreme and systematic that they amount to "extermination," a crime against humanity.⁴⁵ While ISIS detentions were well-publicized, it is estimated that Syrian Government detention accounts for around 90 percent of disappearances.⁴⁶ If detainees are released, they often leave the country out of fear of retribution.

⁴⁰ UN Security Council Resolution 2139 Implementation Report, "Report of the Secretary General on the implementation of Security Council resolutions 2139," October 22, 2015, http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2015/813.

⁴¹ Tsvetkova, M. & Ece Toksabay. "Russia says an end to fighting in Syria's Idlib is Turkey's responsibility." Reuters. May 30, 2019.

<https://uk.reuters.com/article/uk-turkey-russia-syria/turkeys-erdogan-to-putin-we-need-a-ceasefire-in-syria-s-idlib-idUKKCN1T029J?il=0>

⁴² Barnard, Anne. "Inside Syria's secret torture prisons: how Bashar al-Assad crushed dissent." The New York Times. May 11, 2019.

<https://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-prisons.html>

⁴³ *Id.*

⁴⁴ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. "UN Special Representative on Sexual Violence in Conflict, Pramila Patten, Condemns the Use of Rape and Other Forms of Conflict-Related Sexual Violence Committed in Syria." March 15, 2018.

<https://www.un.org/sexualviolenceinconflict/press-release/un-special-representative-on-sexual-violence-in-conflict-pramila-patten-condemns-the-use-of-rape-and-other-forms-of-conflict-related-sexual-violence-committed-in-syria/>

⁴⁵ Barnard, Anne. "Inside Syria's secret torture prisons: how Bashar al-Assad crushed dissent." The New York Times. May 11, 2019.

<https://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-prisons.html>

⁴⁶ *Id.*

Displaced Syrians are especially vulnerable to regime harassment and detention upon returning. Large numbers of returnees have been arrested on suspicion of being opposition supporters and have had their houses destroyed or confiscated by the regime.⁴⁷

e. Russian Intervention on Behalf of the Syrian Government

Since the Russian intervention in Syria started in September 2015, Russian aerial tactics have largely emulated that of the Assad government, i.e., punishing civilian populations in liberated areas, destroying civilian infrastructure, and avoiding areas controlled by ISIS to focus on the mainstream opposition.⁴⁸ During the Idlib ceasefire of September 2018 – April 2019, Russia routinely used "terrorist activities" as an excuse to bomb civilian targets in de-escalation zones. The recent escalation of Russian aerial attacks violating the ceasefire has already forced more than 200,000 people to flee.⁴⁹ Russia is responsible for many of the hospital attacks in the ceasefire zone that was negotiated between Presidents Putin and Erdogan, even though the hospitals were ostensibly under UN protection and had provided their coordinates to Moscow in the hope of preventing attacks.⁵⁰

After President Trump recently called on Russia and Syria to stop bombing Idlib Province, the Kremlin reiterated its claim that military action was justified for its counterterrorism mission.^{51,52} Russia has also used its international and institutional leverage to impede humanitarian aid and efforts to bring the war in Syria to an end. In June 2019, it blocked a UN Security Council

⁴⁷ Graham-Harrison, Emma. "Assad demolishes refugee homes to tighten grip on rebel strongholds." The Guardian. June 8, 2019.

<https://www.theguardian.com/world/2019/jun/08/syria-demolishes-homes-grabs-territory>

⁴⁸ Falk, Pamela. "U.N. Probe Says Syria, Russia Deliberately 'Obliterated' Civilian Areas." CBS News. March 2, 2017.

www.cbsnews.com/news/un-syria-russia-assad-deliberately-targeted-civilians-aid-convoy-war-crimes.

⁴⁹ Reuters. "Kremlin rebuffs Trump on Syria, says military action in Idlib is justified." June 3, 2019.

<https://www.reuters.com/article/us-usa-trump-syria-kremlin/kremlin-rebuffs-trump-on-syria-says-military-action-in-idlib-is-justified-idUSKCN1T41AN>

⁵⁰ Ensor, Josie. "Syria and Russia bomb hospitals in Idlib after they were given coordinates in hope of preventing attacks." The Telegraph. May 30, 2019.

