

December 22, 2017

The Honorable Secretary Kirstjen Nielsen
U.S. Department of Homeland Security
650 Massachusetts Avenue NW
Washington, DC 20001

The Honorable Secretary Rex Tillerson
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Cc: L. Francis Cissna, Director of U.S. Citizenship and Immigration Service
Cc: Cameron Quinn, DHS Officer for Civil Rights and Civil Liberties

Re: Request for Extension and Redesignation of Syria for TPS

SCANNED/RECEIVED
BY EXEC SEC
2018 JAN 11 AM 10:37

Dear Secretary Nielsen and Secretary Tillerson:

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 make up 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 a request for TPS extension and redesignation in April 2013, November 2014, and March 2016 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' redesignation of Syria for TPS on August 1, 2016, effective through March 31, 2018. With the March 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 of 2016. Last year's designation is limited and does not help many of the Syrian nationals who have been severely affected by the perpetuation of the armed conflict since the 2016 redesignation.

Thus, all Syrian nationals who fled to the United States in the past year are not eligible to apply for TPS. We request that you redesignate Syria for TPS to allow eligible Syrian nationals to register and apply for TPS 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 nationals"⁴; 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 departure from historic U.S. policy. Since TPS was established in 1990, designations for countries in armed conflict have only been terminated after lasting ceasefires were established, armed groups began demobilizing, and

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).

refugees started 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 unfulfilled.

Small Burden on the United States

Extension, redesignation, and a delayed implementation date will pose little burden on the U.S. Relatively few Syrians are able to obtain the documentation and travel arrangements necessary to come to the United States. For instance, when DHS redesignated Syria for TPS in August 2016, DHS estimated that there were approximately 5,800 individuals who will be eligible to re-register for TPS under the existing designation and approximately 2,500 additional individuals who might be eligible to apply for TPS under the redesignation.⁷ By contrast, DHS has designated other countries for TPS which have had much larger projected numbers of eligible beneficiaries. For example, DHS designated El Salvador for TPS in 2012 with 212,000 projected eligible beneficiaries and Honduras in 2012 with 64,000.^{8,9}

The ability of Syrian nationals to engage in employment in the United States under TPS will also ease the burden on U.S. hosts.¹⁰ Syrian nationals will not only be able to contribute to the U.S. economy but also contribute their skills and knowledge to key fields including mathematics and sciences.¹¹ Further, granting TPS to Syrian nationals will not place a burden on our welfare system as TPS beneficiaries are ineligible for welfare benefits such as Social Security.¹² Further, TPS beneficiaries are ineligible for legal permanent residence, citizenship, or any permanent legal status in the U.S.¹³

The failure to extend and redesignate Syria for TPS, in contrast, could impose a burden on the immigration system. When TPS designations end, beneficiaries return to the same immigration standing they had before receiving protection. Many of the current Syrian beneficiaries lack prior standing in the United States. If the continued violence in Syria remains prohibitive to their safe

⁶ Termination Reports, "Temporary Protected Status." Department of Justice. Accessed December 18, 2017. <https://www.justice.gov/eoir/temporary-protected-status>.

⁷ Extension and Redesignation of Syria for Temporary Protected Status, 81 Fed. Reg. 50533, (August 1, 2016).

⁸ Extension of the Designation of El Salvador for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Salvadoran TPS Beneficiaries, 77 Fed. Reg. 1710, 1712 (Jan. 11, 2012).

⁹ Extension of the Designation of Honduras for Temporary Protected Status and Automatic Extension of Employment Authorization Documentation for Honduran TPS Beneficiaries, 76 Fed. Reg. 68488, 68490 (Nov. 4, 2011).

¹⁰ 8 U.S.C. § 1254a (B).

¹¹ See Center for American Progress, The Facts on Immigration Today , Oct. 2014.

¹² 70B Am. Jur. 2d Soc. Sec. & Medicare § 913 (2005).

¹³ Temporary Protected Status, 8 U.S.C. § 1254a(c)(1)(A)(i) (2000).

return, it is possible that beneficiaries may be left with no recourse but to remain in the United States unlawfully. Enforcement of the change in TPS status may be more costly than renewal.

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.”¹⁴ 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.¹⁵ At that time, DHS noted that “Observers generally agree that the conflict has become increasingly violent and militarized.”¹⁶ The notice cited United Nations estimates that “approximately 7,500 Syrians have been killed since the violence began,” 100,000 to 200,000 Syrians are internally displaced, and approximately 35,000 Syrians have sought refuge in neighboring countries.¹⁷

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.”¹⁸ DHS stated that “the extension [was] based on ongoing armed conflict in that region and the continued deterioration of country conditions.”¹⁹ DHS Secretary Jeh Johnson “determined that an extension and redesignation [was] warranted because the extraordinary and temporary conditions in Syria that prompted the 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

¹⁴ Designation of Syrian Arab Republic for Temporary Protected Status, 77 Fed. Reg. 61,19026 (Mar. 29, 2012).

