

December 13, 2022

Joseph R. Biden
President
The White House
1600 Pennsylvania Avenue N.W.
Washington, D.C. 20500

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

Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington, D.C. 20520

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

Dear President Biden, Secretary Mayorkas, and Secretary Blinken:

We, the undersigned 107 organizations, urge an 18-month extension and redesignation of Temporary Protected Status (TPS) for Yemen. Yemen's TPS designation is set to expire March 3, 2023, while Yemen continues to experience armed conflict and extraordinary conditions that make safe return to Yemen impossible for Yemenis present in the United States. On October 3, 2022, fighting resumed between Yemeni Houthis and the Saudi Arabia-led coalition after both parties failed to reach an agreement to extend a United Nations (U.N.) brokered ceasefire agreement.¹ It is vital to extend and redesignate Yemen to safeguard the lives of both current TPS holders and Yemenis who arrive in the United States from the ongoing eight-year war.

The statute written by Congress requires the Secretary of Homeland Security (Secretary) to determine whether to redesignate and extend TPS 60 days before TPS designation is set to expire.² We call for a decision, publication of a Federal Register Notice, a minimum 180-day registration period for both current TPS holders and those who would benefit under redesignation, and a public education campaign to inform the impacted community by January 2, 2023.

I. Temporary Protected Status (TPS)

Under the Immigration Act of 1990, Congress set into law protections for citizens of countries facing ongoing armed conflict. The statute states that in the event an armed conflict afflicting a state poses a serious threat to the personal safety of returning nationals that such nationals may be granted TPS and allowed to remain and work in the United States.³ Yemen is in its eighth year of a war which the U.N. estimates claimed 377,000 by the end of 2021.⁴ As the war continues to

¹ Al Jazeera. "Does the End of Yemen's Truce Mean Return to Full-Blown Fighting?" Conflict News | Al Jazeera, Al Jazeera, 3 Oct. 2022, <https://www.aljazeera.com/news/2022/10/3/is-fighting-about-to-return-to-yemen-explainer>.

² 8 U.S.C 1254(b)(3)(A)

³ P.L. 101-649, Sec. 302a, Sec. 422A. (b)(1)(a)

⁴ UNDP. "Assessing the Impact of War in Yemen: Pathways for Recovery" *Report by UNDP in Yemen*, 2021, November <https://www.undp.org/yemen/publications/assessing-impact-war-yemen-pathways-recovery>.

afflict the country, redesignating and extending TPS protections for Yemenis in the United States remains of paramount importance for Yemenis presently in the United States. Failure to do so would be tantamount to a death sentence for the [1,400] Yemenis currently under TPS.

II. The precedent of TPS extensions

The Yemeni civil war began September 2014, after Yemeni Houthi rebels seized the capital of Yemen, Sanaa. In response, on March 26, 2015, a Saudi-led coalition began an air campaign against the Houthis and imposed a naval blockade on the country.⁵ Later that year, on September 3, the Department of Homeland Security (DHS) designated Yemen for TPS, stating in a press release that “requiring Yemeni nationals in the United States to return to Yemen would pose a serious threat to their personal safety.”⁶ Since its initial designation, TPS for Yemen has been extended four times and redesignated twice — once under President Barack Obama, twice under President Donald Trump and extended and redesignated once so far under President Joe Biden.

The history of consecutive bipartisan TPS extensions underscores the severity of the ongoing war and humanitarian crisis in Yemen. When then-Secretary Johnson extended and redesignated TPS for Yemen on January 4, 2017, DHS stated that “...(1) there continues to be an ongoing armed conflict in Yemen and, due to such conflict, requiring the return of Yemeni nationals to Yemen would pose a serious threat to their personal safety, and (2) there are extraordinary and temporary conditions in Yemen that prevent Yemeni nationals from returning to Yemen...”⁷ The following extension on August 14, 2018, by Secretary Nielsen reported the same conclusions publishing that “the Secretary has determined that an 18-month extension is warranted because the statutory bases of ongoing armed conflict and extraordinary and temporary conditions that prompted Yemen's 2017 extension and new designation for TPS persist.”⁸ The same determinations have been made in subsequent extensions by the Trump and Biden Administrations respectively and should be made again.⁹

III. Ongoing armed conflict and extraordinary circumstances persist

⁵ AP News. (2021, February 11). Timeline: Yemen war began in 2014 when Houthis seized Sanaa. AP News. Retrieved November 3, 2022,

<https://apnews.com/article/joe-biden-saudi-arabia-ali-abdullah-saleh-united-arab-emirates-coronavirus-pandemic-7a1c185cbd6c6fb815dfbf7c21df1c0e1>.

