



June 4, 2021

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

RE: REQUEST FOR 18-MONTH EXTENSION AND REDESIGNATION OF TPS FOR SOMALIA

Dear Secretary Mayorkas:

The below 119 organizations request an 18-month extension and redesignation of Temporary Protected Status (TPS) for Somalia. Somalia's TPS designation is set to expire September 17, 2021, but Somalia is still experiencing armed conflict and extraordinary conditions that make safe return impossible. New and escalating government corruption and natural disasters qualify Somalia for redesignation as well. Both extension and redesignation are vital to safeguard the lives of both current TPS holders and Somalis who have arrived in the United States since the last redesignation in 2012. Given current conditions in Somalia, the maximum protection of an 18-month extension and redesignation is both legally and morally warranted.

By statute, the Secretary of Homeland Security must decide on Somalia TPS by July 19, 2021. We call for a decision, publication of a Federal Register Notice, at least a 180-day registration period for both current TPS holders and those who would benefit under redesignation, and launch of a public education campaign to inform the impacted community by that date.

Temporary Protected Status

TPS allows people from a designated country to remain in the United States while conditions in their home country make safe return impossible. The Secretary of Homeland Security can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions. TPS allows its beneficiaries to stay in the United States during the designation period and to receive work permits. It is a life-saving protection, including for those who are ineligible for or who have been denied asylum but would be in danger if returned to their home country.

Conditions that Merit Extension of TPS

*"The country is currently a terrorist safe haven."*¹

In the March 2020 extension for Somalia, DHS called Somalia a "terrorist safe haven." This has not changed, despite the US' counter-terrorism collaboration with Somalia. A September 2020 report to Congress found that despite international anti-terrorism efforts, "al-Shabaab retains freedom of movement in many parts of southern Somalia and has demonstrated an ability and intent to attack outside of the country, including targeting U.S. interests."² Somali security forces are "unable to contain the threat," and

¹ 85 Fed. Reg. 14229 (Mar. 11, 2020), <https://www.federalregister.gov/documents/2020/03/11/2020-04976/extension-of-the-designation-of-somalia-for-temporary-protected-status>.

² "East Africa Counterterrorism Operation: Lead Inspector General Report to the United States Congress," U.S. Department of Defense (Sept. 30, 2020), <https://www.oversight.gov/sites/default/files/oig-reports/LEAD%20IG%20EAST%20AFRICA%20AND%20NORTH%20AND%20WEST%20AFRICA%20COUNTERTERRORISM%20OPERATIONS.PDF>.



USAFRICOM characterizes al-Shabaab “as the most ‘dangerous,’ ‘capable,’ and ‘imminent’ threat on the African continent.”³

On April 1, 2021, the Biden administration continued Somalia’s national emergency declaration, citing piracy, armed robbery, activities in support for al-Shabaab, governmental corruption, and acts of violence committed against civilians in Somalia, all of which contribute to the “deterioration of the security situation and the persistence of violence in Somalia.”⁴

*“Civilians continue to suffer human rights abuses.”*⁵

In 2020, DHS listed arbitrary killings, forced disappearances, torture, arbitrary detention, forced evictions, sexual abuse, and child recruitment among the ongoing human rights abuses in Somalia as reasons for its TPS extension. The State Department’s 2020 Country Human Rights Report confirms that all of these abuses continue.⁶ The report found that there were 491 killings between November 2019 and August 2020, and although al-Shabaab was the primary perpetrator, state and AMISOM forces were also responsible for some of the deaths.⁷ There were also credible reports of arbitrary detentions of journalists, and well as torture by the government.⁸

According to the UN Office for Coordination of Humanitarian Affairs (OCHA), there were over 100,000 evictions between January and September of 2020.⁹ As camps for internally displaced people (IDP camps) overflowed, some families were forced to camp on private lands. This resulted in mass evictions, which have been devastating during the pandemic as housing is “one of the most significant protective measures against the [COVID-19] virus.”¹⁰

Sexual abuse remained systemic and unaddressed in 2020, with 139 reports of sexual violence against girls in just the first six months of the year.¹¹ The perpetrators in 107 of these cases were not identified or apprehended.¹² New sex crimes legislation also threatened a regression in women’s rights. The Sexual Intercourse Related Crimes Law introduced in parliament attempted to legalize child marriage and weaken protections for sexual assault survivors. Although the bill did not pass, its introduction upstaged the momentum of a 2018 bill that would greatly strengthen rights for women and girls.¹³

Al-Shabaab continued recruiting children in 2020. According to the United Nations, “535 children were recruited between January and June 2020, some as young as 13 years old. Al-Shabaab was responsible for

³ *Id.*

⁴ 86 Fed. Reg. 17673 (Apr. 1, 2021), <https://www.federalregister.gov/documents/2021/04/05/2021-07124/continuation-of-the-national-emergency-with-respect-to-somalia>.

