



# Temporary Protected Status: Calendar Year 2021 Annual Report

Report to Congress



Homeland  
Security

*U.S. Citizenship and Immigration Services*



**Homeland  
Security**

April 7, 2022

## Foreword

I am pleased to present the following “Temporary Protected Status: Calendar Year 2021 Annual Report,” which was prepared by U.S. Citizenship and Immigration Services.

Pursuant to statutory requirements, this report is provided to the following Members of Congress:

The Honorable Jerrold Nadler  
Chairman, House Committee on the Judiciary

The Honorable Jim Jordan  
Ranking Member, House Committee on the Judiciary

The Honorable Richard Durbin  
Chairman, Senate Committee on the Judiciary

The Honorable Chuck Grassley  
Ranking Member, Senate Committee on the Judiciary

Inquiries relating to this report may be directed to me at (202) 447-5890.

Respectfully,

A handwritten signature in cursive script that reads "Alice Lugo".

Alice Lugo  
Assistant Secretary for Legislative Affairs

# Executive Summary

Under section 244 of the *Immigration and Nationality Act* (INA), 8 U.S.C. § 1254a, the Secretary of Homeland Security (Secretary) may designate a foreign state (or part thereof) for Temporary Protected Status (TPS) after consulting with appropriate agencies of the U.S. Government. The Secretary may then grant TPS to eligible nationals of that foreign state or eligible noncitizens having no nationality who last habitually resided in that state. Section 244(b)(1) of the INA provides the circumstances and criteria under which the Secretary may exercise his or her discretion to designate a foreign state for TPS.<sup>1</sup> In accordance with section 244(i)(1) of the INA, the Secretary submits this annual report to Congress on the operation of section 244 (the TPS statute) during the previous calendar year.

At the close of Calendar Year (CY) 2021, there were approximately 429,630 TPS beneficiaries.

During CY 2021, the Secretary announced the following TPS actions:

- On March 9, 2021, Secretary Alejandro N. Mayorkas announced via *Federal Register* notice (FRN) the designation of Venezuela for TPS, effective March 9, 2021, through September 9, 2022.<sup>2</sup>

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<sup>1</sup> Section 244(b)(1) of the INA provides:

The [Secretary of Homeland Security], after consultation with appropriate agencies of the Government, may designate any foreign state (or any part of such foreign state) under this subsection only if--

(A) the [Secretary] finds 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 the part of the state) would pose a serious threat to their personal safety;

(B) the [Secretary] finds that--

(i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,

(ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and

(iii) the foreign state officially has requested designation under this subparagraph; or

(C) the [Secretary] finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the [Secretary] finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.

A designation of a foreign state (or part of such foreign state) under this paragraph shall not become effective unless notice of the designation (including a statement of the findings under this paragraph and the effective date of the designation) is published in the *Federal Register*. In such notice, the [Secretary] shall also state an estimate of the number of nationals of the foreign state designated who are (or within the effective period of the designation are likely to become) eligible for temporary protected status under this section and their immigration status in the United States.

<sup>2</sup> See 86 FR 13574 (March 9, 2021) (18-month designation of Venezuela for TPS through September 9, 2022).

- On March 19, 2021, Secretary Mayorkas announced via FRN the extension of the TPS designation for Syria and the redesignation of Syria for 18 months, effective March 31, 2021, through September 30, 2022.<sup>3</sup>
- On May 25, 2021, Secretary Mayorkas announced via FRN the TPS designation for Burma (Myanmar) for 18 months, effective May 25, 2021, through November 25, 2022.<sup>4</sup>
- On July 9, 2021, Secretary Mayorkas announced via FRN the extension of the TPS designation for Yemen and the redesignation of Yemen for 18 months, effective September 4, 2021, through March 3, 2023.<sup>5</sup>
- On July 22, 2021, Secretary Mayorkas announced via FRN the extension of the TPS designation for Somalia and the redesignation of Somalia for 18 months, effective September 18, 2021, through March 17, 2023.<sup>6</sup>
- On August 3, 2021, Secretary Mayorkas announced via FRN the extension of the registration periods from 180 days to 18 months for initial applicants under the TPS designations for Venezuela, Syria, and Burma.<sup>7</sup>
- On August 3, 2021, Secretary Mayorkas announced via FRN the TPS designation for Haiti for 18 months, effective August 3, 2021, through February 3, 2023.<sup>8</sup>

The Secretary did not announce any TPS actions regarding South Sudan, although the existing 18-month designation continued during CY 2021. U.S. Citizenship and Immigration Services (USCIS) continued to process applications related to the TPS program for this country.

During CY 2021, the Department of Homeland Security (DHS) also announced<sup>9</sup> actions to ensure its continued compliance with the preliminary injunction orders of the U.S. District Court for the Northern District of California in *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018) (“*Ramos*”) and the U.S. District Court for the Eastern District of New York in *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. April 11, 2019) (“*Saget*”), and with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. March 12, 2019) (“*Bhattarai*”).<sup>10</sup>

<sup>3</sup> See 86 FR 14946 (March 19, 2021) (18-month extension of Syria’s TPS designation through September 30, 2022, and redesignation of Syria for TPS through September 30, 2022).

<sup>4</sup> See 86 FR 28132 (May 25, 2021) (18-month designation of Burma for TPS through November 25, 2022).

<sup>5</sup> See 86 FR 36295 (July 9, 2021) (18-month extension of Yemen’s TPS designation through March 3, 2023, and redesignation of Yemen for TPS through March 3, 2023).

<sup>6</sup> See 86 FR 38744 (July 22, 2021) (18-month extension of Somalia’s TPS designation through March 17, 2023, and redesignation of Somalia for TPS through March 17, 2023).

<sup>7</sup> See 86 FR 41986 (August 4, 2021) (The 18-month registration period to apply for TPS under the designation of TPS for Venezuela ran from March 9, 2021, through September 9, 2022; The 18-month registration period to apply for TPS under the redesignation of TPS for Syria ran from March 19, 2021, through September 30, 2022; The 18-month registration period to apply for TPS under the designation of TPS for Burma ran from May 25, 2021, through November 25, 2022).

<sup>8</sup> See 86 FR 41863 (August 3, 2021) (18-month designation of Haiti for TPS through February 3, 2023).

<sup>9</sup> See 86 FR 50725 (September 10, 2021) (continued compliance with the preliminary injunction order in *Ramos*, as well as orders in *Bhattarai* and *Saget*).

<sup>10</sup> Although a panel of the U.S. Court of Appeals for the Ninth Circuit vacated the *Ramos* preliminary injunction on September 14, 2020, the plaintiffs have requested *en banc* review of the panel’s decision, and litigation is continuing. See *Ramos, et al., v. Wolf, et al.*, No. 18-16981(9<sup>th</sup> Cir., Sept. 14, 2020). The district court’s preliminary injunction remained in effect throughout CY 2020, as did the *Bhattarai* and *Saget* court orders.

Most recently, on September 10, 2021, DHS published another *Federal Register* notice announcing the continuation of TPS and TPS-related documentation through December 31, 2022, for eligible, affected TPS beneficiaries from the six countries whose TPS designations are the subject of one or more of the three lawsuits noted above: El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan.<sup>11</sup> DHS will continue to ensure its compliance with all relevant court orders if it remains necessary after that date.

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<sup>11</sup> See 86 FR 50725 (September 10, 2021) (continued compliance with the preliminary injunction order in *Ramos*, as well as orders in *Bhattarai* and *Saget*).



Temporary Protected Status: Calendar Year 2021  
Annual Report

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## **I. Legislative Requirement**

Section 244(i) of the *Immigration and Nationality Act* (INA) (8 U.S.C. § 1254a(i)) provides:

### (i) Annual Report and Review.-

(1) Annual report.- Not later than March 1 of each year (beginning with 1992), the [Secretary of Homeland Security], after consultation with the appropriate agencies of the Government, shall submit a report to the Committees on the Judiciary of the House of Representatives and of the Senate on the operation of this section during the previous year. Each report shall include—

(A) a listing of the foreign states or parts thereof designated under this section,

(B) the number of nationals of each such state who have been granted temporary protected status under this section and their immigration status before being granted such status, and

(C) an explanation of the reasons why foreign states or parts thereof were designated under subsection (b)(1) and, with respect to foreign states or parts thereof previously designated, why the designation was terminated or extended under subsection (b)(3).

(2) Committee report.- No later than 180 days after the date of receipt of such a report, the Committee on the Judiciary of each House of Congress shall report to its respective House such oversight findings and legislation as it deems appropriate.

## II. Background

Section 244(b)(1) of the INA provides the Secretary with the authority to designate a foreign state, or any part of such state, for Temporary Protected Status (TPS) upon finding, among other things, that such state is experiencing ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions. (See Executive Summary, fn. 1, for specific statutory requirements for each type of designation.) The Secretary may grant TPS to an eligible national of the designated foreign state (or to an eligible noncitizen having no nationality who last habitually resided in such state) who, as described in section 244(c)(1)(A) of the INA and implementing regulations in 8 C.F.R. § 244.2:

- Has been continuously physically present in the United States since the effective date of the most recent designation of the state as published in the *Federal Register* notice for the country designation;
- Has continuously resided in the United States since a date determined by the Secretary and published in the *Federal Register* notice;
- Is admissible as an immigrant except as otherwise provided under section 244(c)(2)(A) of the INA;
- Is not ineligible for TPS under section 244(c)(2)(B) of the INA; and
- Registers during an initial registration period of not less than 180 days, as announced by public notice in the *Federal Register*, or the applicant meets late initial registration criteria during any subsequent extension of TPS designation pursuant to 8 C.F.R. § 244.2(f)(2).

During the period for which the Secretary has designated a foreign state for TPS, registered TPS beneficiaries are eligible to remain in the United States, cannot be removed, and are authorized to work, so long as their TPS has not been withdrawn for individual ineligibility. They may also be granted authorization to travel abroad temporarily with the prior consent of the Secretary. See INA §§ 244(a)(1), 244(a)(2), and 244(f)(3).

The granting of TPS itself does not lead to lawful permanent resident status. When the Secretary terminates a foreign state's TPS designation, beneficiaries return to the same immigration status they possessed prior to gaining TPS (unless that status has since expired or been terminated) or to any other status they may have obtained while registered for TPS. Beneficiaries who had no lawful status before obtaining TPS and who have not obtained any other lawful status after TPS return to unlawful status when the TPS designation ends.



