



Temporary Protected Status for Yemen

The current 18-month grant of Temporary Protected Status for approximately 1,000 Yemeni TPS holders will expire on Sept. 3, 2018 unless extended by the secretary of Homeland Security.¹ By statute, the DHS secretary must decide whether to extend and/or redesignate or terminate TPS for Yemen by July 5, 2018.²

What is TPS?

Temporary Protected Status was established by Congress through the Immigration Act of 1990.³ TPS is intended to protect foreign nationals in the United States from being returned to their home country if it became unsafe during the time they were in the United States and would put them at risk of violence,

disease or death.⁴ Under the law, the secretary of the Department of Homeland Security may designate a country for TPS in three scenarios:⁵

- A. Ongoing armed conflict (such as a civil war) that would pose serious threat to the personal safety of nationals of the affected country;⁶
- B. 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;⁷ or
- C. Other extraordinary and temporary conditions that prevent people from the country from

1 Estimates of the current number of Yemeni TPS holders vary. For the purposes of this resource, CLINIC relies on information provided in the most recent Federal Register Notice. See 82 Fed. Reg. 859 (Jan. 4, 2017), www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status. A Congressional Research Service report of January 2018, indicates there are over 1,100 Yemenis with TPS. See Jill H. Wilson, *Temporary Protect Status: Overview and Current Issues*, Congressional Research Service (Jan. 17, 2018), <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

2 INA § 244 (b)(3)(A); 82 Fed. Reg. 859 (Jan. 4, 2017), www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status.

3 Jill H. Wilson, *Temporary Protect Status: Overview and Current Issues*, Congressional Research Service (Jan. 17, 2018), <https://fas.org/sgp/crs/homesecc/RS20844.pdf>.

4 *Id.*

5 INA §244 (b).

6 INA §244 (b)(1)(A).

7 INA §244 (b)(1)(B).

safely returning home as long as it is not against the national interest of the United States to allow them to remain.⁸

TPS may be designated or extended in six, 12 or 18-month increments.⁹ 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.¹⁰ The decision must be published on a timely basis in the Federal Register.¹¹ Under the law, TPS may be extended as many times as necessary, as long as the dangerous country conditions continue.¹² TPS can also be re-designated for a country simultaneously with an extension or independently.¹³

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.¹⁴ If granted, recipients are temporarily protected from deportation and may receive work authorization to support themselves while they remain in the U.S.¹⁵

TPS does not provide a path to lawful permanent resident status or citizenship.¹⁶

Why was Yemen designated for TPS?

Yemen was originally designated for TPS on Sept. 3, 2015, in response to the escalating violence in the country, which erupted in the summer of 2014 when the Houthis, a religious-political armed movement, began their takeover of Yemen.¹⁷ In September 2014, the Houthis captured the capital city, Sana'a, removing the Yemeni government from power and placing its leaders under house arrest.¹⁸ The Yemeni president and other members of government left Yemen for Saudi Arabia soon after and organized air strikes and attacks against the Houthis, with more than 10 countries supporting the effort.¹⁹

Military actions quickly led to a massive, severe humanitarian crisis affecting Yemeni civilians in nearly all of the country.²⁰ By the time TPS was first designated for Yemen, 1.3 million people had been internally displaced by the conflict, nearly 4,000 had been killed and 18,000 wounded.²¹ The war rapidly created a horrific food shortage, as Yemen relies on imports for 90 percent of its food supply.²² At the time of the original TPS designation, 12.9 million Yemenis—half of the country's population—were food insecure, with five million classified as severely food insecure.²³ Airstrikes and combat also destroyed hospitals and health care facilities, airports, bridges, roads, water and sanitation systems, the electricity grid, schools and other vital private and public infrastructure.²⁴

8 INA §244 (b)(1)(C).

9 INA §244 (b)(2)(B).

10 INA §244 (b)(3)(A).

11 *Id.*

12 *See generally* INA §244.