⁵ 85 Fed. Reg. 14229.

⁶ “2020 Country Reports on Human Rights Practices: Somalia,” U.S. Department of State (Mar. 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/somalia/>.

⁷ *Id.*

⁸ *Id.*

⁹ “Somalia: Actions Taken in Support of the Protection against Forced Evictions during COVID-19,” UN OCHA (Sept. 7, 2020), <https://reliefweb.int/sites/reliefweb.int/files/resources/protection%20against%20forced%20evictions%20during%20COVID-19.pdf>

¹⁰ “Somalia: Internally Displaced People Surviving by ‘the Grace of God’ Amidst COVID-19,” Amnesty International (July 21, 2020), <https://www.amnesty.org/en/latest/news/2020/07/somalia-internally-displaced-people-surviving-by-the-grace-of-god-amidst-covid19/>.

¹¹ “Letter Dated 28 September 2020 from the Chair of the Security Council Committee Pursuant to Resolution 751 (1992) Concerning Somalia Address to the President of the Security Council,” United Nations Security Council Committee (Sept. 28, 2020), <https://www.undocs.org/en/S/2020/949>.

¹² *Id.*

¹³ “2020 Country Reports on Human Rights Practices: Somalia,” U.S. Department of State (Mar. 30, 2021), <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/somalia/>.

over 75% of the cases.”¹⁴ The Somali police force detained at least 26 boys for their association with various armed groups, in violation of international standards that require child soldiers to be treated as victims, not perpetrators.¹⁵

“Approximately 4.2 million Somalis... required humanitarian assistance in 2019.”¹⁶

According to OCHA, “5.9 million people are expected to be in need of humanitarian assistance” in Somalia in 2021, an increase of 1.7 million from 2019.¹⁷ Displacement in 2020 was also higher than in 2018 and 2019, with more than 885,000 people newly displaced in the first 8 months due to armed conflict and natural disasters.¹⁸ This was a 70% increase compared to displacement during the same period in 2019.¹⁹

COVID-19 has greatly increased humanitarian need in the country. In an Amnesty International report, interviewees living in IDP camps said “access to health care was limited and there were no COVID-19 testing facilities in IDP camps.” One woman reported having to give birth at home without a midwife because there were none available and the clinic was closed. NGO workers said their health operations were cut by half due to the pandemic.²⁰ The lack of health care is reflected in the fact that Somalia still has the second highest infant mortality rate in the world.²¹

“Somalia experienced signs of economic recovery in 2018,”²² but has since lost ground.

Though DHS expressed optimism for Somalia’s economy in its 2020 TPS designation, that progress has unfortunately been lost. Due to armed conflict, the pandemic, and natural disasters, Somalia’s economy has actually contracted by 1.5% since the last TPS extension.²³ The poverty rate is expected to remain at 71% over the next two years as unemployment increases and remittances from Somalis abroad decrease due to the economic recession.²⁴ While per capita income in 2018 was \$332, it decreased to \$314.50 in 2019.²⁵

TPS for Somalia Must be Redesignated to Protect Human Life

Redesignation is a tool to add or change reasons for a TPS designation and/or provide protection to more recently arrived people by moving forward residence and physical presence requirements. Redesignation serves the purpose and principles that led Congress to create TPS: the U.S. should provide safe haven and not return people to countries where their lives or freedom would be at risk. The need for protection from the conditions in Somalia is the same whether a person is a current TPS holder or more recently arrived. Redesignation is merited, given new circumstances of government corruption and natural disasters in the country.

¹⁴ “Letter Dated 28 September,” UN Security Council Committee (Sept. 28, 2020).

¹⁵ “Situation in Somalia: Report of the Secretary-General,” United Nations Security Council (Aug. 13, 2020), <https://www.undocs.org/en/S/2020/798>.

¹⁶ 85 Fed. Reg. 14229.

¹⁷ “Humanitarian Needs Overview: Somalia,” UN Office for the Coordination of Humanitarian Affairs (Jan. 2021), https://reliefweb.int/sites/reliefweb.int/files/resources/20200903_HNO_Somalia.pdf.

¹⁸ “Humanitarian Bulletin: Somalia,” UN OCHA (Sept. 3, 2020).

¹⁹ *Id.*

²⁰ “Somalia: Internally Displaced People,” Amnesty International (July 21, 2020).