### III. Data Report

#### Section 3.1 Foreign States with TPS Designations in Calendar Year (CY) 2021

The following table reflects all of the foreign states (or parts thereof) that held a TPS designation in CY 2021. The table shows the most recent effective dates of each designation and/or extension or termination, and the expiration date for each foreign state’s TPS designation as of December 31, 2021.<sup>12</sup> As of the end of CY 2021, litigation regarding the terminations of the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan is ongoing.<sup>13</sup> The TPS designations for these countries continue as of the end of CY 2021 based on preliminary injunctions and related court orders in the cases.

Country	Last Action (as of 12/31/21)	Expiration (as of 12/31/21)	Federal Register Notice
Burma	18-month initial designation	November 25, 2022	86 FRN 28132 (May 25, 2021)
El Salvador	compliance with the <i>Ramos</i> preliminary injunction order	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Haiti	18-month initial designation	February 3, 2023	86 FR 41863 (August 3, 2021)
	compliance with the preliminary injunction orders in <i>Ramos</i> and <i>Saget</i>	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Honduras	compliance with the order staying proceedings in <i>Bhattarai</i>	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Nepal	compliance with the order staying proceedings in <i>Bhattarai</i>	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Nicaragua	compliance with the <i>Ramos</i> preliminary injunction order	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Somalia	18-month extension and redesignation	March 17, 2023	86 FR 38744 (July 22, 2021)
South Sudan	18-month extension	May 2, 2022	85 FR 69344 (November 2, 2020)
Sudan	compliance with the <i>Ramos</i> preliminary injunction order	pending further resolution of litigation	86 FR 50725 (September 10, 2021)
Syria	18-month extension and redesignation	September 30, 2022	86 FR 14946 (March 19, 2021)
Venezuela	18-month initial designation	September 9, 2022	86 FR 13574 (March 9, 2021)
Yemen	18-month extension and redesignation	March 3, 2023	86 FR 36295 (July 9, 2021)

<sup>12</sup> TPS actions taken by the Secretary between December 31, 2021, and the date of this report are not reflected in the table. Any such TPS actions will be noted on the TPS Calendar Year 2022 report and can also be found on USCIS’ website at: <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>13</sup> See, e.g., *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. March 12, 2018), *on appeal Ramos, et al., v. Wolf, et al.*, No. 18-16981(9<sup>th</sup> Cir., Sept. 14, 2020) (“*Ramos*”); *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. May 31, 2018) (“*Saget*”); and *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Feb. 10, 2019) (“*Bhattarai*”).

### Section 3.2 Number and Prior Immigration Status of TPS Beneficiaries During CY 2021

The following table reflects the number of TPS beneficiaries under each designated foreign state at the close of CY 2021.<sup>14</sup>

Country	Total
Burma	247
El Salvador	241,699
Haiti	53,558
Honduras	76,737
Nepal	14,556
Nicaragua	4,250
Somalia	436
South Sudan	97
Sudan	706
Syria	6,455
Venezuela	29,193
Yemen	1,696
<b>Total</b>	<b>429,630</b>

The following table reflects the prior immigration status of noncitizens with TPS at the close of CY 2021.<sup>15</sup> Noncitizens who entered without inspection (EWI); who were stowaways (ST); as well as others who may have had no immigration status, may not recall their immigration status,<sup>16</sup> or who had applications/petitions for status denied prior to obtaining TPS, are also listed in the table. Appendix A provides the description of each of the status abbreviations in the first column of the table. Under INA § 244(a)(5), a noncitizen may continue to maintain his or her prior immigration status while holding TPS, provided he or she maintains eligibility for the prior immigration status.

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<sup>14</sup> Data may differ from prior reports due to annual fluctuations in the number of beneficiaries and to steps taken to improve data accuracy.

<sup>15</sup> Data Source: Computer Linked Application Information Management System (CLAIMS), USCIS Electronic Immigration System (USCIS ELIS), and USCIS Service Center Operations Directorate, as adjusted. Prior immigration status is self-reported by TPS beneficiaries on Form I-821, Application for Temporary Protected Status.

<sup>16</sup> This is based upon self-reported information, which is not always accurate. At the time of filing for TPS, the applicant is self-reporting that he or she cannot recall his or her immigration status. Immigration status, or lack of status, does not impact eligibility for TPS. *See* INA § 244(a)(5).

Status	BURM	ELSL	HAT	HOND	NEP	NIC	SOMA	S. SUDA	SUDA	SYR	VENZ	YEM
IB1	0	6	3	2	0	0	0	0	1	1	2	0
IB2	2	1	5	1	0	0	0	0	0	7	1	0
A1	0	8	2	1	3	0	0	7	2	0	46	3
A12	0	0	2	2	0	0	0	0	0	0	0	0
A17	0	0	0	1	0	0	0	0	0	0	0	0
A2	0	8	1	2	6	0	0	1	3	0	0	2
A3	0	1	0	3	1	0	0	0	0	0	1	2
AS	26	95	230	17	1,044	2	15	1	13	694	14,764	143
AS1	0	0	0	0	0	0	0	0	0	0	9	0
AS2	0	0	0	0	0	0	0	0	0	0	2	0
AS3	0	0	0	0	0	0	0	0	0	0	2	0
AS6	0	0	1	0	0	0	0	0	0	0	0	0
AS8	0	0	0	0	0	0	0	0	0	0	1	0
ASD	0	3	45	0	2	0	1	0	1	6	14	0
ASY	0	47	5	0	0	0	1	0	0	0	0	0
B1	2	16	71	31	14	26	0	1	7	34	49	2
B1A	0	1	1	0	1	0	0	0	0	0	0	1
B2	24	140	620	223	85	94	4	4	28	433	1,600	36
C1	0	0	3	11	2	2	0	0	0	0	0	0
C4	0	2	1	0	0	1	0	0	0	0	0	0
CH	0	11	90	12	5	3	0	0	0	3	0	0
CP	0	1	3	2	1	0	0	0	0	1	0	0
CR6	0	0	0	0	0	0	0	0	1	0	5	0
CR7	0	0	0	0	0	0	0	0	0	0	1	0
CW1	4	1	0	0	6	0	0	0	0	0	0	0
CW2	0	0	0	0	4	0	0	0	0	0	0	0
D1	0	2	3	1	0	0	0	0	0	0	0	0
DA	0	148	21	53	6	3	0	0	0	2	1	1
DE	0	2	2	0	0	0	0	0	0	0	0	0
DT	0	1	1	0	0	1	0	0	0	1	0	0

Status	BURM	ELSL	HAT	HOND	NEP	NIC	SOMA	S. SUDA	SUDA	SYR	VENZ	YEM
DV1	0	0	0	0	0	0	0	0	0	0	1	0
DV2	0	0	0	0	0	0	0	0	0	0	1	0
DV6	0	0	0	0	0	0	0	0	0	0	1	0
DV7	0	0	0	0	0	0	0	0	0	0	1	0
E1	0	5	1	2	0	0	0	0	0	0	1	0
E16	0	0	0	0	0	0	0	0	0	0	1	0
E2	0	1	0	0	1	0	0	0	0	1	44	0
E26	0	0	0	0	0	0	0	0	0	0	1	0
E28	0	0	0	0	0	0	0	0	0	0	1	0
EAO	0	62	1	5	0	2	0	0	0	0	0	0
EB1	0	0	1	0	0	0	0	0	0	0	0	0
EB2	0	0	0	0	1	0	0	0	0	1	2	0
ENT	0	298	0	65	0	4	0	0	0	0	0	0
EWI	1	3,950	777	3,312	153	160	7	0	3	30	37	3
F1	94	5	140	22	2,054	3	2	6	28	132	497	123
F2	10	1	12	3	426	1	0	0	4	23	103	19
F21	0	0	2	0	0	0	0	0	0	0	0	0
F27	0	0	0	0	0	0	0	0	0	0	1	0
F31	0	0	1	0	0	0	0	0	0	0	0	0
FUG	0	2	0	0	0	0	0	0	0	0	0	0
G1	0	2	2	1	4	0	0	0	1	1	0	6
G2	0	0	0	0	0	0	0	0	0	0	0	5
G4	0	0	1	0	5	0	0	0	0	1	2	1
G5	0	0	2	0	1	1	0	0	0	0	1	0
GB	0	0	1	0	1	0	0	0	0	0	0	0
GT	0	0	0	1	0	0	0	0	0	0	0	0
H-1	0	0	0	1	21	0	0	0	0	10	1	0
H1	0	0	0	0	0	0	0	0	1	0	0	0
H1B	2	0	11	2	645	0	0	0	10	157	16	4
H2	0	19	5	8	1	2	0	0	0	0	0	0

Status	BURM	ELSL	HAT	HOND	NEP	NIC	SOMA	S. SUDA	SUDA	SYR	VENZ	YEM
H2A	0	15	14	2	3	0	0	0	0	1	0	0
H2B	0	23	29	17	7	1	0	0	0	0	0	0
H3A	0	0	0	0	0	0	0	0	0	0	0	2
H4	0	2	2	4	288	0	0	0	0	68	21	3
I	0	1	0	1	0	0	0	0	0	0	0	0
IMM	0	66	169	33	1	2	2	0	0	1	2	0
IN	0	0	2	2	0	0	0	0	0	0	0	0
IR0	0	1	0	0	0	0	0	0	0	0	1	0
IR1	0	0	3	0	0	0	0	0	0	0	0	0
IR6	0	0	1	0	0	0	0	0	0	0	1	0
IR7	0	0	0	0	0	0	0	0	0	0	1	0
J1	1	3	18	3	28	4	0	0	1	64	11	13
J1S	0	0	1	0	0	0	0	0	0	1	0	0
J2	0	0	3	1	25	0	0	0	3	20	12	3
K1	0	0	10	0	0	0	0	0	1	13	0	0
K2	0	0	5	1	0	0	0	0	0	5	0	0
K3	0	3	11	2	0	0	0	0	0	0	0	0
K4	0	0	7	0	0	0	0	0	0	0	1	1
L1	0	1	1	0	2	0	0	0	0	0	6	1
L1A	0	1	0	0	2	0	0	0	0	1	2	1
L1B	0	0	0	0	2	0	0	0	0	0	0	0
L2	0	1	1	0	2	0	0	0	0	5	27	3
M1	1	0	1	1	0	0	0	0	1	3	1	4
N1	0	30	17	8	3	0	0	0	0	0	0	0
O1	0	0	1	0	1	0	0	0	0	1	16	0
O1A	0	0	0	0	0	0	0	0	0	0	1	0
O1B	0	0	0	0	0	0	0	0	0	0	1	0
O2	0	0	0	0	0	0	0	0	0	0	3	0
O3	0	0	0	0	1	0	0	0	0	1	20	0