13 *Id.*

14 INA §244 (a)(1).

15 INA §244 (a)(1)(A); INA §244 (a)(1)(B).

16 *See generally* INA §244.

17 80 Fed. Reg. 53319 (Sept. 3, 2015), www.federalregister.gov/documents/2015/09/03/2015-21881/designation-of-the-republic-of-yemen-for-temporary-protected-status.

18 *Id.*

19 *Id.*

20 *Id.*

21 *Id.*

22 *Id.*

23 *Id.*

24 *Id.*

Why should TPS for Yemen be extended and redesignated?

Today, Yemen is in its fourth year of brutal war and conditions for Yemeni civilians continues to deteriorate. In April 2018, the UN Secretary-General labeled the situation in Yemen the world's worst humanitarian crisis.²⁵ Three-quarters of the population, some 22 million Yemenis, urgently need humanitarian assistance.²⁶ More than two million people are internally displaced in Yemen, with nearly 90 percent of them displaced for longer than a year.²⁷ The food crisis continues to grow, now with 17.4 million food insecure people and 8.4 million experiencing severe food insecurity.²⁸ The United Nations anticipates these numbers could double by the end of 2018.²⁹ Experts warn that famine is on the horizon.³⁰ More than 130 children die every day in Yemen from hunger and disease.³¹ The Yemeni people also face one of the worst cholera epidemics ever recorded, with more than one million documented cases so far, claiming 2,000 lives.³² Bombing and

conflict affect at least half of Yemen's hospitals and health care facilities.³³ There is also intentional targeting of public water systems in military action, meaning there is little hope of stopping the outbreak.³⁴ In addition to cholera, the state of infrastructure and lack of sufficient humanitarian aid has led to the spread of more treatable diseases such as diphtheria and measles.³⁵ In April 2018, the UN Secretary General said that in Yemen, "treatable illnesses become a death sentence."³⁶

In addition to the health care, water and sanitation systems, other vital infrastructure has been ruined.³⁷ In the most recent extension and redesignation of TPS for Yemen, the United States cited that half of children in Yemen are unable to attend school because of the destruction or military takeover of buildings.³⁸ The country is riddled with landmines, which the U.S. government expects will take years to clear when the conflict ends.³⁹ Weddings, funerals and hospitals are deliberately targeted by airstrikes.⁴⁰

Arbitrary arrests, detention and torture are prevalent,

25 Daniel Nikbakht and Sheena McKenzie, *The Yemen war is the world's worst humanitarian crisis, UN says*, CNN (April 3, 2018), www.cnn.com/2018/04/03/middleeast/yemen-worlds-worst-humanitarian-crisis-un-intl/index.html.

26 *Yemen: All Sides Fuel Humanitarian Crisis*, Human Rights Watch (Jan. 18, 2018), www.hrw.org/news/2018/01/18/yemen-all-sides-fuel-humanitarian-crisis; *With 22 Million People across Yemen Suffering, \$2.96 Billion Humanitarian Response Must Be Fully, Rapidly Funded, Secretary-General Tells Pledging Conference*, United Nations (April 3, 2018), www.un.org/press/en/2018/sgsm18968.doc.htm.

27 *Yemen UNHCR Update, March 2018*, UNHCR (March 2018), <https://reliefweb.int/report/yemen/yemen-unhcr-update-march-2018>.

28 *Under-Secretary General for Humanitarian Affairs and Emergency Relief Coordinator Mark Lowcock: Statement on the situation in Yemen*, ReliefWeb (May 2018), <https://reliefweb.int/sites/reliefweb.int/files/resources/ERC%20USG%20Mark%20Lowcock%20on%20Yemen%2024May2018.pdf>.

29 *Id.*

30 *Yemen*, FEWS Net (April 2018), <http://fews.net/east-africa/yemen>.

31 *130 Children Are Dying Every Day in Yemen, Aid Group Says*, Bloomberg News (Nov. 16, 2017), <https://www.bloomberg.com/news/articles/2017-11-16/save-the-children-says-130-children-die-every-day-in-yemen>.