²¹ “The World Factbook: Somalia,” CIA (May 3, 2021), <https://www.cia.gov/the-world-factbook/countries/somalia>.

²² 85 Fed. Reg. 14229.

²³ “The World Bank in Somalia,” World Bank (Mar. 18, 2021), <https://www.worldbank.org/en/country/somalia/overview#1>.

²⁴ “Somalia Economic Outlook,” African Development Bank Group (2021), <https://www.afdb.org/en/countries-east-africa-somalia/somalia-economic-outlook>.

²⁵ “Statista Country Report: Somalia 2020,” Statista (Sept. 2020), <https://www.statista.com/study/48483/somalia/>.

Government Corruption: On April 12, 2021, Somalia's President Mohamed Abdullahi Mohamed signed a law to allow him to stay in power two years beyond his original term.²⁶ While Mohamed claimed the extension was warranted to give him time to create a one-person one-vote election system, Secretary of State Antony Blinken warned that the move would compel the United States to consider sanctions and visa restrictions "to respond to efforts to undermine peace and stability."²⁷ Although Mohamed caved to international pressure and his parliament cancelled his term extension on May 1st, his original decision to overstay his term led to protests and violence that resulted in the deaths of as many as 20 people.²⁸

Natural Disaster: OCHA estimates that at least 112,000 Somalis were displaced in the first three months of 2021, over one third of whom were displaced by drought.²⁹ Somalia declared a national emergency in 2020 in response to the largest locust infestation in 25 years.³⁰ Farms have been destroyed by floods and locusts, causing massive food insecurity in the country.³¹ According to the Somalia NGO Consortium, water shortages mean that over 50% of Somalis do not have access to clean water.³² The Consortium warns that "severe drought is looming" and that the humanitarian community must begin preparing to respond.³³ However, as of early April 2021, only 3.9% of the \$1.09 billion needed for the response has been disbursed.³⁴

Extension and Redesignation of TPS for Somalia is in the United States' Best Interests

The Biden administration has stated that one of its immediate priorities is "championing America's values and human rights."³⁵ Extending and redesignating TPS for Somalia would further America's values of increasing national security by giving Somalis in the U.S. the stability that they would not experience in Somalia. Allowing Somalis to stay in the U.S. would prevent terrorist groups from being able to recruit vulnerable people, thus advancing U.S. efforts to fight these groups. It would also demonstrate our commitment to human rights, including the principle of *non-refoulement* that no one should be returned to a country where his or her life is in danger.

Conclusion

We are calling on you to extend for 18 months and redesignate TPS for Somalia, to publish a Federal Register Notice, and to launch a public information campaign to notify the impacted community of the decision and any actions they must take by July 19, 2021. Given the COVID-19 pandemic, we call for at least a 180-day registration period for both current TPS holders and those who would benefit under

²⁶ Walsh, Declan. "Somalia's President Extends Term by Two Years, Drawing Condemnation," New York Times (Apr. 30, 2021), <https://www.nytimes.com/2021/04/14/world/africa/somalia-president.html>.

²⁷ "US, EU Condemn Move to Extend Somalia President's Term," Al Jazeera (Apr. 14, 2021), <https://www.aljazeera.com/news/2021/4/14/us-eu-condemn-move-to-extend-somalia-presidents-term>.

²⁸ Dahir, Abdi Latif and Megan Specia. "Gunfire at Mogadishu Protest Intensifies Somali Election Impasse," New York Times (Apr. 14, 2021), <https://www.nytimes.com/2021/02/19/world/africa/violence-mogadishu-somali-elections.html>.

²⁹ "Drought in Somalia Forces Displacement, Posing Particular Challenges for Women and Girls," United Nations Population Fund (Apr. 22, 2021), <https://www.unfpa.org/news/drought-somalia-forces-displacement-posing-particular-challenges-women-and-girls>.

³⁰ "Somalia Declares Emergency over Locust Swarms," BBC (Feb. 2, 2020), <https://www.bbc.com/news/world-africa-51348517>.

³¹ "Somalia: New Swarms of Desert Locusts Pose a Threat to Farmlands," ICRC (Dec. 14, 2020), <https://reliefweb.int/report/somalia/somalia-new-swarms-desert-locusts-pose-threat-farmlands>.

³² "Looming Severe Drought in Somalia if Rains Fail," Somalia NGO Consortium (Apr. 6, 2021), <https://reliefweb.int/report/somalia/looming-severe-drought-somalia-if-rains-fail-enso>.

