



# BACKGROUND ON TEMPORARY PROTECTED STATUS FOR SOMALIA

The current 18-month grant of Temporary Protected Status, or TPS, for Somalia will expire on March 17, 2020, unless extended by the secretary of Homeland Security.<sup>1</sup> By statute, the DHS Secretary must decide whether to extend and/or redesignate or terminate TPS for Somalia by Jan. 17, 2020.<sup>2</sup>

## I. WHAT IS TEMPORARY PROTECTED STATUS?

Temporary Protected Status, or TPS, was established by Congress through the Immigration Act of 1990.<sup>3</sup> TPS is intended to protect foreign nations in the U.S. from being returned to their home country if it became unsafe during the time they were in the U.S. and would put them at risk of violence, disease or death.<sup>4</sup> Under the law, the secretary of Homeland Security may designate a foreign country for TPS in three scenarios<sup>5</sup>:

1. Ongoing armed conflict (such as a civil war) that would pose serious threat to the personal safety of nationals of the affected country;<sup>6</sup>
2. An environmental disaster (such as an earthquake or hurricane) or an epidemic and the foreign state is temporarily unable to adequately handle the return of its citizens and the foreign government has requested TPS for its nationals;<sup>7</sup> or
3. Other extraordinary and temporary conditions that prevent people from the country from safely returning home as long as it is not against the national interest of the United States to allow them to remain.<sup>8</sup>

TPS may be designated or extended in six, 12 or 18-month increments.<sup>9</sup> At least 60 days before the end of a designation period, the secretary of Homeland Security must review country conditions in consultation with appropriate agencies of the government, for example the State Department, and determine whether conditions warrant extension.<sup>10</sup> The decision must be published on a timely basis in the Federal Register.<sup>11</sup> Under the law, TPS may be extended as many times as necessary, as long as the dangerous country conditions continue.<sup>12</sup> TPS can also be redesignated for a country simultaneously with an extension or independently.<sup>13</sup>

Nationals of a TPS-designated country and people without nationality who last lived in a TPS-designated country, and who were physically in the United States when the designation was made and meet certain requirements,

may be eligible for TPS.<sup>14</sup> If granted, recipients are temporarily protected from deportation and may receive work authorization to support themselves while they remain in the U.S.<sup>15</sup>

TPS does not provide a path to lawful permanent resident status or citizenship.<sup>16</sup>

## II. WHY WAS SOMALIA DESIGNATED FOR TPS?

Somalia's government collapsed in 1991 as militia groups battled for control of the country in the capital city, Mogadishu.<sup>17</sup> The war, which claimed the lives of 350,000 Somalis in the first year alone, started decades of conflict and one of the most catastrophic and protracted humanitarian crises in the world.<sup>18</sup>

Following the outbreak of the war, the U.S. government first designated TPS for Somalia on September 16, 1991, based on the extraordinary conditions that prevented people from safely returning to the country.<sup>19</sup> Since the original designation, TPS for Somalia has been continually extended, and ongoing armed conflict was added as grounds for the TPS designation.<sup>20</sup>

TPS for Somalia was most recently extended in September 2018 due to the continual violence and humanitarian emergency that make return impossible.<sup>21</sup> At the time of the extension, the U.S. government documented 5.4 million people in need of humanitarian aid.<sup>22</sup> More than 2.1 million people were displaced, which is more than double the amount of people since the original TPS designation.<sup>23</sup> Massive internal displacement was a result of ongoing armed conflict — related to al-Shabaab as well as intra-clan violence — in addition to extreme flooding, drought and forced evictions.<sup>24</sup> The government also listed ongoing human rights violations, devastated private and public infrastructure and dire poverty as reasons for the extension of TPS.<sup>25</sup>