⁶ U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, “DHS Announces Temporary Protected Status Designation for Yemen,” press release, September 3, 2015,

<https://www.uscis.gov/news/dhsannounces-temporary-protected-status-designation-yemen>.

⁷ Extension and Redesignation of the Republic of Yemen for Temporary Protected Status, 82 Fed. Reg. 859 (January 4, 2017)

<https://www.federalregister.gov/documents/2017/01/04/2016-31003/extension-and-redesignation-of-the-republic-of-yemen-for-temporary-protected-status>.

⁸ Extension of the Designation of Yemen for Temporary Protected Status, 83 FR 40307 (August 14, 2018)

<https://www.federalregister.gov/documents/2018/08/14/2018-17556/extension-of-the-designation-of-yemen-for-temporary-protected-status>.

⁹ Extension of the Designation of Yemen for Temporary Protected Status, 85 FR 12313 (March 03, 2020)

<https://www.federalregister.gov/documents/2020/03/02/2020-04355/extension-of-the-designation-of-yemen-for-temporary-protected-status>; and Extension and Redesignation of Yemen for Temporary Protected Status, 86 FR 36295 (July 09, 2021)

<https://www.federalregister.gov/documents/2020/03/02/2020-04355/extension-of-the-designation-of-yemen-for-temporary-protected-status>.

Food insecurity now compared to 2021. The United Nations has described Yemen as one of the “worst humanitarian crises in the world” with the United Nations Population Fund (UNPF) estimating 23.4 million people—nearly 75 percent of Yemen’s population requiring some form of humanitarian assistance in 2022.¹⁰ The UN estimates 19 million Yemenis are specifically in need of food assistance, of which 7.3 million are coping with emergency levels of hunger.¹¹ Additionally, the severity of hunger in Yemen is marked by its effects on young children, with an estimated 2.2 million children acutely malnourished, of which more than half a million children are facing severe acute malnutrition—a life-threatening condition.¹² Allowing TPS for Yemen to expire and sending American Yemenis back to Yemen will send many back to a country rife with war and starvation.

Violence compared to 2021. Secretary Mayorkas announced the 18-month extension and redesignation of TPS for Yemen on July 6, 2021. At the time of the redesignation Yemen was facing escalating fighting, a depreciating currency reaching historic lows, the COVID-19 pandemic, and worsening public health conditions due to a massive internal displacement of 50,000 Yemenis between January and July 2021.¹³ These conditions have not improved significantly enough to warrant an end to TPS for Yemen. On October 3, 2022, Yemen’s warring parties failed to renew a six-month truce that had provided a minor temporary reprieve for Yemenis, resulting in an increase in violence as Houthi rebels struck the Al-Dubba oil terminal in the Hadramawt province.¹⁴ A potential truce does not alone solve the crisis justifying TPS for Yemen. During the six-month truce, the delivery of fuel to the country amounted to just 40 percent of Yemen’s humanitarian fuel needs.¹⁵ To account for the crisis conditions leading to increased violence, the DHS must use the full extent of its authority to extend TPS for Yemen.

Extending TPS for Yemen is in the interest of the United States. When President Biden took office in January 2021, he stated that the war in Yemen “has created a humanitarian and strategic catastrophe.”¹⁶ On May 9, 2022, President Biden extended the National Emergency with respect to Yemen citing the state of the country as threatening to the peace, security, and stability of Yemen and the national security of the United States.¹⁷ Allowing TPS to expire would be in contradiction to the state of emergency and would ultimately serve to undermine the foreign policy interests of the United States which President Biden has stated is to return the United States to a “position of trusted leadership” among world democracies and an unwavering commitment to values such as democracy, human rights, the rule of law. Needlessly allowing

¹⁰ United Nations. (n.d.). Yemen: One of the world's largest humanitarian crises. United Nations Population Fund. Retrieved November 3, 2022, from <https://www.unfpa.org/yemen>

¹¹ United Nations. (2022, October 2). Yemen crisis. UNICEF. Retrieved November 3, 2022, from <https://www.unicef.org/emergencies/yemen-crisis>

¹² Id.

¹³ <https://reliefweb.int/report/yemen/iom-yemen-situation-report-july-2021>

¹⁴ <https://reliefweb.int/report/yemen/security-council-press-statement-yemen-26-october-2022>

¹⁵ <https://reliefweb.int/report/yemen/yemen-still-starved-food-and-fuel-after-month-long-suspension-blockade>

¹⁶ The White House. (February 4, 2021). Remarks by President Biden on America’s Place in the World [Speeches and Remarks].