³³ *Id.*

³⁴ *Id.*

³⁵ "The Biden-Harris Administration Immediate Priorities," The White House (2021), <https://www.whitehouse.gov/priorities/>.



redesignation. Please contact Lisa Parisio at lparisio@cliniclegal.org with any questions or to arrange for stakeholder engagement. Thank you.

Sincerely,

African Career, Education & Resources, Inc.
African Communities Together
Aldea - The People's Justice Center
Alianza Americas
Alianza Sacramento
America's Voice
American Friends Service Committee, Colorado
American-Arab Anti-Discrimination Committee (ADC)
Asylum Seeker Advocacy Project (ASAP)
Black Alliance for Just Immigration
Black LGBTQIA+ Migrant Project (BLMP)
Bulsho Trust
CAIR-Minnesota
Campaign for Immigrant Detention Reform (CIDR)
Carmelites, Vedruna
Catholic Charities of SW Kansas
Catholic Charities of Tompkins/Tioga
Catholic Legal Immigration Network, Inc.
Catholic Social Services
Center for Gender & Refugee Studies
Center for Victims of Torture
Central American Resource Center (CARECEN-LA)
Central American Resource Center of Northern CA - CARECEN SF
Centro Romero
Church of Our Saviour-La Iglesia de Nuestro Salvador
Church of the Ascension, NYC
Church Women United in New York State
Church World Service
Cleveland Jobs with Justice
Colorado Jobs with Justice
Communities United for Status and Protection (CUSP)
Congregation of Our Lady of Charity of the Good Shepherd, US Provinces
Congregation of Sisters of St. Agnes
Connecticut Shoreline Indivisible
Council on American-Islamic Relations (CAIR)
Disciples Immigration Legal Counsel
Dominican Sisters of Sinsinawa
End Domestic Abuse WI
Faith in Public Life
First Focus on Children
Florence Immigrant & Refugee Rights Project
Franciscan Action Network
Greater New York Labor-Religion Coalition
Grey Nuns of the Sacred Heart



Haitian Bridge Alliance
Heartfelt Tidbits
Hispanic Federation
Hispanic Liaison/El Vínculo Hispano
Human Rights First
Human Rights Initiative of North Texas
ICNA Council for Social Justice
IHM Sisters - Justice, Peace and Sustainability Office
International Institute of New England
International Institute of St. Louis
Isuroon (Strong Women, Strong Communities)
JPIC Office, Stuart Center
Justice Action Center
Law Office of Helen Lawrence
Leadership Conference of Women Religious
Legal Aid Justice Center
Lutheran Church of Our Redeemer; Sacramento, CA
Lutheran Immigration and Refugee Service
Migrant and Immigrant Community Action Project
Mississippi Center for Justice
Mother of God Monastery
National Advocacy Center of the Sisters of the Good Shepherd
National Council of Churches
National Council of Jewish Women
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center (NILC)
National Justice for Our Neighbors
National Network for Arab American Communities (NNAAC)
National Network for Immigrant and Refugee Rights
National Organization for Women
New Sanctuary Movement of Atlanta
New York Immigration Coalition
Nicaragua Center for Community Action
North Carolina Justice Center
Northeastern University School of Law Immigrant Justice Clinic
Ohio Immigrant Alliance
OneAmerica
Oxfam America
Partnership for the Advancement of New Americans
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Poder Latinx
Provincial Council Clerics of St. Viator
Saint John's Presbyterian Church of Berkeley
Saint Patrick's Parish, Baltimore, MD
School Sisters of Notre Dame, Central Pacific Province
Sisters of Charity, BVM
Sisters of Mercy of the Americas Justice Team



Sisters of St Francis of Philadelphia
Sisters of St. Joseph of Carondelet, LA
Sisters of the Holy Cross
Sisters of the Humility of Mary
Sisters of the Most Precious Blood of O'Fallon, MO
SomaliCAN
South Asian Americans Leading Together (SAALT)
St. John's Episcopal Church, Athol MA
STEP UP! Sacramento
The Advocates for Human Rights
The Legal Project
The Revolutionary Love Project
U.S. Committee for Refugees and Immigrants (USCRI)
Union for Reform Judaism
Unitarian Universalist Service Committee
United Methodists' Holy Land Task Force
United Stateless
University YMCA New American Welcome Center
Venezuelans and Immigrants Aid, Inc.
Wallingford Indivisible
Wilco Justice Alliance (Williamson County, TX)
Win Without War
Wind of the Spirit Immigrant Resource Center
Women Watch Afrika, Inc.
Women's Alliance for Theology, Ethics, and Ritual (WATER)
Yemeni American Merchants Association