32 Emma Batha, *Yemen risks new cholera outbreak as rainy season begins*, Reuters (May 3, 2018), www.reuters.com/article/us-yemen-cholera/yemen-risks-new-cholera-outbreak-as-rainy-season-begins-idUSKBN1I42T6.

33 *Id.*

34 *Id.*

35 *Yemen Humanitarian Update Covering April 2018*, UN Office for the Coordination of Humanitarian Affairs (April 2018), https://reliefweb.int/sites/reliefweb.int/files/resources/201800409_Humanitarian_Update_Final.pdf.

36 *Remarks by the Secretary General to the Pledging Conference on Yemen*, United Nations Office at Geneva (April 3, 2018), [www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument).

37 82 Fed. Reg. 859 (Jan. 4, 2017), www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status.

38 *Id.*

39 *Id.*

40 Arwa Ibrahim, *Tales of torture and horror: Inside Houthi prisons in Yemen*, Al Jazeera (June 10, 2018), www.aljazeera.com/indepth/features/tales-torture-horror-houthi-prisons-yemen-180530085005320.html.

Figure 1: 2017 and 2018 Comparison

	2017	2018
Cholera Cases	15,658 (Jan. 2017)	1.1 million+ (April 2018)
Food Insecure People	14 million (Jan. 2017)	17.4 million (May 2018)
People in need of humanitarian aid	18.8 million (2017)	22.2 million (2018)

with journalists and medical workers high on the target list.⁴¹ Those who survive have reported being hung from ceilings, dipped in water and electrocuted, burned, having their fingernails ripped off, being locked underground in suffocating cells, locked in cells with snakes, etc.⁴² Sexual violence, forced child marriage and labor, and recruitment of child soldiers is widespread.⁴³ Despite many of the societal constraints on reporting sexual violence in Yemen, reports are up 30 percent.⁴⁴

What will the impact be if TPS for Yemen is not extended and redesignated?

More than 1,000 Yemenis in the United States are protected from being returned to the atrocities in Yemen because they have TPS.⁴⁵ A failure to extend TPS would risk the life and safety of any TPS holder returned to Yemen. The United States must redesignate TPS for Yemen—which would allow more recently arrived Yemenis to be eligible to apply for TPS—as was done at the last decision date for Yemen. Then, the United States found that redesignation was warranted “due to the continued deterioration of the conditions for civilians in Yemen and the resulting need to offer protection to individuals who have arrived in the United States after the eligibility cutoff dates established by Yemen’s previous designation.”⁴⁶

41 *Id.*

42 *Id.*

43 *Remarks by the Secretary General to the Pledging Conference on Yemen*, United Nations Office at Geneva (April 3, 2018), [www.unog.ch/unog/website/news_media.nsf/\(httpNewsByYear_en\)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument](http://www.unog.ch/unog/website/news_media.nsf/(httpNewsByYear_en)/27F6CCAD7178F3E9C1258264003311FA?OpenDocument).

44 *Id.*

45 82 Fed. Reg. 859 (Jan. 4, 2017), www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status.

46 *Id.*

The situation in Yemen is even more dire today. TPS must be extended and redesignated.

Why is extending and redesignating TPS for Yemen in line with American values and interests?

The United States has a long history of providing relief to victims of catastrophic events, war, violence and natural disasters. TPS reflects our country’s values by protecting people from life-threatening conditions outside of their control. These values were codified in the TPS statute.

Americans hold themselves to high standards when it comes to the humane treatment of people. U.S. immigration law, including TPS, reflects respect for the lives and dignity of people who, without protection, would be returned to hazardous, if not deadly, circumstances. American values, including interfaith values, demand that the United States extend and redesignate TPS to protect Yemeni TPS holders and more recently arrived Yemenis. Continued TPS for Yemen satisfies our moral and international obligations until greater progress is made to ensure innocent people are not returned to dangerous conditions.