## III. WHY SHOULD TPS FOR SOMALIA BE EXTENDED AND REDESIGNATED?

An 18-month extension and redesignation of TPS for Somalia is warranted as the conditions that existed for the 2018 extension of TPS for Somalia remain, and in some cases have worsened. Layers of conflict involving intra-clan and intra-security forces, al-Shabaab, Somali government forces and international actors continue to impact civilians.<sup>26</sup> In 2019, al-Shabaab has carried out attacks nearly every day, killing at least 1,600 people.<sup>27</sup> Civilians in conflict areas endure indiscriminate attacks, including aerial bombardments and Improvised Explosive Devices.<sup>28</sup> People are also subjected to destruction or confiscation of their land and livestock, taxation (which includes forced conscription of children) and extortion.<sup>29</sup> While there have been some very recent improvements in political stability and security in a few regions of the country, the head of the United Nations Mission in Somalia warns that serious concerns remain.<sup>30</sup> According to the State Department, people should not travel to Somalia due to "crime, terrorism, kidnapping and piracy."<sup>31</sup> In spring 2019, President Trump extended the declaration of a state of national emergency in Somalia, citing, among other things, "acts of violence committed against civilians in Somalia."<sup>32</sup>

Armed conflict, forced evictions and the effects of climate change, including both flooding and extreme drought, which have both worsened the violence and led to catastrophic food shortages, continue to drive mass displacement.<sup>33</sup> At least 2.6 million people are displaced<sup>33</sup> in Somalia today, an increase from 2018.<sup>34</sup> According to the Norwegian Refugee Council, nearly a quarter of a million people were displaced in the first six months of 2019 alone, with more than 100,000 people newly displaced due to drought.<sup>35</sup> Forced evictions — related to property owners taking advantage of already vulnerable people and other factors — are on the rise. There were nearly 40,000 more forced evictions in 2018 than 2017, amounting to approximately five percent of total displacements.<sup>36</sup> In general, the millions of displaced people in Somalia have limited or no access to water or food, healthcare, sanitation or safe housing.<sup>37</sup> Many live at risk of sexual violence and other human rights violations, including arbitrary arrest.<sup>38</sup>

One third of Somalia's population, approximately 4.2 million people, are in need of humanitarian aid and protection.<sup>39</sup> At least 2 million are living in areas where delivering aid is difficult if not impossible due to active conflict and other factors, such as lack of infrastructure.<sup>40</sup> From April to June 2019, Somalia received below average rainfall, which, building on drought conditions in 2017 and 2018, is severely affecting food crops and livestock.<sup>41</sup> Approximately 2.3 million people in Somalia do not have access to safe water.<sup>42</sup> Grain harvests are expected to be 50 percent below average in 2019.<sup>43</sup> The Famine Early Warning System finds that 2.1 million people will be facing crisis level food shortages for the remainder of the year.<sup>44</sup> Approximately 1 million children under age five are projected to suffer acute malnutrition through mid-2020.<sup>45</sup> While average to above average rainfall is projected for October to December, which may alleviate some of the suffering, experts also warn of potential flooding, which can destroy food sources.<sup>46</sup>

Lack of access to medical care also persists. In 2018, the World Health Organization estimated that 5.4 million people in Somalia were in need of health care.<sup>47</sup> Displacement and environmental factors continue to facilitate the spread of disease, including cholera.<sup>48</sup> Rates of maternal and infant mortality in Somalia are among the highest in the world.<sup>49</sup>

The humanitarian crisis in Somalia also continues to be characterized by a lack of private or public infrastructure and collapsed economy.<sup>50</sup> Infrastructure in Somalia is targeted in conflict, and displaced people are forced into unplanned settlements.<sup>51</sup> 69 percent of people in Somalia are living in poverty, the sixth worst poverty rate in the world.<sup>52</sup>

## **IV. WHAT WILL THE IMPACT BE IF TPS FOR SOMALIA IS NOT EXTENDED AND REDESIGNATED?**

According to the most recent Federal Register Notice, approximately 500<sup>53</sup> Somalis in the United States are protected from the ongoing conflict and humanitarian crisis in Somalia through TPS.<sup>54</sup> Without TPS, people returning to Somalia would be at risk of violence, hunger, disease, human rights violations and lack of access to water. TPS holders with U.S. citizen children would be forced to make impossible decisions — bring their children into harm's way or tear families apart.