Status	BURM	ELSL	HAT	HOND	NEP	NIC	SOMA	S. SUDA	SUDA	SYR	VENZ	YEM
OP	0	1	5	3	0	0	0	0	0	0	3	0
P1	0	1	0	1	0	0	0	0	1	0	11	0
P2	0	0	1	0	0	0	0	0	0	0	0	0
P3	0	0	5	0	0	0	0	0	0	2	0	0
P3S	0	0	0	1	0	0	0	0	0	0	0	0
P4	0	0	0	0	0	0	0	0	0	0	12	0
PAR	0	264	933	167	41	2	0	0	3	77	17	7
Q1	0	5	0	0	0	0	0	0	0	0	0	0
Q3	0	0	1	0	0	0	0	0	0	0	0	0
R1	2	1	6	0	5	1	0	0	0	1	8	0
R2	0	0	4	0	4	2	0	0	0	3	16	0
RE	0	21	134	17	0	5	0	0	0	2	4	0
RE5	0	0	487	0	0	0	0	0	0	0	0	0
REF	0	0	0	1	0	1	0	0	0	0	0	0
S1	0	2	8	2	0	0	0	0	0	0	0	1
S9	0	0	1	0	0	0	0	0	0	0	0	0
SL6	0	0	1	0	0	0	0	0	0	0	0	0
ST	0	2	9	3	0	0	0	0	0	0	0	0
T1	0	7	8	1	1	0	0	0	0	0	0	0
T2	0	0	1	0	0	0	0	0	0	0	0	1
T3	0	0	1	0	0	0	0	0	0	0	0	0
T4	0	0	0	0	0	1	0	0	0	0	0	0
T5	0	1	0	1	0	0	0	0	0	0	0	0
TD	0	1	1	0	0	0	0	0	0	1	0	0
TPS	0	2,732	63	817	1	84	1	0	0	0	10	0
TWO	0	2	1	1	0	0	0	0	0	0	0	0
U1	0	11	2	3	1	1	0	0	0	0	1	0
U2	0	1	4	0	0	0	0	0	0	0	0	0
U4	0	5	0	3	0	0	0	0	0	0	0	0
UN	74	200,604	49,128	59,625	9,637	2,913	282	77	450	4,576	8,223	1,292
UNK	0	57	66	16	0	0	2	0	0	0	3,452	1

Status	BURM	ELSL	HAT	HOND	NEP	NIC	SOMA	S. SUDA	SUDA	SYR	VENZ	YEM
<b>UU</b>	0	10,643	178	2,591	2	186	11	0	28	11	4	4
<b>V1</b>	0	2	4	0	0	0	0	0	0	0	0	0
<b>V2</b>	0	0	6	0	0	0	0	0	0	1	0	0
<b>V3</b>	0	0	1	0	0	0	0	0	1	0	0	0
<b>WB</b>	0	1	3	1	1	0	0	0	0	3	6	0
<b>WD</b>	0	1	0	0	0	0	0	0	0	0	0	0
<b>WI</b>	0	343	58	430	0	18	3	0	0	2	3	0
<b>WIT</b>	0	25	0	2	0	1	0	0	0	0	0	0
<b>WT</b>	1	18	19	9	2	1	0	0	0	5	69	2
<b>X</b>	0	13	10	5	1	0	1	0	1	35	11	0
<b>Blank</b>	3	21,949	47	9,178	2	722	104	0	114	16	1	6
<b>Total</b>	247	241,699	53,558	76,737	14,556	4,250	436	97	706	6,455	29,193	1,696

<b>Grand Total</b>	429,630
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#### **IV. Analysis/Discussion**

##### **Section 4.1 Legal Authority for the Secretary to Designate a Foreign State for TPS Under INA § 244(b)(1)**

Under INA § 244(b)(1), the Secretary, after consultation with appropriate agencies of the U.S. Government, may designate a foreign state (or any part of such foreign state) if the conditions in the foreign state fall into one or more of three statutory categories, generally described as ongoing armed conflict, environmental disasters, or extraordinary and temporary conditions.<sup>17</sup> An initial TPS designation is purely discretionary, and the Secretary can decline to make a designation even if he or she determines that eligible conditions exist in a foreign state. The Secretary may designate the foreign state for a period of six, 12, or 18 months.<sup>18</sup> When the Secretary designates a foreign state for TPS, he or she establishes the dates from which a TPS applicant must have continuously resided in and been continuously physically present in the United States in order to be eligible for TPS under the particular designation.<sup>19</sup> By establishing these “continuous residence” and “continuous physical presence” dates in accordance with the TPS statute, the Secretary is able to afford temporary protection to the most appropriate group of noncitizens from the designated country.

##### **Section 4.2 Legal Authority for the Secretary to Extend or Terminate TPS Designations of Foreign States Under INA § 244(b)(3)**

As required by the INA, the Secretary conducts a periodic review of country conditions affecting each TPS-designated foreign state in consultation with appropriate agencies of the U.S. Government, to determine whether the conditions support extension or termination of the TPS designation, and whether a new designation may be warranted.<sup>20</sup> In making this determination, the Secretary typically reviews country conditions information provided by the Department of State (DOS) and USCIS’s Refugee, Asylum, and International Operations Directorate. At least 60 days prior to the current expiration of a country’s TPS designation, the Secretary must review the conditions in the designated foreign state and determine whether the conditions for such designation continue to be met. If the Secretary determines that the statutory conditions for designation no longer continue to be met, the TPS statute requires that he or she terminate the designation. If the Secretary finds, however, that the conditions for designation continue to be met (or makes no determination at all), the statute requires that the TPS designation be extended for a minimum of six months, or, in the Secretary’s discretion, for 12 or 18 months. USCIS publishes a notice in the *Federal Register* that announces the Secretary’s determination of whether to extend, extend and make a new designation, or terminate a country’s TPS designation.

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<sup>17</sup> See *supra* note 1 (providing text of INA § 244(b)(1)).

<sup>18</sup> See INA § 244(b)(2)(B).

<sup>19</sup> See INA § 244(c)(1)(A). The continuous residence date is such date as the Secretary may establish. *Id.* at §(244(c)(1)(A)(i). However, the continuous physical presence date is the effective date of the most recent designation, which itself is the *Federal Register* notice publication date of the designation or such later date as the Secretary may specify in the notice. See *Id.* at §244(b)(2)(A); §244(c)(1)(A)(ii).

<sup>20</sup> See INA § 244(b)(3)(A-C).



That notice includes an explanation of the reasons for the determination. Section 4.3 below describes the specific reasons for the extensions of TPS designations and redesignation, and initial designations announced in CY 2021. There were no terminations of TPS designations in CY 2021.

### **Section 4.3 Extensions of Designations Under INA § 244(b)(3)(C) and Redesignation Under INA § 244(b)(1) and (c)(I)(A)(i)**

This section provides details about TPS actions announced by the Secretary in CY 2021 regarding foreign states for which the most recent action by the Secretary, as of December 31, 2021, was an extension of the state’s existing TPS designation and also a redesignation of the state.

#### **Somalia**

On July 22, 2021, Secretary Alejandro N. Mayorkas announced via Federal Register Notice (FRN) the extension of the TPS designation for Somalia and the redesignation of Somalia for 18 months, effective September 18, 2021, through March 17, 2023.<sup>21</sup>

**The information below describing the reasons for these actions has been excerpted from the July 22, 2021 FRN that announced the extension and redesignation.**

DHS has reviewed country conditions in Somalia. Based on the review, including input received from DOS, the Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting Somalia’s 2012 TPS redesignation persist. The Secretary has further determined that the conditions support redesignating Somalia for TPS under section 244(b)(1)(A) and (C) of the Act and is changing the “continuous residence” and “continuous physical presence” dates that applicants must meet to be eligible for TPS.

The ongoing armed conflict in Somalia, along with natural disasters and contagious disease outbreaks, have worsened an already severe humanitarian crisis. Since DHS last extended TPS for Somalia, a dramatic upsurge in violence, severe drought, flooding, and the spread of desert locusts have contributed to worsening food insecurity and internal displacement.<sup>22</sup> Moreover, an outbreak of cholera in conjunction with the COVID-19 pandemic presented major challenges for a healthcare system that had already been severely weakened by ongoing conflict. These conditions have left a large portion of the population in need of humanitarian assistance.<sup>23</sup> Numerous factors impede the delivery of humanitarian aid, including difficulty accessing areas

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<sup>21</sup> See 86 FR 38744 (July 22, 2021) (18-month extension of Somalia’s TPS designation through March 17, 2023, and redesignation of Somalia for TPS through March 17, 2023).

<sup>22</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 7.

<sup>23</sup> Somalia Key Figures, The UN Office for the Coordination of Humanitarian Affairs, <https://m.reliefweb.int/country/216/som?figures-display=all> (last visited May 5, 2021).

affected by climate-related disasters, general insecurity, and most notably threats to aid workers and restrictions on the presence and work of humanitarian agencies.<sup>24</sup>

The insurgent group Al-Shabaab continues to present a significant risk. Becoming bolder since early 2019, Al-Shabaab regularly attacks major towns and conducts deadly attacks on civilian and military targets alike.<sup>25</sup> The organization continues to maintain its capability to infiltrate Mogadishu and carry out high-profile attacks.<sup>26</sup> The group conducted a monthly average of 140 attacks between November 2020 and February 2021.<sup>27</sup> The group continues to maintain a stronghold in the southern parts of Somalia, such as the Lower Juba and Lower Shabelle regions, and also retains operational military capacity in the northern federal member states of Puntland<sup>28</sup> and Somaliland.<sup>29</sup>

Interclan<sup>30</sup> conflicts remain a major concern, particularly in Hiiraan, Galmudug, Lower Shabelle, and Middle Shabelle regions in southern and central Somalia, and in the Sool region, bordering Puntland and Somaliland.<sup>31</sup> Beginning in April 2020 and throughout the year, the area around Wanlaweyn in Lower Shabelle region saw fierce interclan fighting between clan militias.<sup>32</sup> Civilians continue to bear the brunt of the ongoing interclan violence.<sup>33</sup> This violence led to the destruction of property and livelihoods, including via land grabbing; limited free movement and access to humanitarian assistance; and taxation of communities (including through forced child recruitment).<sup>34</sup>

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<sup>24</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 5; 2020 Country Reports on Human Rights Practices: Somalia, U.S. Department of State, April 7, 2021, pg. 15.

<sup>25</sup> Felbab-Brown, Vanda, The Problem with Militias in Somalia, United Nations Center for Policy Research, 2020 pg. 120.

<sup>26</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021 pg. 3.

<sup>27</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021, pg. 4.

<sup>28</sup> Puntland is a region in the north-east part of Somalia that declared itself as an autonomous state in August 1998. *Puntland Profile*, BBC News, last updated on March 11, 2019.