<https://www.telegraph.co.uk/news/2019/05/30/syria-russia-bomb-hospitals-idlib-given-coordinates-hope-preventing/>

⁵¹ Reuters. "Trump calls on Russia, Syria to stop bombing Idlib province." June 2, 2019.

<https://www.reuters.com/article/us-usa-trump-syria/trump-calls-on-russia-syria-to-stop-bombing-idlib-province-idUSKCN1T404S?il=0>

⁵² Reuters. "Kremlin rebuffs Trump on Syria, says military action in Idlib is justified." June 3, 2019.

<https://www.reuters.com/article/us-usa-trump-syria-kremlin/kremlin-rebuffs-trump-on-syria-says-military-action-in-idlib-is-justified-idUSKCN1T41AN>

statement calling for humanitarian access to Idlib, safe return for refugees, and following international humanitarian law on protecting civilians.⁵³

f. Iranian Military and Hezbollah Intervention on Behalf of the Syrian Government

Iran has facilitated the transportation of massive numbers of troops from foreign countries into Syria. In addition to the IRGC-Quds Force personnel presently commanding Syrian pro-regime militias, Iran has facilitated the travel of Afghan Shiite fighters, Iraqi Shiite militias, and Lebanese Hezbollah into Syria.⁵⁴ The White House now estimates that over 80 percent of forces fighting on behalf of the Syrian Government are Iranian-backed fighters.⁵⁵

Several pro-regime offensives are entirely controlled by Lebanese Hezbollah fighters and other Iranian-backed forces. The bulk of their forces are deployed along the Lebanese-Syrian border, but there are Hezbollah fighters deep within Syria, including near the cities of Damascus, Homs, and Deir al-Zour.⁵⁶ Their hold is so pervasive that Hezbollah leader Hassan Nasrallah publicly declared victory in 2017 on behalf of Hezbollah's strategic goals in Syria.⁵⁷ Iran's investment in maintaining territorial hold over Syria jeopardizes the country's long-term prospects for stability.

2. ISIS, al-Qaeda, and other Sunni extremist militant factions in Syria

Terrorist groups such as ISIS, Al-Qaeda, and other extremist militant factions have endangered the lives of all Syrians and continue to do so. Since the 2018 extension of Syria's TPS status, ISIS has lost its territorial holdings in Syria, but it retains the capacity to launch deadly attacks across the country, including a June 2019 bombing in Raqqa that killed 10 people.⁵⁸ The

⁵³ Peltz, Jennifer. "Russia halts UN Security Council statement on Syria's Idlib." Fox News. June 4, 2019. <https://www.foxnews.com/world/russia-halts-un-security-council-statement-on-syrias-idlib>

⁵⁴ Jedinia, Mehdi. "Iran to Bankroll Pro-Government Militia Fighters in Syria." VOA News. May 28, 2017. www.voanews.com/a/sources-iran-to-bankroll-pro-government-militia-fighters-in-syria/3874390.html.

⁵⁵ Constable, Pamela. "Recruited by Iran to fight for Syrian regime, young Afghans bring home cash and scars." The Washington Post. July 29, 2018. https://www.washingtonpost.com/world/asia_pacific/recruited-by-iran-to-fight-for-syrian-regime-young-afghans-bring-home-cash-and-scars/2018/07/29/ecf9e34c-64e0-11e8-81ca-bb14593acaa6_story.html?utm_term=.e7dc0c8a6786

⁵⁶ Jones, Seth. "The escalating conflict with Hezbollah in Syria." Center for Strategic and International Studies. June 20, 2018. <https://www.csis.org/analysis/escalating-conflict-hezbollah-syria>

⁵⁷ Perry, Tom. "Hezbollah declares victory in Syria, Russia says much of country won back." Reuters. September 12, 2017.

<https://www.reuters.com/article/us-mideast-crisis-syria-hezbollah/hezbollah-declares-syria-victory-russia-says-much-of-country-won-back-idUSKCN1BN0YL>

⁵⁸ Associated Press. "Explosions rock Syria's northern city of Raqqa, killing 10." June 1, 2019. <https://www.apnews.com/38cf1381ccd14a92b81b9ff23bd69d2d>

landmines planted by the group as it lost territory continue to kill and maim ordinary Syrians.⁵⁹ While much of ISIS's publicity came as a result of its targeting of religious and ethnic minorities, the vast majority of its civilian casualties are among Syria's Sunni Arab population.