Redesignation is the secretary of the Department of Homeland Security's authority to extend TPS protection to people who arrived in the United States after the original TPS designation.<sup>55</sup> TPS for Somalia has not been redesignated since 2012,<sup>56</sup> meaning that the secretary has the option to extend protection to people who have arrived in the past seven years. People who arrived in the United States more recently need protection from the humanitarian catastrophe in Somalia just as much as current TPS holders.

TPS holders serve as lifelines to friends and family members who remain in Somalia through sending remittances. Approximately 40 percent of Somalia's population depend on remittances to try to meet their basic needs.<sup>57</sup> In general, the financial support the Somali diaspora sends to Somalia each year is five times the amount of humanitarian aid and twice as much as official development assistance.<sup>58</sup> Remittances make up one-third of Somalia's GDP and help pay for imports.<sup>59</sup>

## V. WHY IS EXTENDING AND REDESIGNATING TPS FOR SOMALIA IN LINE WITH AMERICAN VALUES AND INTERESTS?

Congress established TPS to provide life-saving protection to people who, if deported, would be at risk of harm or death.<sup>60</sup> It is a statutory embodiment of the international principle of nonrefoulement, a commitment that the United States will not return people to countries where their lives or freedom would be threatened.<sup>61</sup> This commitment, stemming from the aftermath of World War II, also underpins U.S. refugee and asylum laws.<sup>62</sup>

By protecting people's lives and granting work authorization, TPS serves key national and regional security interests, advances moral and strategic U.S. engagement with the international community and provides other benefits to the United States. In general, TPS holders make great contributions to the U.S. economy, working in key industries such as construction and home health care and paying into the U.S. GDP, Social Security and Medicare.<sup>63</sup> As described above, TPS holders also send vital remittances to family and friends in countries of origin, providing unofficial foreign aid that allows people to meet their basic needs and helps stabilize countries and regions.<sup>64</sup>

Our commitment as a nation and a people to protect and welcome those in need is why Congress created TPS, and why we must use it now.

