



August 19, 2020

Chad F. Wolf
Acting Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

RE: CLINIC FORMAL REQUEST FOR 18-MONTH EXTENSION AND REDESIGNATION OF TEMPORARY PROTECTED STATUS FOR SOUTH SUDAN

Dear Acting Secretary Wolf:

On behalf of the Catholic Legal Immigration Network, Inc., or CLINIC, I write to formally request that the Acting Secretary extend for 18 months and redesignate Temporary Protected Status (TPS) for South Sudan, as the current conditions on the ground, statutory analysis, morality, and Catholic values require. The current grant for South Sudan will expire on November 2, 2020 and more than 2,600 eligible South Sudanese nationals living in the United States could benefit from extension and redesignation.¹ By statute, the U.S. Department of Homeland Security (DHS) must issue a decision regarding whether to extend and/or redesignate or terminate TPS for South Sudan by September 3, 2020, which is fast approaching.² South Sudan is currently designated for TPS under ongoing armed conflict and extraordinary and temporary conditions preventing safe return. The conditions that prompted the most recent extension of TPS continue to exist, as tragically, South Sudan remains one of the world's most massive and deadly humanitarian crises.

I. Country Conditions Analysis

In addition to this letter, we enclose resources and reports that support the contents of this letter. Please refer to these enclosed materials for additional information regarding country conditions and the continued need for TPS for South Sudan. The U.S. Department of State travel advisory indicates that all parts of South Sudan, including the capital city, Juba, are extremely dangerous due to crime and armed conflict.³ U.S. government officials at the U.S. Embassy in Juba are not permitted beyond a small restricted area outside the Embassy, are required to travel in groups, and have a strict curfew.⁴ The State Department also recommends that people who decide to travel to South Sudan should first draft a will.⁵

¹ How Many South Sudanese Nationals Would Benefit Under Redesignation of Temporary Protected Status, Temporary Protected Status Advocacy Working Group (Aug. 17, 2020), <https://bit.ly/324hjWF>.

² INA § 244; See 84 Fed. Reg. 13688 (April 5, 2019), www.federalregister.gov/documents/2019/04/05/2019-06746/extension-of-the-designation-of-south-sudan-for-temporary-protected-status.

³ South Sudan Travel Advisory, STATE DEPARTMENT, accessed August 13, 2020, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/south-sudan-travel-advisory.html>.

⁴ *Id.*

⁵ *Id.*

Ongoing civil war and extraordinary conditions continue, and in some cases have deteriorated. Since civil war broke out in 2013, at least 400,000 have died.⁶ Attempted peace talks have thus far failed, and violence and displacement continue across the country.⁷ Human rights abuses, war crimes, and crimes against humanity also continue, and at least 5.7 million people are currently in need of protection.⁸ The ongoing use of child soldiers has not abated, with at least 19,000 children identified by UNICEF as of 2019.⁹ At least 7.2 million people are in need of humanitarian assistance in the country, with 1.47 million internally displaced from conflict and other factors.¹⁰

In addition to the dangers of armed conflict, the global COVID-19 pandemic threatens South Sudan's already fragile health system and opens the door for widespread famine should movement become even more restricted.¹¹ More than 50 percent of the population already faces crisis level food shortages.¹² Fewer than half of South Sudan's healthcare facilities are fully functioning.¹³ The country only has 24 ICU beds and four ventilators for a population of 11.7 million people.¹⁴ There is only one laboratory to do coronavirus testing and only one permanent infectious disease unit in the entire country.¹⁵ As of late June, there were 2,000 known cases of COVID-19 and 35 deaths.¹⁶ These factors combined with a lack of infrastructure, housing shortages, and limited access to clean water and sanitation make safe return impossible.¹⁷

II. Redesignation Analysis and the National Interest

Redesignation is a tool provided to the Secretary of Homeland Security in the TPS-decision making process allowing them to add or change reasons for a TPS designation and/or to provide protection to more recently arrived people by moving forward residence and physical presence requirements.¹⁸ Redesignation allows the Secretary to add or modify the underlying grounds for a TPS designation and change the dates by which a person needs to be present for TPS eligibility. Redesignation thus represents a crucial tool and logical outgrowth of Congressional intent: the need for protection from dangerous conditions does not change based on a person's date of entry to the United States or whether they had the

⁶ Max Bearak, Hundreds killed, villages destroyed in massacres undermining South Sudan's peace deal, THE WASHINGTON POST (May 28, 2020), www.washingtonpost.com/world/africa/south-sudan-violence-peace-deal/2020/05/27/3b28491a-9f8a-11ea-be06-af5514ee0385_story.html.

⁷ Justin Lynch, Robbie Gramer, Diplomats Fear a Collapse of South Sudan's Latest Peace Deal, FOREIGN POLICY (March 5, 2020), <https://foreignpolicy.com/2020/03/05/south-sudan-peace-deal-diplomats-fear-collapse/>.

⁸ <https://reports.unocha.org/en/country/south-sudan>.

⁹ South Sudan: Evidence of violations and illicit concealment of arms must spur UN to renew arms embargo, AMNESTY INTERNATIONAL (April 30, 2020), www.amnesty.org/en/latest/news/2020/04/south-sudan-evidence-of-violations-and-illicit-concealment-of-arms-must-spur-un-to-renew-arms-embargo/.

¹⁰ South Sudan Situation Report, UN Office for the Coordination of Humanitarian Affairs, United Nations, March 27, 2020, <https://reports.unocha.org/en/country/south-sudan>.

¹¹ Press Release, COVID-19 Potentially Greatest Threat to South Sudan's Already Fragile Health System, Special Representative Warns Security Council, United Nations (June 23, 2020), <https://www.un.org/press/en/2020/sc14221.doc.htm>.