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ 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/dhsannouncesredesignationand18monthextensiontemporaryprotectedstatussyria>; Extension and Redesignation of Syria for Temporary Protected Status, 78 Fed. Reg. 116,3622336229 (June 17, 2013).

¹⁹ *Id.*

safety of Syrian nationals if they were required to return to their country.”²⁰

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.”²¹ 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.²²

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.”²³ 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.”²⁴

Perpetuation of Syria’s Armed Conflict

On March 14, 2017, the UN High Commissioner for Human Rights Zeid Bin Raad Al-Hussein described the situation in Syria saying, “Today, in a sense the entire country has become a

²⁰ Extension and Redesignation of Syria for Temporary Protected Status, 78 Fed. Reg. 166, (June 17, 2013).

²¹ Extension and Redesignation of Syria for Temporary Protected Status, 80 Fed. Reg. 245, (January 5, 2015).

²² *Id.*

²³ Extension and Redesignation of Syria for Temporary Protected Status, 81 Fed. Reg. 50535, (August 1, 2016).

²⁴ *Id.*

torture-chamber: a place of savage horror and absolute injustice. As the conflict enters its 7th year, this is the worst man-made disaster the world has seen since World War II.”²⁵

Violence in Syria has persisted since the country was redesignated for TPS on August 1, 2016. Last December’s brutal sacking of Aleppo marks one of the bloodiest moments of the conflict. Though de-escalation zones implemented in May 2017 have somewhat reduced hostilities, civilian areas like hospitals and schools are still routinely targeted.²⁶ The most heavily bombed neighborhoods are often those that are supposedly within the internationally agreed de-escalation zones.^{27, 28} In addition to the violence, over half the country is still displaced and over 13 million are in dire need of humanitarian assistance.²⁹

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 terrify and kill civilian populations, compelling people to flee. These approaches include aerial bombardment, chemical weapons attacks, sieges, manipulative ceasefires, and property seizure and destruction. On April 6, 2017 the Syrian Government’s use of chemical weapons against civilians was so egregious that it prompted a U.S. military response.³⁰ Absent a drastic change in international resolve or circumstances, these types of violations are likely to persist.³¹

a. Aerial Attacks on Civilian Populations

²⁵ UN Office of the High Commissioner for Human Rights. “High Level Panel Discussion on the Situation of Human Rights in the Syrian Arab Republic.” March 14, 2017. Accessed December 18, 2017. <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21366&LangID=E>

²⁶ “Renewed fighting in Syria intensifies, even in ‘de-escalation zones.’” Deutsche Welle. October 5, 2017. Accessed December 18, 2017.

<http://www.dw.com/en/renewed-fighting-in-syria-intensifies-even-in-de-escalation-zones/a-40826898>.

²⁷ Reuters. “Syrian, Russian jets bomb residential areas in eastern Ghouta: witnesses, monitor.” December 3, 2017. Accessed December 18, 2017.

²⁸ Homs, Nada and Anne Barnard. “Marked for De-escalation, Syrian Towns Endure Surge of Attacks.” New York Times. November 18, 2017. Accessed December 18, 2017.

<https://www.nytimes.com/2017/11/18/world/middleeast/syria-de-escalation-zones-atarib.html>.

²⁹ UN. “Despite aid deliveries, millions of Syrians still in dire need of life-saving assistance.” November 29, 2017. Accessed December 3, 2017. <https://www.un.org/press/en/2017/sc13098.doc.htm>.

³⁰ Shear, Michael and Michael Gordon. “63 Hours: From Chemical Attack to Trump’s Strike in Syria.” New York Times. April 7, 2017. Accessed December 18, 2017.

<https://www.nytimes.com/2017/04/07/us/politics/syria-strike-trump-timeline.html>.

³¹ Hubbard, Ben. “Assad’s Lesson from Aleppo: Force Works, With Few Consequences.” New York Times. December 16, 2016. Accessed December 17, 2017.

<https://www.nytimes.com/2016/12/16/world/middleeast/syria-aleppo-assad-autocrats-obama.html>.

Aerial attacks continue to be the most effective tool for displacement in the Syrian government arsenal. The Syrian Government deliberately drops barrel bombs and other munitions on non-military targets. In 2016 alone, the Syrian Government dropped over 13,000 barrel bombs.³² Since 2011, these bombs have killed at least 9,000 of people, over 97 percent of whom were civilians.^{33, 34} The bombs further destroy civilian infrastructure, making life unsustainable. Barrel bombs have obliterated schools, water, and electric infrastructure, and have been particularly successful at destroying medical facilities (including 323 field hospitals), killing 840 medical workers.^{35,36} The 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 The UN has found the Syrian Government responsible for a similar attack on a UN aid convoy in Aleppo last year.³⁸

b. Sieges

Indiscriminate aerial attacks are still often conducted in conjunction with sieges. After an area has been bombed, government forces attempt to surround the territory, cutting off food and medical aid.³⁹ Under siege, these towns or neighborhoods continue to experience regular shelling, may be cut off from all government utilities (water, electricity) and are prevented from receiving international relief.⁴⁰

³² Syrian Network for Human Rights. “No Less Than 12,958 barrel bombs dropped in 2016.” January 9, 2017. Accessed December 17, 2017. <http://sn4hr.org/blog/2017/01/09/30900/>.