# ENDNOTES

- <sup>1</sup> 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>2</sup> INA § 244(b)(3).
- <sup>3</sup> Jill H. Wilson, *Temporary Protect Status: Overview and Current Issues*, CONGRESSIONAL RESEARCH SERVICE (Jan. 17, 2018), <https://fas.org/sgp/crs/homsec/RS20844.pdf>.
- <sup>4</sup> *Id.*
- <sup>5</sup> INA § 244(b).
- <sup>6</sup> INA §244 (b)(1)(A).
- <sup>7</sup> INA §244 (b)(1)(B).
- <sup>8</sup> INA §244 (b)(1)(C).
- <sup>9</sup> INA §244 (b)(2)(B).
- <sup>10</sup> INA §244 (b)(3)(A).
- <sup>11</sup> *Id.*
- <sup>12</sup> See generally INA §244.
- <sup>13</sup> *Id.*
- <sup>14</sup> INA §244 (a)(1).
- <sup>15</sup> INA §244 (a)(1)(A); INA §244 (a)(1)(B).
- <sup>16</sup> See generally INA §244.
- <sup>17</sup> *Legacy of conflict: Somalia*, INTERNATIONAL RESCUE COMMITTEE, [www.rescue.org/country/somalia#what-are-the-main-humanitarian-challenges-in-somalia](http://www.rescue.org/country/somalia#what-are-the-main-humanitarian-challenges-in-somalia).
- <sup>18</sup> *Id.*
- <sup>19</sup> 56 Fed. Reg. 46804 (Sept. 16, 1991).
- <sup>20</sup> 77 Fed. Reg. 25723 (May 1, 2012), [www.federalregister.gov/documents/2012/05/01/2012-10388/extension-and-redesignation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2012/05/01/2012-10388/extension-and-redesignation-of-somalia-for-temporary-protected-status).
- <sup>21</sup> 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>22</sup> *Id.*
- <sup>23</sup> *Id.*
- <sup>24</sup> *Id.*
- <sup>25</sup> *Id.*
- <sup>26</sup> *World Report 2018: Somalia*, HUMAN RIGHTS WATCH (2018), [www.hrw.org/world-report/2018/country-chapters/somalia](http://www.hrw.org/world-report/2018/country-chapters/somalia).
- <sup>27</sup> Max Bearak, *Twin al-Shabaab attacks in Somalia target U.S. and European Armed Forces*, THE WASHINGTON POST (Sept. 30, 2019), [www.washingtonpost.com/world/africa/twin-al-shabab-attacks-in-somalia-target-us-and-eu-armed-forces/2019/09/30/52505018-e376-11e9-a6e8-8759c5c7f608\\_story.html](http://www.washingtonpost.com/world/africa/twin-al-shabab-attacks-in-somalia-target-us-and-eu-armed-forces/2019/09/30/52505018-e376-11e9-a6e8-8759c5c7f608_story.html).
- <sup>28</sup> *2019 Humanitarian Needs Overview: Somalia*, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (Nov. 2018), <https://reliefweb.int/report/somalia/2019-somalia-humanitarian-needs-overview>.
- <sup>29</sup> *Id.*
- <sup>30</sup> *Somalia security remains a concern, head of UN Mission warns Security Council*, UN NEWS (Aug. 21, 2019) <https://news.un.org/en/story/2019/08/1044651>; *US reopens embassy in Somalia after nearly three decades*, AL JAZEERA (Oct. 3, 2019), [www.aljazeera.com/news/2019/10/reopens-embassy-somalia-decades-191003100027583.html](http://www.aljazeera.com/news/2019/10/reopens-embassy-somalia-decades-191003100027583.html).
- <sup>31</sup> *Somalia Travel Advisory*, STATE DEPARTMENT, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/somalia-travel-advisory.html>.
- <sup>32</sup> 84 Fed. Reg. 14843 (April 11, 2019), [www.federalregister.gov/documents/2019/04/11/2019-07414/continuation-of-the-national-emergency-with-respect-to-somalia](http://www.federalregister.gov/documents/2019/04/11/2019-07414/continuation-of-the-national-emergency-with-respect-to-somalia).
- <sup>33</sup> 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>34</sup> *Somalia security remains a concern, head of UN Mission warns Security Council*, UN NEWS (Aug. 21, 2019) <https://news.un.org/en/story/2019/08/1044651>; 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>35</sup> *Drought and conflict displace quarter of a million people in Somalia*, NORWEGIAN REFUGEE COUNCIL (Sept. 10, 2019), [www.nrc.no/news/2019/september/drought-and-conflict-displace-quarter-of-a-million-people-in-somalia/](http://www.nrc.no/news/2019/september/drought-and-conflict-displace-quarter-of-a-million-people-in-somalia/).
- <sup>36</sup> *2019 Humanitarian Needs Overview: Somalia*, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (Nov. 2018), <https://reliefweb.int/report/somalia/2019-somalia-humanitarian-needs-overview>.
- <sup>37</sup> *CRS in Somalia*, CATHOLIC RELIEF SERVICES, [www.crs.org/our-work-overseas/where-we-work/somalia](http://www.crs.org/our-work-overseas/where-we-work/somalia); *2019 Humanitarian Needs Overview: Somalia*, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (Nov. 2018), <https://reliefweb.int/report/somalia/2019-somalia-humanitarian-needs-overview>.