Al Qaeda and affiliated groups like Hayat Tahrir al-Sham (HTS) also continue to perpetuate abuses, including summary executions, kidnappings, and interference with aid delivery.⁶⁰ Pro-democracy advocates risk their lives speaking up in areas with an HTS presence. Raed Fares, the founder of the U.S.-backed anti-extremist platform, Radio Fresh, was murdered in Kafranbel with his colleague, Hammoud al-Juneid, in November, 2018.⁶¹ Once-normal activities for Syrian civilians and civil society leaders have now become enormously risky feats.

3. Kurdish Groups

Kurdish-controlled authorities overseeing territories liberated from ISIS in Syria's northeast operate displacement camps, confiscate identification documents and arbitrarily prevent freedom of movement, according to Human Rights Watch.⁶² In the past, the Kurdish Democratic Union Party (YPG) has been accused of forcibly displacing Arab and Turkmen villages near Suluk, Tel Abyad, and Tel Tamr.⁶³

4. Syrian Opposition

The Syrian Opposition are a range of over 100 rebel groups that fight in opposition to the Syrian Government.⁶⁴ Syrian Opposition fighters have been accused of indiscriminate mortar and other artillery strikes on civilian areas and restricting civilians' ability to flee hostilities.⁶⁵ Various

⁵⁹ Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

⁶⁰ Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

⁶¹ Loveluck, Louisa. "One of Syria's most famous activists killed by assassins in rebel stronghold." The Washington Post. November 23, 2018.

https://www.washingtonpost.com/world/middle_east/one-of-syrias-most-famous-activists-killed-by-assassins-in-rebel-stronghold/2018/11/23/d8490a1e-ef0e-11e8-9236-bb94154151d2_story.html?utm_term=.19cb0c92e675

⁶² Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

⁶³ "We Had Nowhere To Go: Forced Displacement and Demolitions in Northern Syria." Amnesty International, no.24/2503/2015 (2015). <https://www.amnesty.org/en/documents/mde24/2503/2015/en/>.

⁶⁴ Cafarella, Jennifer "Syrian Opposition Guide" Institute for the Study of War, October 7, 2015, available at http://understandingwar.org/sites/default/files/Syrian%20Opposition%20Guide_0.pdf.

⁶⁵ Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

opposition groups in Idlib Province have detained individuals attempting reconciliation with the government and media activists, and have occasionally restricted humanitarian aid.⁶⁶

Extraordinary and Temporary Conditions Facing Returning Syrians

More than half of Syria's prewar population has been displaced internally or fled the country. With the conflict well into its ninth year, there are over 5.6 million Syrian refugees, with the vast majority of these displaced people living in Turkey, Lebanon, Jordan, Iraq, and Egypt.⁶⁷ While Egypt and Iraq each host a few hundred thousand refugees, Turkey hosts more than three million. Likewise, more than one million live in Lebanon and likely as many as 1.3 million live in Jordan.⁶⁸ There are an additional 6.6 million Syrians displaced within the country, many of whom currently face further pressure as a result of the Idlib offensive.⁶⁹

The Humanitarian Crisis

In February 2019, Reena Ghelani, Director for Operations and Advocacy at the UN Office for the Coordination of Humanitarian Affairs, reported that more than 11.7 million Syrians required aid in 2019.⁷⁰ Since the Idlib offensive has begun, this number has only risen. In northwestern Syria, 40 percent of children are out of school, and 2 million people rely on water supplies via truck delivery. Syria's 2018 TPS extension explicitly referred to Syria's dire humanitarian situation as part of the justification for continued TPS protections.⁷¹ High rates of malnutrition, skyrocketing prices for basic staples, lack of regular access to clean water, and healthcare disruptions remain persistent threats to basic human security.⁷²

Physical Security

A November 2018 report from the United Nations Independent International Commission of Inquiry on the Syrian Arab Republic found that, "while arbitrary detention throughout the Syrian

⁶⁶ *Id.*

⁶⁷ *Id.*

⁶⁸ *Id.*

⁶⁹ Internal Displacement Monitoring Centre. "IDMC Global Figures 2016."
<http://www.internal-displacement.org/database/>.