³³ Syrian Network for Human Rights, cited by Alessandria Masi. “The Syrian Regime’s Barrel Bombs Kill More Civilians than ISIS and Al Qaeda Combined.” International Business Times. August 18, 2015. Accessed December 18, 2017.

<http://www.ibtimes.com/syrian-regimes-barrel-bombs-kill-more-civilians-isis-al-qaeda-combined-2057392>.

³⁴ Guha-Sapir, Deberati. “Patterns in Civilian and Child Deaths Due to War-Related Violence in Syria.” The Lancet Global Health Journal. December 6, 2017. Accessed December 17, 2017.

[http://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(17\)30469-2/fulltext?elsca1=tlpr](http://www.thelancet.com/journals/langlo/article/PIIS2214-109X(17)30469-2/fulltext?elsca1=tlpr).

³⁵ Physicians for Human Rights. “PHR Documents Worst String of Hospital Attacks in Syria Since April.” September 27, 2017. Accessed December 17, 2017.

<https://reliefweb.int/report/syrian-arab-republic/phr-documents-worst-string-hospital-attacks-syria-april>.

³⁶ Physicians for Human Rights. “Anatomy of a Crisis: A Map of Attacks on Healthcare in Syria.” Accessed December 17, 2017. https://s3.amazonaws.com/PHR_syria_map/web/index.html.

³⁷ Shaheen, Kareem. “MSF Hospital in Syria Hit by ‘doubletap’ Barrel Bombing.” The Guardian , December 1, 2015. Accessed December 3, 2015. <http://www.theguardian.com/world/2015/dec/01/syriamsfhospitalhomsbarrelbombing>.

³⁸ Cumming-Bruce, Nick and Anne Barnard. “U.N. Investigators Say Syria Bombed Convoy and Did So Deliberately.” March 1, 2017. Accessed December 18, 2017.

<https://www.nytimes.com/2017/03/01/world/middleeast/united-nations-war-crimes-syria.html>.

³⁹ “Syria’s Forgotten Victims: the Siege of Eastern Ghouta,” last modified August 12, 2015, <http://www.channel4.com/news/syriasforgottenvictimsthesiegeofeasternghouta>.

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.

The UN estimates that in 2016, the number of Syrians facing siege conditions doubled to nearly 1 million.⁴¹ International monitors maintain that nearly 1.3 million still face siege conditions throughout Syria including in the Damascus suburbs, Homs, and Idlib provinces.⁴² Several “kneel-or-starve” campaigns implemented by the Syrian Government and its allies have resulted in population swaps and the forced displacement of thousands of Syrian civilians.^{43, 44}

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

The Syrian Government has notoriously pursued a strategy of arbitrary detention, torture, and execution. On February 3, 2016, the UN Commission of Inquiry found that the Syrian Government responsible for implementing a state policy of “extermination.”⁴⁵ A report from Amnesty International shed light on the depth of this policy, finding that at least 13,000 individuals had been hanged just in one prison.⁴⁶ On May 15, 2017, the U.S. State Department further announced that the Syrian Government was using a crematorium at this prison to hide evidence of the mass executions.⁴⁷ Syrian conflict monitors have assessed that there are at least 92,000 individuals currently being held in government detention facilities.⁴⁸ If detainees are released, they often leave the country out of fear of retribution.

e. Russian Intervention on Behalf of the Syrian Government

⁴¹ “Syria Conflict: Almost 1 Million Living Under Siege.” BBC. November 21, 2016. Accessed December 17, 2017. <http://www.bbc.com/news/world-middle-east-38056872>.

⁴² “Siege Watch.” Joint Project powered by PAX and The Syria Institute. Accessed December 17, 2017. <https://siegewatch.org/#3/-8.73/73.97>.

⁴³ Amnesty International. “Syria: ‘Surrender or starve’ strategy displacing thousands amounts to crimes against humanity.” November 13, 2017. Accessed December 17, 2017. <https://www.amnesty.org/en/latest/news/2017/11/syria-surrender-or-starve-strategy-displacing-thousands-amounts-to-crimes-against-humanity>.

⁴⁴ Al-Joblawi, Hosam. “Increased Tactics of Forced Displacement in Syria.” Atlantic Council. October 16, 2016. Accessed December 17, 2017. <http://www.atlanticcouncil.org/blogs/syriasource/increasing-tactics-of-forced-displacement-in-syria>.