¹² South Sudan: Poor macroeconomic conditions and COVID-19 to escalate Emergency (IPC Phase 4) outcomes by mid-2020, FAMINE EARLY WARNING SYSTEMS NETWORK (April 2020), <https://fews.net/east-africa/south-sudan/food-security-outlook-update/may-2020>.

¹³ 5 crisis zones threatened by a coronavirus "double emergency," International Rescue Committee (April 9, 2020), www.rescue.org/article/5-crisis-zones-threatened-coronavirus-double-emergency.

¹⁴ *Id.*

¹⁵ Maura Ajak and Cara Anna, Virus outbreak could spin 'out of control' in South Sudan, AP (June 22, 2020) <https://apnews.com/265a7d7cbb6bb6ec29f4bcb1c69e739d>.

¹⁶ Devastating South Sudan coronavirus deaths, 'a tragedy that can be prevented', Security Council hears, UN NEWS (June 23, 2020), <https://news.un.org/en/story/2020/06/1066952>.

¹⁷ Humanitarian Needs Overview: South Sudan, Humanitarian Program Cycle 2020, UN OFFICE FOR THE COORDINATION OF HUMAN AFFAIRS (Nov. 2019), <https://reliefweb.int/report/south-sudan/south-sudan-humanitarian-needs-overview-2020-november-2019>.

¹⁸ INA § 244(b)(1).

knowledge or resources to previously apply for TPS. The current administration has not utilized TPS redesignation for any country. Failure to redesignate is a sharp departure from past practice, particularly for Syria, South Sudan, and Yemen, as these countries received 18-month extensions and redesignations at *every* previous decision since their original designation under previous administrations.

The March 2019 Federal Register Notice redesignating TPS for South Sudan stated:

[T]he Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting South Sudan's TPS designation remain . . . Since the 2017 extension of TPS for South Sudan, all parties to the conflict have continued to violate international humanitarian law and perpetrated serious human rights abuses against civilians.¹⁹

Given that these conditions have continued, and in some cases worsened, redesignation for South Sudan is warranted. Failure to redesignate would have profound human consequences. More recently arrived people from South Sudan and those who did not previously apply for TPS are excluded from employment authorization and protection from deportation, even though their need is just as acute as current TPS holders. Upwards of 2,661 eligible South Sudanese nationals in the United States could benefit from extension and redesignation.²⁰ Granting an 18-month extension and redesignation of TPS for South Sudan is in the interest of the United States and needed to uphold our commitments to South Sudan, the global community, and American foundational principles. Maximum protection is also called for in the name of morality, humanity, Catholic social teaching, and other interfaith values which unequivocally demand welcome and protection for those in need.

South Sudanese TPS holders are cherished members of American society. Like all TPS holders, they are family members and parents of U.S. citizens. Failure to extend TPS for 18 months would devastate these families, putting them at risk of being torn apart. South Sudanese TPS holders are also vital members of the U.S. economy. Terminating TPS results in employers losing workers and having to absorb turnover costs. It reduces contributions to Social Security, Medicare, and the other ways TPS holders help support their local, state, and national economies.²¹ TPS holders also provide unofficial foreign aid from the United States to their home countries through remittances sent back to families and friends.²² For many living in TPS-designated countries, these remittances are their lifelines. The United States has made commitments to help restore stability in South Sudan and to assist those that have been impacted by the protracted violence.²³ TPS is a piece of that commitment – ensuring that others will not be put in harm's way and vital remittances will not be cut off.

IV. Conclusion

For the above mentioned reasons CLINIC urges you to extend for 18 months and redesignate TPS for South Sudan in line with Congressional intent, cherished American and interfaith values, and morality. We hope you will reflect upon the words of Pope Francis as you make your decision: “Let us treat others with the same passion and compassion with which we want to be treated. Let us seek for others the same possibilities which we seek for ourselves. Let us help others to grow, as we would like to be helped ourselves. In a word, if we want security, let us give security; if we want life, let us give life; if we want

¹⁹ 84 Fed. Reg. 13690 (March 5, 2019), www.federalregister.gov/documents/2019/04/05/2019-06746/extension-of-the-designation-of-south-sudan-for-temporary-protected-status.

²⁰ How Many South Sudanese Nationals Would Benefit Under Redesignation of Temporary Protected Status, Temporary Protected Status Advocacy Working Group, August 17, 2020, <https://bit.ly/324hjWF>.

²¹ Nicole Prchal Svajlenka, What Do We Know About Immigrants With Temporary Protected Status?, Center for American Progress (February 11, 2019), www.americanprogress.org/issues/immigration/news/2019/02/11/466081/know-immigrants-temporary-protected-status/.

²² *Id.*

²³ U.S. Relations With South Sudan, U.S. DEPARTMENT OF STATE (Aug. 10, 2018), www.state.gov/r/pa/ei/bgn/171718.htm.

opportunities, let us provide opportunities. The yardstick we use for others will be the yardstick which time will use for us.”

We thank you for your consideration of our analysis as well as supporting documentation on current country conditions in South Sudan. We are at your disposal to discuss and to answer any questions by email, phone, or in-person engagement. Please contact our Director of Advocacy, Jill Marie Bussey, at jbussey@cliniclegal.org or (240) 353-5208.

Sincerely,

/s/

Anna Marie Gallagher
Executive Director
Catholic Legal Immigration Network, Inc.

cc: James W. McCament, Deputy Under Secretary, Department’s Office of Strategy, Policy and Plans, U.S. Department of Homeland Security
Michael R. Pompeo, Secretary, U.S. Department of State