⁷⁰ United Nations. "Amid staggering levels of need, aid delivery in Syria crucial to prevent humanitarian catastrophe, relief coordinator warns Security Council." February 26, 2019.
<https://www.un.org/press/en/2019/sc13718.doc.htm>

⁷¹ Extension of the Designation of Syria for Temporary Protected Status, 83 Fed. Reg. 43, (March 5, 2018).

⁷² International Committee of the Red Cross. "Statement by ICRC president upon ending 5-day visit to Syria." March 22, 2019.

<https://www.icrc.org/en/document/statement-icrc-president-upon-ending-5-day-visit-syria>

Arab Republic continues to be perpetrated by all parties on the ground, nowhere has the phenomenon been more pervasive than in areas under Government control.”⁷³ Men above the age of 15 years are routinely and systematically subjected to arbitrary arrest, detention, followed by “torture, inhumane living conditions, lack of adequate medical assistance, or willful neglect.”⁷⁴ The Commission also found that the Syrian Government used sexual violence primarily against women and girls and in house-to-house searches, at checkpoints, and in detention, writing that “women and girls who were raped often witnessed the killing of male relatives.”⁷⁵

The rate of government detention has increased.⁷⁶ Documents smuggled out of Syria by Caesar, a former Syrian military photographer, and others reveal that memos ordering crackdowns and authorizing torture and execution were signed by senior government officials, including security officers who report directly to President Assad.⁷⁷

Furthermore, the Syrian regime maintains a policy of forced conscription, including of children. The U.S. Department of State's 2017 Trafficking in Persons Report concluded that “The government maintained its forcible recruitment and use of child soldiers, subjecting children to extreme violence and retaliation by opposition forces...The government continued to arrest, detain, and severely abuse trafficking victims, including child soldiers.”⁷⁸

Law 10 and Property Confiscation

Syria's Law 10 of 2018 allows the Assad Government to confiscate the property and land of IDPs and refugees who fail to provide prompt proof of ownership such as a housing deed, which

⁷³ Independent International Commission of Inquiry on the Syrian Arab Republic. "Death notifications in the Syrian Arab Republic." November 22, 2018.

https://reliefweb.int/sites/reliefweb.int/files/resources/DeathNotificationsSyrianArabRepublic_Nov2018.pdf

⁷⁴ *Id.*

⁷⁵ United Nations Office of the Special Representative of the Secretary-General on Sexual Violence in Conflict. "UN Special Representative on Sexual Violence in Conflict, Pramila Patten, Condemns the Use of Rape and Other Forms of Conflict-Related Sexual Violence Committed in Syria." March 15, 2018.

<https://www.un.org/sexualviolenceinconflict/press-release/un-special-representative-on-sexual-violence-in-conflict-pramila-patten-condemns-the-use-of-rape-and-other-forms-of-conflict-related-sexual-violence-committed-in-syria/>

⁷⁶ Barnard, Anne. "Inside Syria's secret torture prisons: how Bashar al-Assad crushed dissent." The New York Times. May 11, 2019.

<https://www.nytimes.com/2019/05/11/world/middleeast/syria-torture-prisons.html>

⁷⁷ *Id.*

⁷⁸ Department of Justice. "2017 Trafficking in Persons Report." Pp. 380-382.

https://www.justice.gov/sites/default/files/pages/attachments/2017/07/05/dos_trafficking_full_2017.pdf#page=388.

is rarely provided in Syrian real estate transactions.⁷⁹ This law is a thinly-veiled attempt to rewrite Syria's demography by redistributing land from refugees—predominantly Sunni Arabs—to businessmen and outside groups tied to the regime. After international outcry, the Syrian Government amended the grace period from 30 days to one year, but the result will be the same: dispossession and displacement of an already vulnerable community.⁸⁰

Even if civilians attempt to travel back to their homes, there is no guarantee that they will have anything to which to return. According to Human Rights Watch, “in Qaboun and Darayya the government has restricted access for civilian residents seeking to return to their homes, and has unlawfully demolished residents’ private homes, without providing notice, alternative housing, or compensation.”⁸¹ Land not given to Assad loyalists has often instead been used to support Iran’s demographic goals, in which formerly Sunni neighborhoods are repopulated with groups from outside Syria, specifically Shia Muslims from Iraq and Lebanon.⁸² Returning to these areas absent a greater political agreement would be extremely difficult.