<sup>29</sup> Somaliland declared independence from Somalia in 1991. While not internationally recognized as an independent state, Somaliland has a political system, government institutions, a police force, and its own currency. *Somaliland Profile*, BBC News, last updated on December 14, 2017; Felbab-Brown, Vanda, The Problem with Militias in Somalia, United Nations Center for Policy Research, 2020, pg. 12.

<sup>30</sup> Information on Somali clans and sub-clan divisions is available in the Genealogical Table of Somali Clans, UNHCR, March 15, 2004.

<sup>31</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 13.

<sup>32</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S. Department of State, April 7, 2021, pg. 4.

<sup>33</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S. Department of State, April 7, 2021, pg. 5.

<sup>34</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 12-13.

Security forces and private landowners continued to forcibly evict<sup>35</sup> internally displaced persons (IDPs).<sup>36</sup> In September of 2020, 100,000 IDPs reportedly were evicted from their temporary homes through that point in the year.<sup>37</sup>

Women and girls in Somalia face high rates of gender-based violence, and IDPs are disproportionately impacted.<sup>38</sup> This includes abductions, female genital mutilation/cutting (FGM/C), and early and forced marriage, as well as reported incidents of rape and gang rape by state agents, militias associated with clans, and unidentified armed men.<sup>39</sup> Al-Shabaab also committed gender-based violence,<sup>40</sup> including forced marriages in areas under its control.<sup>41</sup> There are also reports of rape and sexual exploitation and abuse by government forces, including by the Somali National Army (SNA) and the African Union Mission in Somalia (AMISOM) forces.<sup>42</sup>

All parties to the conflict in Somalia continued to commit serious abuses against children, including those involving killings, maiming, and recruitment and use of child soldiers.<sup>43</sup> Between November 2020 and February 2021, some 1,112 children (924 boys and 188 girls) were affected by serious abuses.<sup>44</sup> During this period, 395 children were abducted, 254 children were killed or maimed, 375 children were recruited and used as child soldiers, and 88 girls were victims of rape and other forms of sexual violence.<sup>45</sup> Al-Shabaab was responsible for most of these abuses.<sup>46</sup> Al-Shabaab also continued to recruit and use children to directly participate in hostilities, and used them in suicide attacks and, at times, as human shields for other fighters.<sup>47</sup> Al-Shabaab's recruitment practices included raiding schools, madrassas, and mosques, and harassing and coercing clan elders to recruit children.<sup>48</sup>

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<sup>35</sup> Internally displaced persons (IDPs) are generally most affected by forced evictions in Mogadishu, Somalia's capital. Generally, these IDPs--fleeing from insecurity and natural disasters in rural areas-- establish temporary settlements in abandoned areas in Mogadishu, where they pay rent to "gatekeepers" - the de facto managers of these informal settlements. These evictions are linked to rising land and property values, and clan power dynamics among one of the most powerful clans--the Hawiye clan in the Mogadishu area. The combination of these factors has led to forced evictions of IDPs, usually with force and without any prior notice. UnSettlement: Urban displacement in the 21<sup>st</sup> century, Internal Displacement Monitoring Centre, November 2018, pg. 5-7.

<sup>36</sup> Somalia 2020, Amnesty International, 2021.

<sup>37</sup> Somalia 2020, Amnesty International, 2021.

<sup>38</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 30-31.

<sup>39</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 30-31.

<sup>40</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 14.

<sup>41</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021, pg. 10.

<sup>42</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 5.

<sup>43</sup> Somalia Word Report: Events of 2020, Human Rights Watch, 2021.

<sup>44</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021, pg. 9-10.

<sup>45</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021, pg. 9-10.

<sup>46</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021, pg. 9-10.

<sup>47</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 14.

<sup>48</sup> 2020 Country Reports on Human Rights Practices: Somalia, U.S Department of State, April 7, 2021, pg. 14.

In April 2021, the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) reported that “80 percent of the country is experiencing drought conditions,”<sup>49</sup> with drought affecting the three main regions of Somalia – South/Central, Puntland and Somaliland.<sup>50</sup> Below average rainfall from October to December 2020, followed by harsher and unusually warm temperatures in January to March 2021, worsened drought conditions across the country in March and April 2021.<sup>51</sup> Ongoing water shortages linked to drought are driving steep water price increases in many regions, and a growing number of people rely on expensive water delivered by trucks to meet their basic needs, contributing to worsening humanitarian conditions.<sup>52</sup> As of April 2021, more than 116,000 people have been displaced due to drought and resultant water scarcity.<sup>53</sup>

Somalia has also experienced ongoing problems related to flooding. In October 2019, heavy rains displaced close to 270,000 people; the worst affected region was in Hiiraan, in central Somalia.<sup>54</sup> In 2020, ongoing flooding events displaced 919,000 people and destroyed infrastructure, property and 144,000 hectares of agricultural fields.<sup>55</sup>

In December 2020, locust swarms began forming in central regions of Somalia,<sup>56</sup> spreading to southern and northern regions in early 2021 and affecting close to 300,000 hectares of land and 700,000 people.<sup>57</sup> On February 2, 2020, the Somali government declared a national state of emergency due to the impact of the locusts.<sup>58</sup> UNOCHA reported in February 2021 that Somalia experienced its worst desert locust upsurge in 25 years, damaging tens of thousands of hectares of cropland and pasture with potentially severe consequences for agriculture and pastoral-based livelihoods.<sup>59</sup>

In an October 2020 report, the Food and Agriculture Organization (FAO) and the World Food Programme (WFP) identified Somalia as one of 20 “acute food insecurity hotspots,”<sup>60</sup> and noted that Somalia is facing “high levels of acute food insecurity.”<sup>61</sup> The Food Security Nutrition Analysis Unit (FSNAU) for Somalia assessed that the “drivers of acute food insecurity in Somalia included the compounding effects of poor and erratic rainfall distribution, flooding,

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<sup>49</sup> Somalia: Drought Conditions Update, The UN Office for the Coordination of Humanitarian Affairs, April 26, 2021.

<sup>50</sup> Somalia Drought Update, Food and Agriculture Organization of the United Nations, April 22, 2021, pg. 1.

<sup>51</sup> Somalia Drought Update, Food and Agriculture Organization of the United Nations, April 22, 2021, pg. 1.

<sup>52</sup> Fact Sheet #2: Somalia- Complex Emergency, U.S. Agency for International Development, April 28, 2021, pg. 2.

<sup>53</sup> Fact Sheet #2: Somalia- Complex Emergency, U.S. Agency for International Development, April 28, 2021, pg. 2.

<sup>54</sup> Hundreds of thousands of people affected by floods in central Somalia, MSF, November 5, 2019.

<sup>55</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 11.

<sup>56</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 12.

<sup>57</sup> Situation in Somalia Report of the Secretary-General (November 2020 – February 2021), UN Security Council, February 17, 2021 pg. 10.

<sup>58</sup> Situation in Somalia - Report of the Secretary-General (S/2020/121), UN Security Council, February 13, 2020, pg. 11.

<sup>59</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 12.

<sup>60</sup> FAO-WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations and the World Food Programme, Nov. 2020, pg. 6.

<sup>61</sup> FAO-WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations and the World Food Programme, Nov. 2020, pg. 13.

Desert Locust infestation, socioeconomic impacts of COVID-19, and conflict.”<sup>62</sup> As of March 2021, an estimated 2.7 million people are facing acute food insecurity.<sup>63</sup> Moreover, in March 2021, UNOCHA also reported that in 2020, children constitute over 60 percent of those in need in Somalia, and malnutrition rates among children remain among the worst in the world.<sup>64</sup> COVID-19 has directly impacted Somalia’s health care system, which is limited.<sup>65</sup> In June 2020, the World Health Organization (WHO) assessed that Somalia’s health system, decimated by decades of civil war, ranked 194 out of 195 on the Global Health Security Index.<sup>66</sup> While the global standard for healthcare workers is 25 per 100,000 people, Somalia has only two healthcare workers per 100,000 people.<sup>67</sup> With only 15 ICU beds for a population of more than 15 million, it is listed among the least-prepared countries in the world to detect and report epidemics, or to execute a rapid response that might mitigate further spread of disease.<sup>68</sup>

Somalia has also been experiencing a cholera outbreak since December 2017, following floods that affected areas near the Jubba and Shabelle rivers in southern and central Somalia.<sup>69</sup>

According to WHO, in 2020 Somalia had 6,589 suspected cases of cholera and 33 reported deaths.<sup>70</sup> In April 2020, flash floods caused by heavy rains led to the contamination of water sources, thus causing an increase in the number of cholera cases.<sup>71</sup>

Humanitarian organizations operating in Somalia face heightened challenges, as security constraints continued to hinder the delivery of humanitarian assistance.<sup>72</sup> UNOCHA reported that in 2020, “a staggering 255 incidents occurred impacting humanitarian operations, in which 15 humanitarian workers were killed, compared to 151 incidents in 2019.”<sup>73</sup>

In December 2019, the World Bank reported that “[d]ecades of civil war and political fragmentation have made Somalia one of the poorest countries in Sub-Saharan Africa. Nearly seven of 10 Somalis live in poverty, the sixth-highest rate in the region.”<sup>74</sup> While the World Bank stated in March 2020 that “Somalia reached a key economic milestone in obtaining debt relief,”<sup>75</sup> the African Development Bank assessed that Somalia’s economy was also affected by “reduced foreign direct investment, as investors shied away during contentious elections that were postponed, a shrinkage in remittances because of the global recession, and bans on

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<sup>62</sup> Up to 2.7 million in Somalia face acute food insecurity Crisis (IPC Phase 3) or worse outcomes through mid-2021, Food Security and Nutrition Analysis Unit, February 4, 2021.

<sup>63</sup> Fact Sheet #2: Somalia- Complex Emergency, U.S. Agency for International Development, April 28, 2021, pg. 1.

<sup>64</sup> 2021 Somalia Humanitarian Needs Overview, The UN Office for the Coordination of Humanitarian Affairs pg. 7.

<sup>65</sup> COVID-19, locusts, flooding: WHO and triple threat in Somalia, World Health Organization, June 23, 2020.

<sup>66</sup> COVID-19, locusts, flooding: WHO and triple threat in Somalia, World Health Organization, June 23, 2020.

<sup>67</sup> COVID-19, locusts, flooding: WHO and triple threat in Somalia, World Health Organization, June 23, 2020.

<sup>68</sup> COVID-19, locusts, flooding: WHO and triple threat in Somalia, World Health Organization, June 23, 2020.

<sup>69</sup> Outbreak update – Cholera in Somalia, World Health Organization, March 23, 2021.