- <sup>38</sup> *Id.*
- <sup>39</sup> 2019 Humanitarian Needs Overview: Somalia, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (Nov. 2018), <https://reliefweb.int/report/somalia/2019-somalia-humanitarian-needs-overview>.
- <sup>40</sup> *Id.*
- <sup>41</sup> Somalia 2019 Drought Impact Response Plan, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (2019), <https://reliefweb.int/report/somalia/somalia-2019-drought-impact-response-plan-dirp>.
- <sup>42</sup> Somalia, INTERNATIONAL MEDICAL CORPS, <https://internationalmedicalcorps.org/country/somalia/>.
- <sup>43</sup> Somalia 2019 Drought Impact Response Plan, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (2019), <https://reliefweb.int/report/somalia/somalia-2019-drought-impact-response-plan-dirp>.
- <sup>44</sup> In the aftermath of drought, up to 2.1 million people face Crisis (IPC Phase 3) or worse outcomes, FAMINE EARLY WARNING SYSTEM (August 2019), <http://fews.net/east-africa/somalia/food-security-outlook-update/september-2019>.
- <sup>45</sup> *Id.*
- <sup>46</sup> *Id.*
- <sup>47</sup> Health Situation Report, WORLD HEALTH ORGANIZATION (2018), [www.who.int/emergencies/crises/som/sitreps/en/](http://www.who.int/emergencies/crises/som/sitreps/en/).
- <sup>48</sup> Outbreak update – Cholera in Somalia, 04 August 2019, WORLD HEALTH ORGANIZATION (Aug. 4, 2019), <https://reliefweb.int/report/somalia/outbreak-update-cholera-somalia-04-august-2019>; CRS in Somalia, CATHOLIC RELIEF SERVICES, [www.crs.org/our-work-overseas/where-we-work/somalia](http://www.crs.org/our-work-overseas/where-we-work/somalia).
- <sup>49</sup> Healthcare Access and Health Conditions among Somali Refugees Prior to Arrival in U.S., CENTERS FOR DISEASE CONTROL AND PREVENTION (Aug. 9, 2018), [www.cdc.gov/immigrantrefugeehealth/profiles/somali/healthcareAccess.html](http://www.cdc.gov/immigrantrefugeehealth/profiles/somali/healthcareAccess.html).
- <sup>50</sup> Somalia's path to recovery, BROOKINGS INSTITUTE (Oct. 2, 2019), [www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/](http://www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/).
- <sup>51</sup> 2019 Humanitarian Needs Overview: Somalia, UN OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (Nov. 2018), <https://reliefweb.int/report/somalia/2019-somalia-humanitarian-needs-overview>.
- <sup>52</sup> Somalia's path to recovery, BROOKINGS INSTITUTE (Oct. 2, 2019), [www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/](http://www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/).
- <sup>53</sup> Estimates of the current number of Somali TPS holders vary. For the purposes of this resource, CLINIC relies on information provided in the most recent Federal Register Notice. 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>54</sup> 83 Fed. Reg. 43695 (Aug. 27, 2018), [www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status](http://www.federalregister.gov/documents/2018/08/27/2018-18444/extension-of-the-designation-of-somalia-for-temporary-protected-status).
- <sup>55</sup> See INA § 244(b)(1); see also INA § 244(c)(1)(A)(i) (requiring that “the alien has been continuously physically present since the effective date of the most recent designation of the state”) (emphasis added).
- <sup>56</sup> *Id.*
- <sup>57</sup> Somalia's path to recovery, BROOKINGS INSTITUTE (Oct. 2, 2019), [www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/](http://www.brookings.edu/blog/future-development/2019/10/02/somalias-path-to-stability/).
- <sup>58</sup> *Id.*
- <sup>59</sup> *Id.*
- <sup>60</sup> Jill Wilson, Temporary Protected Status: Overview and Current Issues, CONGRESSIONAL RESEARCH SERVICE (March 22, 2019), <https://fas.org/sgp/crs/homsec/RS20844.pdf>.
- <sup>61</sup> *Id.*
- <sup>62</sup> *Id.*
- <sup>63</sup> Robert Warren and Donald Kerwin, A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti, JOURNAL ON MIGRATION AND HUMAN SECURITY, Vol. 5 No. 3 (2017), <https://cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/>; Amanda Baran, Jose Magana-Salgado and Tom K. Wong, Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders, IMMIGRANT LEGAL RESOURCE CENTER (April 2017), [www.ilrc.org/report-tps-economic-cost](http://www.ilrc.org/report-tps-economic-cost).
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