Aware of the Assad Government’s practices, the U.S. Treasury issued sanctions June 11, 2019 on Syrian oligarchs notorious for confiscating property and flipping it for the benefit of the Assads and their political allies. Treasury Undersecretary for Terrorism and Financial Intelligence Sigal Mandelker said of one such profiteer, Samer Foz: “This Syrian oligarch is directly supporting the murderous Assad regime and building luxury developments on land stolen from those fleeing his brutality...Treasury is committed to holding accountable profiteers who enrich the coffers of the Assad regime while Syrian civilians suffer this man-made humanitarian crisis.”⁸³

The Need for TPS in the U.S. Immigration System

The continuance—and recent intensification—of armed conflict in Syria and severity of persistent humanitarian and human rights crises render the country prohibitively dangerous for

⁷⁹ Abu Ahmad, Ibrahim. "Assad's Law 10: Reshaping Syria's Demographics." The Washington Institute. September 17, 2018.

<https://www.washingtoninstitute.org/fikraforum/view/assads-law-10-reshaping-syrias-demographics>

⁸⁰ *Id.*

⁸¹ Human Rights Watch. "Syria: Events of 2018." 2019.

<https://www.hrw.org/world-report/2019/country-chapters/syria>

⁸² Chulov, Martin. "Iran Repopulates Syria with Shia Muslims to Help Tighten Regime’s Control." The Guardian. January 12, 2017.

<https://www.theguardian.com/world/2017/jan/13/irans-syria-project-pushing-population-shifts-to-increase-influence>.

⁸³ U.S. Department of the Treasury. "Treasury Designates Syrian Oligarch Samer Foz and His Luxury Reconstruction Business Empire." June 11, 2019.

<https://home.treasury.gov/news/press-releases/sm704>

all Syrians. Extending and redesignating TPS is a proper and appropriate response. TPS creates temporary and complementary protections, both of which are needed. The temporary protection provided by TPS is needed for the United States to meet its obligations under the binding customary international law principle of non-refoulement, under which the United States may not return refugees to a place where their life or liberty would be at risk.⁸⁴ It is clear that the forced return of any Syrian national to Syria today would create a tremendous risk to life and freedom.

The complementary protection offered by TPS protects Syrians who do not fulfill the traditional refugee definition. Under the Immigration and Nationality Act's definitions of "refugee," the person in question must have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.⁸⁵ Today in Syria, as described above, all people live under grave threat from parties that target civilians and use indiscriminate weapons. The usual identity, sociological, or economic criteria are insufficient to provide protection to all people at risk.

The U.S. Department of State has recognized the ongoing threat to anyone forced to return to Syria. According to the travel advisory issued on April 9, 2019 by the U.S. Department of State:

“No part of Syria is safe from violence. Kidnappings, the use of chemical warfare, shelling, and aerial bombardment have significantly raised the risk of death or serious injury. The destruction of infrastructure, housing, medical facilities, schools, and power and water utilities has also increased hardships inside the country.”⁸⁶

Likewise, President Trump extended the National Emergency declaration for Syria on May 8, 2019, citing the Assad regime's "brutality and repression of the Syrian people" and its "actions and policies, including with respect to chemical weapons, supporting terrorist organizations...[which] continue to foster the rise of extremism and sectarianism and pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States.”⁸⁷

⁸⁴ Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment, art. 3. (1984). ("Torture Convention"); International Covenant on Civil and Political Rights, art. 7, Dec. 16, 1966, 999 UNTS 171. ('ICCPR'); RI/HEN/1/Rev.1.

⁸⁵ Immigration and Nationality Act (INA) §101(a) (42).

⁸⁶ State Department. "Syria Travel Advisory." April 9, 2019.

<https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/syria-travel-advisory.html>.

⁸⁷

<https://www.whitehouse.gov/briefings-statements/text-notice-continuation-national-emergency-respect-act-ions-government-syria/>

In the unlikely chance that returned-TPS seekers are able to evade active hostilities, they would likely face arbitrary detention and/or forced conscription by the Syrian Government. According to the State Department's 2015 Human Rights report, any person returning to Syria who "unsuccessfully sought asylum" elsewhere will likely face severe penalty under Syrian law and risk of arrest.⁸⁸ A recent survey showed that 75 percent of those returning to government-controlled areas experienced harassment at checkpoints and in government offices, were arrested, or were forced to conscript in the military.⁸⁹

Conclusion

In light of all of the aforementioned factors that make the situation in Syria an unprecedented humanitarian disaster, the temporary protection offered by TPS fulfills the American commitment to providing a safe haven for individuals who will contribute in an immense way to our economy, who will be productive members of our society, and who pose no threat to or burden on the American system.