<sup>70</sup> Outbreak update – Cholera in Somalia, World Health Organization, December 27, 2020.

<sup>71</sup> Outbreak update – Cholera in Somalia, World Health Organization, March 23, 2021.

<sup>72</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 5.

<sup>73</sup> Humanitarian Response Plan Somalia, The UN Office for the Coordination of Humanitarian Affairs, February 2021, pg. 5.

<sup>74</sup> From data to development: Poverty and policy in Somalia, World Bank Blogs, December 09, 2019.

<sup>75</sup> The International Monetary Fund and the World Bank determined that Somalia had taken the necessary steps to begin receiving debt relief. For additional details on these requirements, please see Somalia to Receive Debt Relief under the Enhanced HIPC Initiative, World Bank, March 25, 2020.

livestock exports by the Gulf countries.”<sup>76</sup> Additional information supporting the reasons for the Somalia’s TPS designation extension and redesignation is provided at 86 FR 38744 (July 22, 2021).

## **Syria**

On March 19, 2021, Secretary Mayorkas announced via FRN the extension of the TPS designation for Syria for 18 months, effective March 31, 2021, through September 30, 2022.<sup>77</sup>

**The information below describing the reasons for these actions has been excerpted from the March 19, 2021 FRN that announced the extension and redesignation.**

DHS has reviewed conditions in Syria. Based on the review, including input received from other U.S. Government agencies, the Secretary has determined that an 18-month extension is warranted because the ongoing armed conflict and extraordinary and temporary conditions supporting Syria’s TPS designation remain.

The protracted civil war continues to contribute to the severe humanitarian crisis in Syria and continues to demonstrate deliberate targeting of civilians, the use of chemical weapons and irregular warfare tactics, and forced conscription and use of child soldiers. The war has resulted in a sustained need for humanitarian assistance, an increase in refugees and displaced people, food insecurity, limited access to water and medical care, and a large-scale destruction of Syria’s infrastructure.

As further indication of the deteriorating conditions, on October 8, 2020, President Donald Trump continued for one year the national emergency with respect to Syria declared in Executive Order 13894, citing “the actions by the Government of Turkey to conduct a military offensive into northeast Syria, undermines the campaign to defeat the Islamic State of Iraq and Syria, or ISIS, endangers civilians, and further threatens to undermine the peace, security, and stability in the region, and continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.”

While the last documented chemical weapons attack by the Syrian government was an attack using chlorine on May 19, 2019 in Latakia province that injured several civilians, in October 2020, United States Ambassador to the UN Kelly Craft stated that Syria had breached its obligation under the Chemical Weapons Convention and UN resolutions to dismantle its chemical weapons program.

In addition to chemical weapons, according to DOS, the regime also frequently employed prohibited cluster munitions and barrel bombs. Per DOS, the Syrian Network for Human Rights<sup>78</sup> documented at least 3,420 barrel bombs dropped by Russian and Syrian helicopters and

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<sup>76</sup> Somalia Economic Outlook, African Development Bank (last visited on May 7, 2021).

<sup>77</sup> See 86 FR 14946 (March 19, 2021) (18-month extension of Syria’s TPS designation through September 30, 2022, and redesignation of Syria for TPS through September 30, 2022).

<sup>78</sup> The Syrian Network for Human Rights is “an independent, neutral, non-governmental, non-profit human rights organization” which documents human rights violations in Syria. <https://sn4hr.org>.

airplanes on Idlib between April and September of 2019, often striking civilians and civilian infrastructure, including homes, medical facilities, and schools. In the last weeks of December 2020, the regime's forces dropped barrel bombs in Maaret al-Norman, resulting in the deaths of a child and a White Helmets humanitarian volunteer.

DOS reported that in late 2019, regime and pro-regime forces attacked civilians in hospitals, residential areas, schools, and settlements for IDPs and refugee camps; these attacks included bombardment with barrel bombs in addition to the use of chemical weapons. These forces used the massacre of civilians, as well as their forced displacement, rape, starvation, and protracted sieges that occasionally forced local surrenders, as military tactics. In late 2019, ISIS members in Syria continued to plot or inspire external terrorist operations, also according to DOS.

According to the UN Independent International Commission of Inquiry on the Syrian Arab Republic, Syrian Government troops “carried out air and ground attacks which decimated civilian infrastructure, depopulated towns and villages,” killing hundreds of women, men and children” between November of 2019 and June of 2020. In a press release related to the report, Commission Chair Paulo Pinheiro stated that, “Children were shelled at school, parents were shelled at the market, patients were shelled at the hospital...entire families were bombarded even while fleeing. What is clear from the military campaign is that pro-government forces and UN-designated terrorists flagrantly violated the laws of war and the rights of Syrian civilians.”

According to the Internal Displacement Monitoring Center,<sup>79</sup> Syria has the highest number of IDPs in the world, seeing 1.8 million new displacements in 2019, and an additional 1.5 million new displacements in the first half of 2020, mostly as a result of the regime's military offensives in the northeast and northwest areas of the country. In 2020, the United States Agency for International Development (USAID) reported 6.6 million people are internally displaced within Syria, an increase of 400,000 from USAID's 2019 reports. In 2020, UNHCR registered 5,580,396 Syrian refugees in neighboring countries, representing an increase of approximately 10,000 refugees from 5,570,382 Syrian refugees in neighboring countries in 2019. As of September 2020, USAID reported 11.1 million people in Syria were in need of humanitarian assistance (a reduction from 11.7 million people in 2019).

In September 2020, the WFP estimated that 9.3 million people in Syria are food insecure, the highest number ever recorded, as the conflict persists and “the overall food security situation is deteriorating across the country.” USAID reported that “inflation, high food prices, and the worst drought in 30 years — that killed high numbers of livestock and drastically reduced crop yields in 2018 — have also contributed to food assistance needs across Syria in 2019.” The COVID-19 pandemic in 2020 has also exacerbated food insecurity. In the summer of 2020, the head of the WFP assessed that, “Syria faces the risk of mass starvation or another mass exodus unless more aid money is made available.”

DOS says that, according to UNOCHA, half of all health facilities were closed or partially functioning, and the conflict had killed hundreds of healthcare workers.

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<sup>79</sup> The Internal Displacement Monitoring Center is a non-profit organization that “provides data and analysis and supports partners to identify and implement solutions to internal displacement.” <https://www.internal-displacement.org>.

According to the World Bank, the conflict in Syria has continued to devastate the Syrian economy. A lack of sustained access to health care, education, housing, and food have exacerbated the effects of the conflict and pushed millions of people into unemployment and poverty. Additional information supporting the reasons for the Syria's TPS designation extension and redesignation is provided at 86 FR 14946 (March 19, 2021).

## **Yemen**

On July 9, 2021, Secretary Mayorkas announced via FRN the extension of the TPS designation for Yemen and the redesignation of Yemen for 18 months, effective September 4, 2021, through March 3, 2023.<sup>80</sup>

### **The information below describing the reasons for these actions has been excerpted from the July 9, 2021 FRN that announced the extension and redesignation.**

DHS has reviewed conditions in Yemen. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month extension is warranted because the armed conflict is ongoing, and the extraordinary and temporary conditions that prompted the 2017 redesignation of Yemen persist. The Secretary has further determined that the conditions support redesignating Yemen for TPS under section 244(b)(1)(A) and (C) of the Act and changing the dates for “continuous residence” and “continuous physical presence” in the United States that applicants must meet, in addition to other requirements, to be eligible for TPS.

In September 2014, the Houthi clan, with their armed wing, Ansar Allah and forces allied with them, launched an attack on Sana'a, Yemen's capital city, and much of the surrounding areas in an attempt to remove Yemen's President Abdu Rabbu Mansour Hadi.<sup>81</sup> The armed conflict in Yemen escalated on March 25, 2015, when a coalition that included Saudi Arabia and the United Arab Emirates (UAE) entered the conflict with the aim of retaking the Houthis' territorial gains and returning President Hadi to power.<sup>82</sup> Now in its seventh year, the protracted conflict has shown no sign of abating, as fighting between Houthi and government forces continues.<sup>83</sup>

There are 24.1 million people (approximately 80 percent of the population) in need of humanitarian assistance as a result of civil war and conflict in Yemen.<sup>84</sup> UNHCR has recorded 69,160 Yemeni refugees and asylum-seekers in neighboring countries.<sup>85</sup> Over 4 million people have been internally displaced within Yemen, and 166,000 of those were displaced in 2020.<sup>86</sup> The number of those killed since the escalation in violence in 2015 is estimated at over 233,000

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<sup>80</sup> See 86 FR 36295 (July 9, 2021) (18-month extension of Yemen's TPS designation through March 3, 2023, and redesignation of Yemen for TPS through March 3, 2023).

<sup>81</sup> *The War in Yemen and the Making of a Chaos State*, The Atlantic, February 3, 2018.

<sup>82</sup> *Saudi Arabia bombs Yemen, launches coalition op against Houthi rebels*, Reuters, March 25, 2015.

<sup>83</sup> Kali Robinson, *Yemen's Tragedy: War, Stalemate, and Suffering*, Council on Foreign Relations, Feb. 5, 2021.

<sup>84</sup> The United Nations in Yemen, <https://yemen.un.org/en/about/about-the-un>, (last visited April 26, 2021).

<sup>85</sup> Refugee Data Finder, The UN Refugee Agency, UNHCR, <https://www.unhcr.org/refugee-statistics/download/?url=Gb4fe1> (last visited Apr. 16, 2021).