⁴⁵ Reuters. “UN Report: Syrian Government Actions Amount to ‘Extermination’.” February 8, 2017. Accessed December 18, 2017. <https://www.theguardian.com/world/2016/feb/08/un-report-syrian-government-actions-amount-to-extermination-crime-humanity>.

⁴⁶ Amnesty International. “Syria: Human Slaughterhouse: Mass Hangings and Extermination at Saydnaya Prison, Syria.” February 7, 2017. Accessed December 18, 2017. <https://www.amnesty.org/en/documents/mde24/5415/2017/en/>.

⁴⁷ Harris, Gardner. “Syrian Crematory is Hiding Mass Killings of Prisoners.” New York Times. May 15, 2017. Accessed December 18, 2017. <https://www.nytimes.com/2017/05/15/world/middleeast/syria-assad-prison-crematory.html>.

⁴⁸ Nebahay, Stephanie. “Syria a ‘torture-chamber,’ UN says in call to free detainees.” Reuters. March 14, 2017. Accessed December 18, 2017. <https://www.reuters.com/article/us-mideast-crisis-syria-un/syria-a-torture-chamber-u-n-says-in-call-to-free-detainees-idUSKBN16L0SF>.

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.⁴⁹ Rampant Russian air attacks on hospitals and schools in liberated areas have been widely documented by the United Nations and other international monitors.⁵⁰ Human Rights Watch further reports the widespread use of Russian cluster munitions, an indiscriminate weapon that has killed many civilians.⁵¹

Independent monitors estimate death tolls from Russian attacks around 6,300 casualties.⁵² Despite a recent announcement that Russia will draw down its troop presence, it is unlikely based on previous instances that Russian forces will drastically change military activity targeting areas outside the control of the Syrian Government.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. These forces proved particularly pivotal during the siege of Aleppo,

⁴⁹ Falk, Pamela. "U.N. Probe Says Syria, Russia Deliberately 'Obliterated' Civilian Areas." CBS News. March 2, 2017. Accessed December 17, 2017.

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

⁵⁰ Reevell, Patrick. Report Suggests Russia Tried to Conceal Airstrikes on Syrian Hospitals." February 13, 2017. Accessed December 17, 2017. abcnews.go.com/International/report-suggests-russia-conceal-airstrikes-syrian-hospitals/story?id=45458752.

⁵¹ Human Rights Watch, "Russia/Syria: Widespread Cluster Munition Use." July 28, 2016. Accessed on December 17, 2017.

<https://www.hrw.org/news/2016/07/28/russia/syria-widespread-new-cluster-munition-use>.

⁵² Syrian Observatory for Human Rights, quoted in BBC News. "Putin Announces Russian Troop Withdrawal from Syria During Visit." December 11, 2017. Accessed December 18, 2017. <http://www.bbc.com/news/world-middle-east-42307365>.

⁵³ *Id.*

⁵⁴ Jedinia, Mehdi. "Iran to Bankroll Pro-Government Militia Fighters in Syria." VOA News. May 28, 2017. Accessed December 17, 2017.

www.voanews.com/a/sources-iran-to-bankroll-pro-government-militia-fighters-in-syria/3874390.html.

⁵⁵ Karam, Joyce. "U.S. Senior Official Estimates 80% of Assad Fighting Force Iranian-Sourced." The National. December 3, 2017. Accessed December 17, 2017. <https://www.thenational.ae/world/mena/us-senior-official-estimates-80-of-assad-fighting-force-is-iranian-sourced-1.681104>.

where they helped encircle Aleppo city and prevented civilians from fleeing.^{56, 57} Iranian-backed groups have now exploited de-escalation areas to increase their territorial reach and to threaten other parts of Syria.⁵⁸ Their hold is so pervasive that Hezbollah leader Hassan Nasrallah has publicly declared victory on behalf of Hezbollah's strategic goals in Syria.⁵⁹ Iran's investment in maintaining territorial hold over Syria jeopardizes the country's long-term prospects for stability.

2. ISIS and other Sunni extremist militant factions in Syria

Terrorist groups such as ISIS and other extremist militant factions have put all Syrians at risk for their lives. ISIS has garnered the most attention. Other militant factions operating in Syria include Al-Qaeda.

a. ISIS

ISIS has largely been defeated in its strongholds in Syria and Iraq, but there are still small pockets of the extremist group that pose a threat to Syrian civilians. The situation remains tenuous, however, and there is risk of resurgence if U.S.-Coalition stabilization efforts lag or systemic conditions are permitted to fester. During the conflict, ISIS has targeted civilians in Kobani, Syria in June 2015, killing as many as 262 civilians and wounding nearly 300 others, most of them Kurds.⁶⁰ ISIS has also made efforts to eliminate Christians in Syria,⁶¹ including recent massacre of Syrian Christians in Qaryatain that killed 116.⁶² ISIS has also attacked

⁵⁶ Perry, Tom. "Hezbollah, Other Shi'ite Allies Help Assad Win in Aleppo." Reuters. December 14, 2016. Accessed December 17, 2017.