The myriad forms of attacks that Syrians are subjected to on a regular basis make the safe return of TPS beneficiaries entirely untenable and equivalent to a death sentence. The United States should not only extend but redesignate TPS for Syria to ensure that Syrians have a safe, legal place to reside until the situation in Syria stabilizes, the ongoing armed conflict comes to a clear end, and the extraordinary circumstances at hand subside. ARCS, CDS, and AFS look forward to working with your office to ensure that this request is granted.

Respectfully Submitted,

Americans for a Free Syria (AFS)

American Relief Coalition for Syria (ARCS)

Coalition for a Democratic Syria (CDS)

Syrian Emergency Task Force

Syrian American Council

⁸⁸ State Department. "2015 Syria Human Rights Report."
<http://www.state.gov/documents/organization/253159.pdf>

⁸⁹ Loveluck, Louisa. "Assad Urged Syrian Refugees to Come Home. Many are Being Welcomed with Arrest and Interrogation." The Washington Post. June 2, 2019.
https://www.washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-being-welcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef_story.html.

Syrian American Alliance
Syrian Christians for Peace
Association of Free Syrians

Americans for a Free Syria (AFS) is a nonpartisan nonprofit organization that lobbies for freedom, human rights, rule of law, and secular democracy for the Syrian people.

The American Relief Coalition for Syria is a coalition of American relief and humanitarian organizations dedicated to providing humanitarian relief and development programs to help millions of needy people, living inside Syria and as refugees, during the Syrian crisis and beyond. American Relief Coalition for Syria (ARCS) includes Karam Foundation, NuDay Syria, Rahma Relief Foundation, SWASIA Charity Foundation, Syria Relief and Development, Syrian American Medical Society, Syrian American Engineers Association, Syrian Community Network, and Syrian Forum.

The Coalition for a Democratic Syria (CDS) is a group of Syrian American nonprofit organizations working together to bring about a swift end to the conflict and support the establishment of peace, freedom, and democracy in Syria. CDS is a multiethnic, multiconfessional, nonpartisan organization. CDS includes the Syrian Emergency Task Force, Syrian American Council, Syrian American Alliance, Syrian Christians for Peace, the Association of Free Syrians, and the American Syriac Union.



U.S. Citizenship
and Immigration
Services

August 6, 2019

Mrs. Erica Hanichak
Americans for a Free Syria
4400 S. Saginaw Street, Suite 1362
Flint, Michigan 48507

Dear Mrs. Hanichak:

Thank you for your June 17, 2019 letter. Acting Secretary McAleenan asked that I respond on his behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Syria. 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. *See* Immigration and Nationality Act (INA) § 244(b). The 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. But, 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). The decision to initially designate or to newly designate a country for TPS is at the discretion of the Secretary of Homeland Security.

On August 1, 2019, after carefully considering information from a wide variety of sources, Acting Secretary McAleenan announced his determination to extend the TPS designation for Syria. The Secretary's decision to extend TPS for Syria was made after a review of the conditions upon which the country's designation is based (ongoing armed conflict and extraordinary and temporary conditions) and an assessment of whether those conditions continue to exist, as required by statute. Based on careful consideration of available information, including recommendations received as part of an inter-agency consultation process, the Acting Secretary determined that the conditions continue to exist. Based on that determination, under the applicable statute, the Acting Secretary extended Syria's current TPS designation. As a matter of policy, the Acting Secretary chose not to use his discretion to newly designate Syria at this time.

I would further note that a separation of powers concern has arisen with TPS generally. As long as courts continue to displace executive branch authority to terminate TPS status, it

Mrs. Erica Hanichak

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makes a decision to exercise the discretion in the first place considerably more complicated and more akin to a permanent status, rather than temporary.

Thank you again for your letter and interest in this important issue. The co-signers of your letter will receive a separate, identical response. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Ken Cuccinelli II". The signature is stylized with a large initial "K" and a horizontal line extending from the end.

Ken Cuccinelli II
Acting Director