<sup>86</sup> *Operational Update: Yemen*, UNHCR, April 15, 2021.



individuals.<sup>87</sup> The protracted armed conflict has resulted in high levels of food insecurity, limited access to water and medical care, and the large-scale destruction of Yemen's infrastructure and cultural heritage.<sup>88</sup>

The ongoing conflict has deepened Yemen's difficult economic and humanitarian situation. The food security situation has significantly deteriorated, with 16.2 million people experiencing food insecurity.<sup>89</sup> The conflict has also severely impacted the delivery of basic services, including health services, water, sanitation, and education. The United Nations Children's Fund (UNICEF) estimates that 18 million people in Yemen (approximately 59 percent of the population) do not currently have access to clean water and sanitation.<sup>90</sup> Infrastructure damage as a result of the conflict has further constrained service delivery and relief efforts, as roads, bridges, flood control systems, health facilities, airports, and schools have been damaged or destroyed in the conflict.<sup>91</sup> Even if a political resolution to the conflict is reached, Yemen will be faced with tremendous reconstruction needs. Additionally, thousands of landmines have been placed during the conflict, with mine clearance likely taking years to complete.<sup>92</sup>

COVID-19 has devastated what remained of Yemen's healthcare infrastructure after years of protracted conflict. In April of 2021, it was reported that a new wave of COVID infections had more than doubled the number of confirmed cases in the preceding six weeks, and that while health facilities are increasingly turning people away for lack of space and supplies, reporting mechanisms capture only a small share of cases.<sup>93</sup> In December of 2020, it was reported that only 51 percent of Yemen's health facilities were functioning, and the country had desperately low testing capacity for COVID-19, a total of only 700 intensive care beds, and just 500 ventilators available for a population of over 30 million people.<sup>94</sup> In July of 2020, approximately 20 percent of the country's 333 districts had no medical doctors, with numbers continuing to decline as scores of doctors died from the virus.<sup>95</sup> Healthcare for mothers and their babies is on the brink of collapse, with only 20 percent of the remaining healthcare facilities providing maternal and newborn healthcare as of December 2020.<sup>96</sup> One woman and six newborns in Yemen die every two hours due to complications during pregnancy or childbirth.<sup>97</sup>

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<sup>87</sup> *UN humanitarian office puts Yemen war dead at 233,000, mostly from 'indirect causes'*, UN News, Dec. 1, 2020.

<sup>88</sup> *Heritage at Risk in Yemen*, UNESCO, <https://en.unesco.org/galleries/heritage-risk-yemen> (last visited April 16, 2021).

<sup>89</sup> *WFP Yemen Emergency Dashboard*, World Food Programme, March 2021.

<sup>90</sup> UNICEF Yemen, *Water, Sanitation, Hygiene*, <https://www.unicef.org/yemen/water-sanitation-and-hygiene> (last visited April 23, 2021).

<sup>91</sup> *Saudi-led attacks devastated Yemen's civilian infrastructure, dramatically worsening the humanitarian crisis*, The Washington Post, Feb. 22, 2021.

<sup>92</sup> *Yemen: Houthi Landmines Kill Civilians, Block Aid*, Human Rights Watch, April 22, 2019.

<sup>93</sup> Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Mark Lowcock: Briefing to the Security Council on the Humanitarian Situation in Yemen, United Nations Office for the Coordination of Humanitarian Affairs, April 15, 2021.

<sup>94</sup> *A crisis with no end in sight: How the ongoing crisis in Taiz Governorate continues to put civilians at risk*, Oxfam, p. 3, Dec. 2020.

<sup>95</sup> *Agencies fear hidden cholera deaths in Yemen as Covid-19 overwhelms clinics*, The Guardian, July 28, 2020.

<sup>96</sup> *After years of conflict, Yemen remains the world's worst humanitarian crisis, a UNFPA 2021 appeal shows*, Reliefweb, Dec. 7, 2020.

<sup>97</sup> *After years of conflict, Yemen remains the world's worst humanitarian crisis, a UNFPA 2021 appeal shows*, Reliefweb, Dec. 7, 2020.

Yemen's citizens have also been beleaguered by a cholera outbreak since 2016.<sup>98</sup> Between October 2016 and December 2020, 2,510,806 cases of cholera were recorded in Yemen.<sup>99</sup> COVID-19 can exacerbate death tolls in areas with cholera outbreaks, because the twin crises can overwhelm the healthcare system, and COVID-19 outbreaks can discourage cholera patients from seeking medical attention.<sup>100</sup> The cholera outbreak in Yemen is considered to be the worst in modern times, affecting all other major health crises, including COVID-19, and contributing to widespread malnutrition.<sup>101</sup>

Since March of 2020, the economy of Yemen has contracted sharply from an already low base.<sup>102</sup> The COVID-19 pandemic depressed the worldwide oil market, which was particularly problematic for Yemen as the oil sector was previously the only large export earner in the Yemeni economy.<sup>103</sup> Yemen's private sector has suffered greatly from the armed conflict, and the shrinking of the economy has also affected the ability of laborers to bring home wages due to an extremely unreliable supply chain and a coercive business environment.<sup>104</sup> Additional information supporting the reasons for the Yemen's TPS designation extension and redesignation is provided at 86 FR 36295 (July 9, 2021).

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<sup>98</sup> *Yemen's cholera outbreak now the worst in history as millionth case looms*, The Guardian, Oct. 12, 2017.

<sup>99</sup> *Cholera Situation in Yemen, December 2020*, World Health Organization, Dec. 2020.

<sup>100</sup> Osama B. Hassan & Laura B. Nellums, *Cholera during COVID-19: The forgotten threat for forcibly displaced populations*, EClinicalMedicine published by The Lancet, Volume 32, Feb. 11, 2021.

<sup>101</sup> *Agencies fear hidden cholera deaths in Yemen as Covid-19 overwhelms clinics*, The Guardian, July 28, 2020.

<sup>102</sup> *Republic of Yemen*, World Bank Economic Update, April 2021.

<sup>103</sup> *Republic of Yemen*, World Bank Economic Update, April 2021.

<sup>104</sup> *Republic of Yemen*, World Bank Economic Update, April 2021.

## Section 4.4 Designations under INA § 244(b)(1)

The Secretary designated Burma, Haiti and Venezuela for TPS in CY 2021.

### **Burma**

On May 25, 2021, Secretary Mayorkas announced via FRN the TPS designation for Burma for 18 months, effective May 25, 2021, through November 25, 2022.<sup>105</sup>

**The information below describing the reasons for Burma’s TPS designation has been excerpted from the May 25, 2021 FRN that announced the designation.**

#### Overview

On February 1, 2021, the Burmese military perpetrated a coup, deposing the democratically elected government and declaring a temporary one-year state of emergency, after which it has said it will hold elections. The military is responding with increasing oppression and violence to demonstrations and protests, resulting in large-scale human rights abuses, including arbitrary detentions and deadly force against unarmed individuals. The coup has triggered a humanitarian crisis, including the disruption of communications and limited access to medical care. The Burmese military has a clear and well-documented history of committing atrocities against the people of Burma, and again, the military is committing brutal violence against the Burmese people, including young children.

#### Political Crisis

On February 1, 2021, the Burmese military seized power in a coup against the democratically elected government led by President Win Myint and State Counsellor Aung San Suu Kyi, who were taken into custody along with other leaders of their party, the National League for Democracy (NLD).<sup>106</sup> Immediately after the coup, there were disruptions of internet and cellular service, state television went off air, security checkpoints were set up in major cities, and banks suspended services. The military has imposed a curfew across the country, from 8 p.m. until 6 a.m.<sup>107</sup> and restricted internet and telecommunication services across the country. The military regime has also blocked social media sites such as Facebook and Twitter, detained journalists for doing their work, and is drafting a cybersecurity law that will further restrict online freedom of expression.<sup>108</sup> These disruptions, limitations, and detentions prevent persons in Burma from obtaining timely safety information.

Public protests have taken place in various parts of the country, including some that occur on a nightly basis and some with thousands of participants, in spite of the government’s continued

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<sup>105</sup> See 86 FR 28132 (May 25, 2021) (18-month designation of Burma for TPS through November 25, 2022).

<sup>106</sup> “Myanmar military seizes power, detains elected leader Aung San Suu Kyi,” Reuters, Feb. 1, 2021.

<sup>107</sup> “Myanmar’s military stages coup d’etat: Live news,” Al-Jazeera, Feb. 1, 2021.

<sup>108</sup> “Myanmar coup: Teachers join growing protests against military”, BBC News, Feb. 5. 2021; Myanmar: “A coup is worse than covid. I’ve lived through three”, The Economist, Feb. 5. 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

blocking of social media websites.<sup>109</sup> Since February 5, a grassroots peaceful Civil Disobedience Movement (CDM), spearheaded by political leaders, civil society activists, youth, government bureaucrats, and health officials, has spread in cities across the country.<sup>110</sup> The protest sizes ebb and flow, reaching numbers of more than 1 million people on February 22. Airport, bank, and health care workers have gone on strike.<sup>111</sup>

To curb protests, on February 8, the military declared a curfew in 36 townships and major cities, dramatically expanding the ability of security forces to arbitrarily arrest and detain individuals, search homes, and use force against people congregating peacefully in groups of five or more.<sup>112</sup> In addition, the military has released more than 20,000 convicted prisoners in what some civil society contacts report is an apparent attempt to intimidate peaceful protestors and create disorder and fear, thus enabling further military crackdowns.<sup>113</sup>

Criminal charges against State Counsellor Aung San Suu Kyi followed two days after the coup. Those charges, purported to relate to violations of import law, were “widely seen as a pretext to keep her detained”<sup>114</sup> and to disqualify and/or prevent her for keeping office as an elected official. She was accused of new criminal charges on April 12.<sup>115</sup>

On March 3, the United Nations Special Envoy for Burma, Christine Schraner Burgener, warned that the situation in Burma challenges “the stability of the region” and could lead to a “real war” and stressed that “every tool available was now needed to end the situation” and that “the unity of the international community was essential.”<sup>116</sup>

## Human Rights Abuses

### *Violence committed by police and military forces*

Since the coup, police and military forces steadily escalated their use of force, resulting in the injuring and killing of multiple individuals. There are multiple credible accounts of heavily armed police and military deploying to areas where demonstrations were taking place, firing into

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<sup>109</sup> “Myanmar coup: Teachers join growing protests against military”, BBC News, Feb. 5. 2021; Myanmar: “A coup is worse than covid. I’ve lived through three”, The Economist, Feb. 5. 2021.

<sup>110</sup> “Myanmar’s Military Arrests Doctors for Joining and Supporting Civil Disobedience Movement”, The Irrawaddy, Feb. 12, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

<sup>111</sup> “Myanmar grinds to a halt as hundreds of thousands strike against military coup”, Washington Post, Feb. 22, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021., Feb. 22, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

<sup>112</sup> “Myanmar’s military stages coup d’etat: Live news”, Al-Jazeera, Feb. 1, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

<sup>113</sup> “Report of the Special Rapporteur on the situation of human rights in Myanmar”, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

<sup>114</sup> “Myanmar’s Coup, Explained,” New York Times, Feb. 5, 2020.