<https://www.reuters.com/article/us-mideast-crisis-syria-aleppo-fall-insi/hezbollah-other-shiite-allies-helped-assad-win-in-aleppo-idUSKBN1431PV>.

⁵⁷ Nebehay, Stephanie. "Activist Urge U.N. to Cite Russia, Iran for War Crimes in Syria." Reuters. January 20, 2017. Accessed December 18, 2017.

<https://www.reuters.com/article/us-mideast-crisis-syria-aleppo-crimes/activists-urge-u-n-to-cite-russia-iran-war-crimes-in-syria-idUSKBN14W1MN>.

⁵⁸ Casagrande, Genevieve. "Iran and Al Qaeda Exploit Syria Ceasefire." Institute for the Study of War. August 3, 2017. Accessed December 17, 2017.

<http://iswresearch.blogspot.com/2017/08/iran-and-al-qaeda-exploit-syria.html>.

⁵⁹ Perry, Tom. "Hezbollah declares victory in Syria, Russia says much of country won back." Reuters. September 12, 2017. Accessed December 17, 2017.

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

⁶⁰ Human Rights Watch, Syria: Deliberate Killing of Civilians by ISIS, July 3, 2015, available at <https://www.hrw.org/news/2015/07/03/syriadeliberatekillingciviliansisis>.

⁶¹ Eliza Griswold, Is This the End of Christianity in the Middle East, New York Times, July 22, 2015, available at <http://www.nytimes.com/2015/07/26/magazine/isthistheendofchristianityinthemiddleeast.html>.

⁶² Moore, Jack. "In Syrian Christian Town, ISIS mass-executed 116 people before Assad's Army Closed In." Newsweek. October 23, 2017. Accessed December 18, 2017.

<http://www.newsweek.com/syrian-christian-town-isis-mass-executed-116-people-assads-army-closed-690417>.

specifically Shi'a targets in Damascus, including the shrine of Sayyida Zeinab, an important figure in the Shi'a faith.⁶³ In March 2015, the United Nations Human Rights Council found that ISIS may have committed genocide and war crimes in Iraq, and have advanced these tactics in Syria as well.⁶⁴ In addition to specific threats against minorities, the vast majority of ISIS' civilian casualties are among Syria's majority Sunni Arab population.

b. Al-Qaeda

Like ISIS, Al-Qaeda is seeking to establish an Islamic state in Syria. The U.S. State Department reported that al-Nusra has claimed hundreds of attacks in several cities, including suicide bombings, and is responsible for the deaths of "numerous innocent Syrians."⁶⁵ Human Rights Watch says that in 2015, Nusra committed systematic rights abuses, including intentionally targeting and abducting civilians.⁶⁶

3. Kurdish Groups

Amnesty International has reported that Syrian Kurdish forces led by the Democratic Union Party (YPG) have perpetrated a displacement and demolition campaign in the areas they control, victimizing Arab and Turkmen people.⁶⁷ YPG forces demolished over 90 percent of the buildings in Husseiniya and Asalyem after taking control over these towns.⁶⁸ The YPG also forcibly displaced entire Arab and Turkmen villages near Suluk, Tel Abyad, and Tel Tamr.⁶⁹ There were further reports of new waves of displacement tied to the U.S. anti-ISIS campaign in Raqqa.⁷⁰

4. Syrian Opposition

The Syrian Opposition are a range of over 100 rebel groups that fight in opposition to the

⁶³ Al Jazeera, "Dozens killed in blasts near Damascus shrine." February 1, 2016. <http://www.aljazeera.com/news/2016/01/deathsbombexplodeshishrinedamascus160131105231858.html>.

⁶⁴ UN News Centre, ISIL may have committed genocide, war crimes in Iraq, says UN human rights report, March 19, 2015. <http://www.un.org/apps/news/story.asp?NewsID=50369#.Vs9N2ZMrLoy>.

⁶⁵ Holly Yan, What's the difference between ISIS, al-Nusra and the Khorasan Group? CNN, September 24, 2014. Available at <http://www.cnn.com/2014/09/24/world/meast/isisalnusrakhorasandifference>.

⁶⁶ Human Rights Watch. "World Report 2016: Syria." January 10, 2016. <https://www.hrw.org/worldreport/2015/countrychapters/syria>.

⁶⁷ "We Had Nowhere To Go: Forced Displacement and Demolitions in Northern Syria." Amnesty International, no.24/2503/2015 (2015). Accessed December 18, 2017. <https://www.amnesty.org/en/documents/mde24/2503/2015/en/>.

⁶⁸ *Id.*

⁶⁹ *Id.*

⁷⁰ Gutman, Roy. "U.S. Helps Drive 200,000 Syrians from their Homes." Daily Beast. June 1, 2017. Accessed December 18, 2017. <https://www.thedailybeast.com/us-helps-drive-200000-syrians-from-their-homes>.