<https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/02/04/remarks-by-president-biden-on-americas-place-in-the-world/>

¹⁷ The White House. (May 09, 2022). Notice on the Continuation of the National Emergency With Respect to Yemen [Press Release]. <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/05/09/notice-on-the-continuation-of-the-national-emergency-with-respect-to-yemen-2/>

TPS for Yemen to expire before Yemenis are able to return home safely would undermine the United States' international commitments and deliver over a thousand Yemenis to an uncertain fate.

IV. Conclusion

We are calling on you to extend for 18 months and redesignate TPS for Yemen, to publish a timely 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 January 2, 2023. We call for a minimum 180-day registration period for both current TPS holders and those who would benefit under redesignation. We urge you to not only grant the maximum protection for Yemen but to implement that decision in a way that honors the dignity and humanity of the Yemeni community in the United States. Please contact Hussain Altamimi at HAltamimi@AccessCommunity.org, with any questions or to arrange for stakeholder engagement. Thank you.

Sincerely,

The National Network for Arab American Communities (NNAAC)

Arab Community Center for Economic and Social Services (ACCESS)

National

ACER. Inc

African Communities Together

Al Otro Lado

Alianza Americas

American Immigration Lawyers Association

American-Arab Anti-Discrimination Committee (ADC)

Asian Americans Advancing Justice | AAJC

Asylum Seeker Advocacy Project (ASAP)

Boston University School of Law International Human Rights Clinic

Cameroon Advocacy Network

Center for Gender & Refugee Studies

Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces

Congregation of Sisters of St. Agnes

Disciples Immigration Legal Counsel

Friends Committee on National Legislation

ICNA Council for Social Justice

Immigrant Legal Resource Center

Immigration Hub

MPower Change

National Advocacy Center of the Sisters of the Good Shepherd

National Asian Pacific American Families Against Substance Abuse

National Council of Jewish Women

National Employment Law Project
National Immigration Law Center
Northeastern University School of Law Immigrant Justice Clinic
Oxfam America
Sisters of Charity of Nazareth Western Province Leadership
Sisters of Mercy of the Americas Justice Team
The Episcopal Church
U.S. Federation of the Sisters of St. Joseph
UndocuBlack Network
Win Without War
Women's Alliance for Theology, Ethics, and Ritual (WATER)
Yemeni Alliance Committee
Yemeni American Merchants Association

State/Local

Advokato
Alliance San Diego
Arab American Association of NY
Arab American Civic Council
Arab American Family Services (AAFS)
Ayuda
Buen Vecino
Cabrini Immigrant Services of NYC, Inc.
Central American Resource Center of Northern CA -CARECEN SF
Church of Our Saviour/La Iglesia de Nuestro Salvador
Church Women United in New York State
Churches United For Fair Housing - "CUFFH"
CRECEN
Dorothy Day House, Washington DC
DRUM - Desis Rising Up & Moving
Elmahaba Center
Episcopal Church of St. Matthew
Florida Immigrant Coalition
Franciscans for Justice
Haitian Americans United/ True Alliance Center
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Defenders Law Center
Immigrant Law Center of Minnesota
Immigrant Legal Advocacy Project
Immigrant Legal Center of Boulder County
Immigration Support Services Network
Interfaith Welcome Coalition - San Antonio
InterReligious Task Force on Central America
Jewish Voice for Peace, Atlanta chapter
Just Neighbors Ministry
Justice for Our Neighbors El Paso

Justice For Our Neighbors North Central Texas
Kentucky Coalition for Immigrant and Refugee Rights
Middle Eastern Immigrant and Refugee Alliance
Motivation Motivates
New York Immigration Coalition
New York Justice for Our Neighbors, Inc.
Ohio Immigrant Alliance
Pennsylvania Council of Churches
Rian Immigrant Center
SIREN
Sisters of Charity of New York
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Joseph of Carondelet, LA
Sisters of St. Joseph TOSF
Social Justice Coalition
Somali Family Service of San Diego
St. James Cathedral Immigrant Assistance
STRANGERS NO LONGER - Michigan
Syrian Community Network
The Arab American Association of New York
Venezuelans and Immigrants Aid (VIA)
Wallingford Indivisible
Wayne Action for Racial Equality
WESPAC Foundation, Inc.
Westchester Jewish Coalition for Immigration (WJCI)
Wilco Justice Alliance (Williamson County, TX)

International

American Friends Service Committee (AFSC)
Church World Service
Disciples Peace Fellowship
Haitian Bridge Alliance
International Refugee Assistance Project (IRAP)
Service Employees International Union (SEIU)
Sisters of Charity Federation
Sisters of Charity of Nazareth Congregational Leadership
Sisters of the Holy Cross
The Syria Campaign
U.S. Committee for Refugees and Immigrants (USCRI)
Unitarian Universalist Service Committee (UUSC)