<sup>115</sup> “Myanmar’s Junta Levies New Charge Against Aung San Suu Kyi,” Voice of America News, April 12, 2021

<sup>116</sup> “Stability of the region’ hangs on Myanmar, declares UN Special Envoy,” UN News, <https://news.un.org/en/story/2021/03/1086332>, UN News, March 3, 2021.

crowds, and killing and injuring demonstrators.<sup>117</sup> Police and military personnel have conducted nighttime raids, resulting in arrests and killings of individuals who tried to stop individuals from entering their communities.<sup>118</sup> On March 30, Secretary of State Antony Blinken called the military's actions in Burma "reprehensible" and described "increasingly disturbing and even horrifying violence".<sup>119</sup> On April 21, Secretary Blinken stated that the military regime "has intensified its violent crackdown, killing more than 650 people, including many children, and detaining more than 3,200 others since February 1."<sup>120</sup>

Security forces killed over 100 people on March 27 alone as the military celebrated its annual Armed Forces Day, the single bloodiest day since the coup.<sup>121</sup> On April 9, the junta's armed forces killed some 82 people in the city of Bago in a violent suppression of protests.<sup>122</sup> The military has also killed at least 43 children since February 1, according to rights organization Save the Children.<sup>123</sup>

### *Arbitrary Arrest and Detention*

The UN Office of the United Nations High Commissioner for Human Rights advised that, since the beginning of the coup, the police and security forces have targeted an "ever-increasing number of opposition voices and demonstrators by arresting political officials, activists, civil society members, journalists and medical professionals."<sup>124</sup>

### *Danger to vulnerable groups*

Human Rights Watch has expressed concern that military control of the government will further endanger human rights for Rohingya Muslims, who have been denied citizenship and suffered

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<sup>117</sup> See e.g. "Mass protests and funeral follow deadly shootings in Myanmar," NBC News/Associated Press, Feb. 21, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

<sup>118</sup> See e.g. "Myanmar security forces open fire on protesters, killing at least 18, according to U.N.," Washington Post, Feb. 28, 2021; Myanmar residents on night patrol as coup tensions deepen, Agence-France Press, Feb. 15, 2021.

<sup>119</sup> "U.S.' Blinken calls for global companies to reconsider financial support to Myanmar's military," Reuters, March 30, 2021.

<sup>120</sup> "Press Statement of Antony J. Blinken, Secretary of State, on Imposing Sanctions on Two Burmese State-Owned Enterprises" (April 21, 2021).

<sup>121</sup> "Army Fires at funeral as Myanmar mourns day of 'mass murder,'" Aljazeera, March 28, 2021, *available at* <https://www.aljazeera.com/news/2021/3/28/12-defence-chiefs-condemn-myanmar-army-after-day-of-mass-murder>

<sup>122</sup> "Witnesses to Bago killings describe relentless military onslaught against Myanmar civilian population," CNN, April 16, 2021, *available at* <https://www.cnn.com/2021/04/16/asia/bago-mass-killing-myanmar-civilians-intl-hnk/index.html>.

<sup>123</sup> "Myanmar coup: More than 40 children killed by military, rights group says," BBC News, April 1, 2021, *available at* <https://www.bbc.com/news/world-asia-56600292>.

<sup>124</sup> "UN Human Rights Office urges military to halt violence against peaceful protestors across Myanmar," <https://myanmar.un.org/en/114079-un-human-rights-office-urges-military-halt-violence-against-peaceful-protestors-across>, February 28, 2021.

oppression for decades, and that “serious threats lay ahead for activists, journalists, ethnic minorities and others who have long been targets of the military’s oppressive campaigns.”<sup>125</sup>

The regime has also stepped up the violence in ethnic minority regions. In late March, the military escalated its offensive in Karen State, launching aerial attacks that have driven more than 200,000 residents from their homes to seek shelter in the border regions.<sup>126</sup> The military has also intensified fighting in Kachin State, after the Kachin Independence Organization (KIO) opposition to the coup and the killing of protestors.<sup>127</sup>

### Humanitarian Crisis

The Burmese military’s history of committing atrocities to maintain and expand its control in the country have raised concerns about the possibility of escalating violence, new displacement, and ongoing and increased obstacles to the provision of humanitarian assistance. In response to past movements against military rule, in 1988 and 2007, the military committed massacres against individuals.<sup>128</sup> Burma’s coup on February 1, 2021, has triggered a humanitarian crisis, including the disruption of communications and limited access to medical care. The impacts include, among other things, the closure of banks and interruptions of payments and cash withdrawal systems, as well as a reported increase in prices of basic commodities, including food, construction materials and fuel in some areas.<sup>129</sup> UNOCHA reports the situation has impacted the ability of partners to respond to the needs of vulnerable communities and displaced persons in violence-affected areas. UNOCHA indicated that about 945,000 people were targeted for such assistance in 2021.<sup>130</sup> Among those in need of humanitarian assistance are over 330,000 IDPs within Burma.<sup>131</sup> This includes 126,000 IDPs in camps since the 2012 violence in Rakhine State and, in northern Shan State, around 2,300 people newly displaced in Kyaukme, Namtu and Hsipaw townships in February due to armed clashes between the MAF and ethnic armed organizations or between armed organizations.<sup>132</sup> UNOCHA reports concerns for its own staff safety and security as well.<sup>133</sup> Additional information supporting the reasons for Burma’s TPS designation is provided at 86 FR 28132 (May 25, 2021).

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<sup>125</sup> “Serious Threats’ Ahead: Human Rights Experts Voice Concern for Rohingya Muslims in Myanmar Following Military Coup,” Frontline, <https://www.pbs.org/wgbh/frontline/article/human-rights-experts-concern-rohingya-muslims-myanmar-january-31-military-coup/>, February 2, 2021.

<sup>126</sup> “Myanmar military’s offensive against Karen people,” Vatican News, <https://www.vaticannews.va/en/world/news/2021-04/myanmar-military-strikes-karen-people-displaced.html>.

<sup>127</sup> “Myanmar Military Suffers Heavy Casualties in Attacks by Ethnic Armed Groups in Kachin State, The Irrawaddy,” <https://www.irrawaddy.com/news/burma/myanmar-military-suffers-heavy-casualties-attacks-ethnic-armed-group-kachin-state.html>.

<sup>128</sup> “The shooting starts,” The Economist, Mar. 6, 2021.

<sup>129</sup> “Myanmar Humanitarian Update No. 4,” <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-4-25-february-2021>, Feb. 25, 2021.

<sup>130</sup> “Relief programmes hit by ongoing crisis in Myanmar, UN humanitarian office says,” U.N. News, Feb. 26, 2021.

<sup>131</sup> “Myanmar: Humanitarian Update No. 4, U.N. Office for the Coordination of Humanitarian Affairs,” Feb. 25, 2021.

<sup>132</sup> “Myanmar Humanitarian Update No. 4,” <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-4-25-february-2021>, Feb. 25, 2021.

<sup>133</sup> “Myanmar Humanitarian Update No. 4,” <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-4-25-february-2021>, Feb. 25, 2021.

## Haiti

On August 3, 2021, Secretary Mayorkas announced via FRN the TPS designation for Haiti for 18 months, effective August 3, 2021, through February 3, 2023.<sup>134</sup>

**The information below describing the reasons for Haiti’s TPS designation has been excerpted from the August 3, 2021 FRN that announced the designation.**

DHS and DOS have reviewed conditions in Haiti. Based on this review and after consulting with DOS, the Secretary has determined that an 18-month designation is warranted because of extraordinary and temporary conditions described below.

### Overview

Haiti is grappling with a deteriorating political crisis, violence, and a staggering increase in human rights abuses.<sup>135</sup> Within this context, as noted by UNICEF, Haiti faces the challenges of “rising food insecurity and malnutrition, [...] waterborne disease epidemics, and high vulnerability to natural hazards, all of which have been further exacerbated by the coronavirus disease 2019 (COVID-19) pandemic.”<sup>136</sup>

### Context

Haiti is a constitutional republic with a multiparty political system. The most recent national legislative elections were held in November 2016. Jovenel Moïse was elected as president for a five-year term and took office in February 2017. Due to political gridlock and the failure of parliament to approve an elections law and a national budget, parliamentary elections scheduled for October 2019 did not take place. In January 2020, parliament lapsed, leaving only 10 senators and no deputies remaining in office, and on February 7, 2020, President Moïse began to rule by decree, without a legislative body.<sup>137</sup>

In March 2020, President Moïse appointed Joseph Jouthe as prime minister to head a new government. The president subsequently reappointed or replaced all elected mayors throughout the country when their terms ended in July 2020. As of November 2020, the president was the

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<sup>134</sup> See 86 FR 41863 (August 3, 2021) (18-month designation of Haiti for TPS through February 3, 2023). This is a new designation of Haiti. The termination of the prior designation is the subject of litigation noted previously. Eligible beneficiaries under the prior Haiti designation continue to have TPS and TPS-related documentation as described in the preliminary injunctions issued by the *Ramos* and *Saget* federal district courts. See litigation discussion in Section 4.6 below. See also 86 FR 50725 (Sept. 10, 2021). Such beneficiaries may also apply for TPS under the new designation of Haiti.

<sup>135</sup> See e.g. Charles, Jacqueline, “Haitian Journalists Injured as Nation Plunges Deeper into Turmoil Amid Constitutional Crisis,” *Miami Herald*, Feb. 10, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249163765.html> and “A Cycle of Instability’: Haiti’s Constitutional Crisis,” CSIS, Feb. 8, 2021, <https://www.csis.org/analysis/cycle-instability-haitis-constitutional-crisis>.

<sup>136</sup> “Humanitarian Action for Children: Haiti,” United Nations Children’s Fund (UNICEF), 2021, <https://www.unicef.org/media/87006/file/2021-HAC-Haiti.pdf>.

<sup>137</sup> “2020 Country Reports on Human Rights Practices: Haiti,” United States Department of State, March 30, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/haiti/>.

sole nationally elected leader empowered to act, as the 10 senators remaining in office were unable to conduct legislative activities due to a lack of quorum.<sup>138</sup>

President Moïse used executive decrees to schedule a vote on a new constitution June 27, 2021, and then elections for a new president and legislature on September 19, 2021. However, these moves were met with criticism from opposition parties who feared that these actions may allow President Moïse's party to retain power indefinitely.<sup>139</sup> Further, the international community has expressed the need to address election-related security, transparency and logistical issues so voting can take place. For example, on March 24, 2021, the UN Security Council underscored the need for Haiti to address "essential security, transparency and logistical considerations and also reiterated the urgent need to hold free, fair, transparent and credible legislative elections, overdue since October 2019."<sup>140</sup> On May 24, 2021, U.S. Ambassador to the United Nations Linda Thomas-Greenfield met with President Moïse and conveyed deep concern regarding Haiti's ongoing political impasse, a lack of accountability for human rights violations, and deteriorating security conditions. Ambassador Thomas-Greenfield noted that to date, preparations for the constitutional referendum scheduled for June 27, 2021, had not been sufficiently transparent or inclusive, and reiterated that Haiti must hold free, fair, and transparent legislative and presidential elections in 2021.<sup>141</sup>

### Human Rights Violations and Abuses

President Moïse became increasingly authoritarian through reliance on executive decrees to accomplish his agenda, including the creation of an intelligence agency accountable only to the president.<sup>142</sup> The Human Rights Component of the United Nations Integrated Office in Haiti and the Office of the High Commissioner for Human Rights reported a staggering 333 percent increase in the number of human rights violations and abuses by law enforcement officials and non-state actors, respectively, against the rights to life and security of person in the period between July 2018 and December 2019.<sup>143</sup> The *Miami Herald* has reported "an atmosphere of heightened tension between the government and the press," citing as an example a February 2021 attack against journalists who were covering protests.<sup>144</sup> Also, on February 8, 2021 Moïse

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<sup>138</sup> Id.