Syrian government.⁷¹ Syrian Opposition fighters have been accused of indiscriminate mortar and other artillery strikes on civilian areas and abductions.⁷² Opposition groups have also intermittently besieged the towns of al-Fu'ah and Kefraya.⁷³

Syria's Humanitarian and Refugee Crisis

With the conflict approaching its seventh year, there are over 5 million Syrian refugees, with the vast majority of these displaced people living in Turkey, Lebanon, Jordan, Iraq, and Egypt.⁷⁴ While Egypt and Iraq each host a few hundred thousand refugees, Turkey hosts over three million, with more than one million in Lebanon and likely as many as 1.3 million in Jordan.⁷⁵ There are an additional 6.3 million Syrians displaced within the country.⁷⁶

Former UN High Commissioner on Refugees Antonio Guterres has called this displacement “the biggest refugee influx” to Europe “in decades.”⁷⁷ These refugee numbers also are not able to capture the full scale of the humanitarian catastrophe represented by Syria, with almost 13.5 million in need of “urgent humanitarian assistance.”⁷⁸ Half of Syria's prewar population has fled their homes.

Turkey, Jordan, and Lebanon have done an admirable job in the context of waning international support. Turkey in particular, which hosts three million refugees, has higher quality refugee camps and has made minor accommodations regarding refugee status in

⁷¹ 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.

⁷² Meuse, Alison. “U.N. Report Says Syrian Forces And Rebel Factions Committed Aleppo 'War Crimes'.” March 3, 2017. <https://www.npr.org/sections/parallels/2017/03/03/518134951/u-n-report-says-syrian-forces-and-rebel-factions-committed-aleppo-war-crimes>.

⁷³ Human Rights Watch, World Report 2016: Syria, January 1, 2016. <https://www.hrw.org/worldreport/2015/countrychapters/syria>.

⁷⁴ Weaver, Matthew. “Syrian refugees: more than 5m in neighbouring countries now, says UN.” The Guardian. March 30, 2017. <https://www.theguardian.com/world/2017/mar/30/syrian-refugee-number-passes-5m-mark-un-reveals>.

⁷⁵ *Id.*

⁷⁶ Internal Displacement Monitoring Centre. “IDMC Global Figures 2016.” Accessed December 18, 2017. <http://www.internal-displacement.org/database/>.

⁷⁷ “Statement by UN High Commissioner for Refugees, António Guterres on refugee crisis in Europe” last modified September 4, 2015, <http://www.unhcr.org/55e9459f6.html>.

⁷⁸ <https://www.amnesty.ie/syrias-refugee-crisis-numbers/>.

their cities and economies.⁷⁹ However, it is important to note that only about 10 percent of refugees live in camps; the rest are so-called “urban refugees.”⁸⁰ Jordan and Lebanon have been less successful in providing livable settings for Syrian refugees. Camps are extremely overcrowded and unprepared for inclement weather. In addition, camps or refugee enclaves have been the site of conflict between refugees and local populations.⁸¹ Shortfalls in international contributions to host countries and domestic economic problems contribute to these problems.⁸²

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

Extending and redesignating TPS is needed for Syria because the country is prohibitively dangerous for all Syrians. TPS creates temporary and complementary protection, which are both 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 the principle of non-refoulement, the United States may not return refugees to a place where their life or liberty would be at risk.⁸³ All of the dangers described above make clear that the return of any Syrian to Syria today would create a tremendous risk to their life and freedom. The temporary protection offered by TPS allows the United States to fulfill its obligations under international law.

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 has to have a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion.⁸⁴ 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

⁷⁹ Lancashire, Adrian. “Turkish Refugee Camps for Syrians Set High Standard.” Euronews , September 9, 2015. Accessed November 28, 2015.

<http://www.euronews.com/2015/09/09/turkishrefugeecampsforsyrianssethighstandard>.

⁸⁰ European Commission. “Turkey: European Civil Protection and Humanitarian Operations.” Last Updated November 12, 2017. Accessed December 18, 2017.

http://ec.europa.eu/echo/files/aid/countries/factsheets/turkey_syrian_crisis_en.pdf.

⁸¹ Sam Jones and Kareem Shaheen, “Destitute Syrian Refugees in Jordan and Lebanon May Return to Warzone,” The Guardian, September 11, 2015, accessed October 10, 2015, <http://www.theguardian.com/globaldevelopment/2015/sep/11/destitutesyrianrefugeesjordanlebanonmayreturntowarzone>.

⁸² “The World Can’t Afford All its Refugees,” last modified October 20, 2015, <http://www.thedailybeast.com/articles/2015/10/20/theworldcantaffordallitsrefugees.html>.

⁸³ 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.

⁸⁴ Immigration and Nationality Act (INA) §101(a) (42).

insufficient to provide protection to all people at risk.

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, yet temporary 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.

We urge you to extend the existing TPS designation and re-designate Syria for TPS with a delayed effective date. ARCS, CDS, and AFS look forward to working with your office to ensure that the request is granted.

Respectfully Submitted,

American Relief Coalition for Syria (ARCS)

Hope for Syria
Karam Foundation
Syrian American Medical Society (SAMS)
Syrian Expatriates Organization
Syria Relief and Development
Syrian Forum USA
SWASIA Charity Foundation
Mercy Without Limits
Syrian American Engineers Association
Syrian Community Network
Shaam Relief Foundation
Rahma Relief Foundation

Coalition for a Democratic Syria (CDS)

Syrian Emergency Task Force
Syrian American Council
Syrian American Alliance
Syrian Christians for Peace
Association of Free Syrians

Americans for a Free Syria (AFS)

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 Hope for Syria, Karam Foundation, Syrian American Medical Society (SAMS), Syrian Expatriates Organization, Syria Relief and Development, Syrian Forum, SWASIA Charity Foundation, Mercy Without Limits, Syrian American Engineers Association, Syrian Community Network, Shaam Relief Foundation, and Rahma Relief Foundation.

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.

Americans for a Free Syria (AFS) is a Syrian American nonprofit focused on fostering a positive relationship between the U.S. and the people of Syria.

January 12, 2018

The Honorable Secretary Kirstjen Nielsen
U.S. Department of Homeland Security
650 Massachusetts Avenue NW
Washington, DC 20001

The Honorable Secretary Rex Tillerson
U.S. Department of State
2201 C Street NW
Washington, DC 20520

Cc: L. Francis Cissna, Director of U.S. Citizenship and Immigration Service
Cc: Cameron Quinn, DHS Officer for Civil Rights and Civil Liberties

Re: Addendum for Petition to Redesignate Syria for TPS

Dear Secretary Nielsen and Secretary Tillerson:

On December 22, 2017, seventeen Syrian American nonprofit organizations submitted a petition to the Secretary of Homeland Security for the extension and redesignation of Temporary Protected Status (TPS) for Syria.

The petition identified ongoing reasons that the country is not suitable for the safe return of TPS beneficiaries currently living in the United States. The petitioning organizations herein submit an addendum reflecting the ways in which the Administration has itself identified conditions in Syria that would make the return of TPS beneficiaries extremely dangerous.

Based on these remarks and the initial petition, these organizations further call on you to consider Syria as at least as urgent a crisis as South Sudan, for which Acting DHS Secretary Elaine Duke extended TPS in September 2017 due to the “ongoing armed conflict and extraordinary and temporary conditions.”¹ Like South Sudan, Syria’s conflict has been “marked by brutal violence against civilians, egregious human rights violations and abuses, and a humanitarian disaster on a devastating scale across the country.”² Syria has been widely

¹ Reuters. “U.S. ends temporary protected status for Sudanese but extends it for South Sudanese.” September 17, 2017.
<https://www.reuters.com/article/us-usa-immigration-sudan/u-s-ends-temporary-protected-status-for-sudanese-but-extends-it-for-south-sudanese-idUSKCN1BT2RL?il=0>.

² Federal Register, Volume 82 Issue 182. Thursday, September 21, 2017.
<https://www.gpo.gov/fdsys/pkg/FR-2017-09-21/html/2017-20174.htm>.

recognized as the gravest humanitarian disaster since World War II. While each country must be reviewed on an individual basis, the case for Syria's TPS extension and redesignation is at least as strong as that for South Sudan.

Ultimately, the failure to extend and redesignate TPS for Syria, a country still deeply mired in conflict, would be unprecedented and would constitute an abdication of the U.S. moral responsibility to protect.

ONGOING ARMED CONFLICT: CIVILIANS REMAIN UNDER ATTACK

Early into his presidency, Mr. Trump made a speech to the American people about the situation in Syria. 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."³

Conditions in Syria rank among the most destabilizing of any country designated by the United States for TPS. The conditions in Syria constitute a grave threat to anyone forced to return to the country. According to the travel advisory issued on January 10, 2018 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."⁴

The Syrian Government and its allies are largely responsible for these conditions. National Security Advisor H.R. McMaster declared in a televised interview in April 2017, "What you have in Syria is a very destructive cycle of violence perpetuated by ISIS, obviously, but also by this regime and their Iranian and Russian sponsors."⁵ Nikki Haley further stated in a speech before the UN, "The illegitimate Syrian government, led by a man with no conscience, has

³ 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>

⁴ State Department. "Syria Travel Advisory." January 10, 2018.

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

⁵ Fox News. "Exclusive: General H.R. McMaster on Decision to Take Strike in Syria." April 9, 2017.

<http://www.foxnews.com/transcript/2017/04/09/exclusive-general-h-r-mcmaster-on-decision-to-strike-syria.html>.

committed untold atrocities against his people for more than six years....humanity means nothing to the Syrian government.”⁶

The past month has underscored these observations. The Syrian Government has increased attacks against hospitals, markets, and schools in Idlib Province and besieged East Ghouta in violation of “de-escalation” agreements. These barbaric attacks by the Syrian Government are part of a bid to regain full territorial control of the country at whatever human cost. In a December 29, 2017 press conference, State Department spokesperson Heather Nauert called the situation in Ghouta “...a cruel reminder of the regime’s unbridled brutality...Bashar al-Assad and his regime continue to regard the lives of the Syrian people as nothing more than bargaining chips.”⁷ Returning TPS seekers to these conditions would be tantamount to a death sentence.

In the unlikely chance that returned-TPS seekers are able to evade active hostilities, they would likely face arbitrary detention 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.⁸ Likewise, the U.S. State Department found that the Syrian Government continues to arrest “fighting-age, especially Sunni, men perceived to be associated with opposition groups” as a way to bolster the numbers of the Syrian Arab Army, which has suffered heavy battlefield losses and defections.⁹ The State Department’s 2017 Trafficking in Persons Report further 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.”¹⁰ These conditions jeopardize the safety of returning TPS seekers.

Finally, there is still a chance that conflict will devolve further. As Acting Assistant Secretary for Near Eastern Affairs David Satterfield recognized in a press conference at the State Department, “If Syria does not rebuild, if it isn’t truly stable, and that’s not something that can be achieved militarily, you’re going to have a resumption of violence.”¹¹ Returning Syrians to an environment where there is no real ceasefire or political process is premature and further places lives at severe risk.

⁶ Time. “Syria: Read Nikki Haley’s Remarks about Syria at the U.N.” April 5, 2017.

<http://time.com/4727499/nikki-haley-unscc-transcript-syria>.

⁷ U.S. Embassy in Syria. “Humanitarian Evacuations in Eastern Ghouta, Syria.” December 29, 2017.

<https://sy.usembassy.gov/humanitarian-evacuations-eastern-ghouta-syria>.

⁸ State Department. “2015 Syria Human Rights Report.” <http://www.state.gov/documents/organization/253159.pdf>

⁹ *Id.*

¹⁰ 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.

¹¹ State Department. “Briefing on Syria.” September 18, 2017. <https://www.state.gov/r/pa/prs/ps/2017/09/274238.htm>.

CONDITIONS NOT SUITABLE FOR RETURN

The State Department states that “the humanitarian needs inside Syria continue to outpace the international response.”¹² Currently, the UN’s humanitarian response plan for Syria is only 51 percent funded.¹³ Forcibly returning Syrian TPS seekers to Syria where basic needs like food, water, and electricity are not met places their lives and health at risk.

While it is true that the U.S anti-ISIS campaign showed success in some parts of Syria in 2017, even conditions in post-ISIS areas in Syria remain untenable for return. Much work remains to be done, as noted by Anti-ISIS Envoy Brett McGurk in April 2017, to clear “the explosive remnants of war, such as IEDs and mines, from critical infrastructure such as hospitals, roads, and schools; support efforts to establish basic security; re-establish essential services such as water, electricity, health services, infrastructure rehabilitation to stabilize and promote a return to normalcy and ultimately create the conditions to allow the voluntary safe return of Syrians to their homes.”¹⁴

Conditions currently do not support the safe return of Syrian civilians to these post-ISIS areas, let alone areas controlled by the Syrian Government.

CONCLUSION

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 an end, and the extraordinary circumstances at hand subside.

¹² State Department. “U.S. Humanitarian Assistance in Response to the Syrian Crisis.” September 21, 2017. <https://www.state.gov/r/pa/prs/ps/2017/09/274360.htm>.

¹³ UN OCHA. “Syrian Arab Republic.” <http://www.unocha.org/syria>.

¹⁴ State Department. “Department Press Briefing - October 19, 2017.” October 19, 2017. <https://www.state.gov/r/pa/prs/dpb/2017/10/274940.htm>.



U.S. Citizenship
and Immigration
Services

March 20, 2018

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

Dear Ms. Hanichak:

Thank you for your December 22, 2017 letter. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Syria. The Secretary of Homeland Security's authority to designate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). 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 are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

After carefully considering relevant conditions in Syria and the statutory TPS requirements, Secretary Nielsen decided to extend the TPS designation for Syria for 18 months, through September 30, 2019. Prior to the conclusion of the 18-month extension, the Secretary will review conditions in Syria and, after consultation with other appropriate federal agencies, determine whether another extension or a termination is warranted, in full compliance with the INA. Additional information on the extension of TPS for Syria can be found in Secretary Nielsen's January 31, 2018 announcement of the decision posted on the DHS website, on the USCIS website, and in a notice that was published in the *Federal Register* on March 5, 2018.

Thank you again for your letter and interest in this important issue. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "LFC", with a long horizontal flourish extending to the right.

L. Francis Cissna
Director