<sup>139</sup> See e.g. Andre Paultre and Sarah Marsh "The battle for democracy goes on in Haiti as Moïse gains power," The Christian Science Monitor, March 30, 2021, <https://www.csmonitor.com/World/Americas/2021/0330/The-battle-for-democracy-goes-on-in-Haiti-as-Moise-gains-power>.

<sup>140</sup> Security Council Presidential Statement Expresses Deep Concern over Multiple Crises in Haiti, Stressing Government's Primary Duty to Tackle Instability, United Nations Security Council Press Release, March 24, 2021

<sup>141</sup> "Readout of a Meeting Between Ambassador Linda Thomas-Greenfield and Haiti's President Jovenel Moïse," United States Mission to the United Nations, May 24, 2021.

<sup>142</sup> Andre Paultre and Sarah Marsh "The battle for democracy goes on in Haiti as Moïse gains power," The Christian Science Monitor, March 30, 2021, <https://www.csmonitor.com/World/Americas/2021/0330/The-battle-for-democracy-goes-on-in-Haiti-as-Moise-gains-power>.

<sup>143</sup> Unrest in Haiti: Their Impact on Human Rights and the State's Obligation to Protect all Citizens, United Nations Office of the High Commissioner for Human Rights/United National Integrated Office in Haiti, Jan. 18, 2021, <https://binuh.unmissions.org/en/unrest-haiti-their-impact-human-rights-and-state%E2%80%99s-obligation-protect-all-citizens-0>.

<sup>144</sup> Charles, Jacqueline, "Haitian Journalists Injured as Nation Plunges Deeper into Turmoil Amid Constitutional Crisis," Miami Herald, Feb. 10, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249163765.html>.



dismissed three Supreme Court judges who had been approached by the opposition as possible interim leaders to replace Moïse and head a transitional government.<sup>145</sup> In response to these events, the U.S. Embassy in Haiti issued a statement expressing concerns about “any actions that risk damaging Haiti’s democratic institutions.”<sup>146</sup> On March 24, 2021, the United Nations Security Council noted “with concern reported violations and abuses of international human rights, including some involving the alleged use of deadly force against protesters and reported arbitrary arrests and detentions” and called on the Government to respect the freedoms of expression and association. It also called on the Inspector General of the Haitian National Police to conduct a thorough investigation of the reported incidents.<sup>147</sup>

### Serious Security Concerns

Violent criminal gangs pose a growing challenge to state authority, including de facto control of territory. From 2019 to 2021, a new federation emerged, uniting urban criminal gangs that control entire neighborhoods in the capital city of Port-au-Prince.<sup>148</sup> DOS’s Overseas Security Advisory Council (OSAC) reported in 2020 that gang activity was also on the rise outside of Port-au-Prince, and noting that the last weeks in November 2020 were particularly dangerous, with 14 kidnappings reported at that time.<sup>149</sup> In January 2021, a leading Haitian human rights organization, the Center for the Analysis and Research of Human Rights (CARDH), stated in its 2020 annual report that over a third of Haiti’s voters now live in areas controlled by criminal gangs.<sup>150</sup> In January of 2021, USAID said, “Security conditions have deteriorated in Port-au-Prince since late November [2020] due to an increase in kidnappings and political protests.”<sup>151</sup>

In March 2021, the UN Security Council expressed its deep concern regarding the protracted political, constitutional, humanitarian, and security crises in Haiti.<sup>152</sup>

On April 21, 2021, DOS issued a Level 4 Travel Advisory for Haiti, advising travelers not to visit Haiti because of kidnapping, crime, and civil unrest.<sup>153</sup> Media outlets characterized Haiti as

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<sup>145</sup> Paultre, Andre, “Haitian Protesters, Police Clash After President Moves Against Top Judges,” Reuters, Feb. 10, 2021, <https://www.reuters.com/article/us-haiti-politics/haitian-protesters-police-clash-after-president-moves-against-top-judges-idUSKBN2AA2X6>.

<sup>146</sup> U.S. Embassy Statement on February 9, 2021, U.S. Embassy in Haiti, Feb. 9, 2021, <https://ht.usembassy.gov/u-s-embassy-statement-on-february-9-2021/>.

<sup>147</sup> Statement by the President of the Security Council, United Nations Security Council, March 24, 2021.

<sup>148</sup> See e.g. “4 Police Die in Raid on Haiti Gang Stronghold”, Voice of America, March 13, 2021 (“Criminal networks exercise total control over several poor, densely populated neighborhoods of the capital, creating no-go zones where they hold kidnap victims..”).”).

<sup>149</sup> Haiti 2020 Crime and Safety Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, Apr. 29, 2020, and December 17, 2020, <https://www.osac.gov/Content/Report/09752c66-7cac-47f7-a92e-188fe7af0f75>.

<sup>150</sup> See <https://cardh.org/archives/1519>.

<sup>151</sup> Haiti – Complex Emergency Fact Sheet #1, Fiscal Year 2021, U.S. Agency for International Development (USAID), Jan. 19, 2021, <https://reliefweb.int/report/haiti/haiti-complex-emergency-fact-sheet-1-fiscal-year-fy-2021>.

<sup>152</sup> Statement by the President of the Security Council on Haiti, March 24, 2021.

<sup>153</sup> Haiti Travel Advisory, U.S. Department of State, Apr. 21, 2021, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>.

suffering from “escalating violence,” including kidnappings and homicides,<sup>154</sup> and a “public security free fall.”<sup>155</sup> In early April 2021, *Agence France-Presse* reported that “Kidnappings for ransom have surged in recent months in Port-au-Prince and other provinces, reflecting the growing influence of armed gangs.”<sup>156</sup> The *Miami Herald* reported that “Reports of kidnappings in Haiti continue to make headlines on a near daily basis, drawing alarm from international allies and humanitarian groups,”<sup>157</sup> while the *Associated Press* noted that kidnapping “has become so common that radio stations often broadcast pleas for help.”<sup>158</sup> On April 11, 2021, 10 individuals were kidnapped in the town of Croix-des-Bouquets—including seven members of the Catholic clergy.<sup>159</sup> In response, the Archdiocese of Port-au-Prince issued a statement warning that the country “is facing a ‘descent into hell’” and criticizing the Haitian government for its inaction.<sup>160</sup> In mid-April 2021, rising levels of violence led schools, businesses, and banks across Haiti to close in protest.<sup>161</sup>

In an April 2021 report by Harvard Law School’s International Human Rights Clinic and a consortium of Haitian civil society organizations, the authors describe complicity of state officials and police in gang attacks that left hundreds of people dead.<sup>162</sup> The report’s authors asserted that the government has helped to unleash criminal violence on poor neighborhoods, including by providing gangs with money, weapons, police uniforms, and government vehicles and that such support has encouraged the gangs to grow to the point where they can no longer be reined in, allowing criminality to explode. According to the report, the United Nations warned that a lack of accountability contributed to an increase in gang attacks throughout 2020, including attacks on Cité Soleil, where police resources were reportedly used on multiple occasions.

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<sup>154</sup> Sanon, Evens, and Coto, Dánica, “Surge in violence rattles Haiti as poverty, fear deepens,” *The Associated Press*, Apr. 16, 2021, <https://apnews.com/article/port-au-prince-kidnapping-violence-poverty-haiti-06ba2725c9639a532a69ac3c6645d916>.

<sup>155</sup> Tim Padgett, “Haitian Prime Minister Resigns As Economic And Public Security Collapse Deepens,” *Miami NPR affiliate WLRN*, April 14, 2021, <https://www.wlrn.org/news/2021-04-14/haitian-prime-minister-resigns-as-economic-and-public-security-collapse-deepens>.

<sup>156</sup> “Catholic church says Haiti faces ‘descent into hell’ after clergy kidnappings,” *Agence France-Presse*, Apr. 12, 2021, <https://www.theguardian.com/world/2021/apr/12/catholic-clergy-abucted-ransom-haiti-france>.

<sup>157</sup> Charles, Jacqueline, “Haiti orphanage attacked by armed bandits, children sexually assaulted,” *manager says*, *Miami Herald*, Apr. 13, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article250622224.html>.

<sup>158</sup> Sanon, Evens, and Coto, Dánica, “Surge in violence rattles Haiti as poverty, fear deepens,” *The Associated Press*, Apr. 16, 2021, <https://apnews.com/article/port-au-prince-kidnapping-violence-poverty-haiti-06ba2725c9639a532a69ac3c6645d916>.

<sup>159</sup> Sanon, Evens, “Catholic officials halt activity in Haiti for 9 kidnapped,” *The Associated Press*, Apr. 21, 2021, <https://apnews.com/article/latin-america-haiti-kidnapping-port-au-prince-europe-9cd7e6f7077009e30830f277ece721db>.

<sup>160</sup> “Catholic church says Haiti faces ‘descent into hell’ after clergy kidnappings,” *Agence France-Presse*, Apr. 12, 2021, <https://www.theguardian.com/world/2021/apr/12/catholic-clergy-abucted-ransom-haiti-france>.

<sup>161</sup> Sanon, Evens, and Coto, Dánica, “Surge in violence rattles Haiti as poverty, fear deepens,” *The Associated Press*, Apr. 16, 2021, <https://apnews.com/article/port-au-prince-kidnapping-violence-poverty-haiti-06ba2725c9639a532a69ac3c6645d916>.

<sup>162</sup> Harvard Law School International Human Rights Clinic and Observatoire Haïtien des crimes contre l’humanité, *Killing With Impunity, State-Sanctioned Massacres in Haiti*, [http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing\\_With\\_Impunity-1.pdf](http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing_With_Impunity-1.pdf), April 2021.

In early April 2021, the *Miami Herald* reported on increasing violence on public transportation in Haiti, noting, “Already driven to despair in Haiti by brutal poverty and a paralyzing political crisis, bus drivers and commuters are now having to grapple with surging violence on the country’s public transportation. Robberies and kidnappings have become a daily reality as buses get intercepted by armed gangs controlling access to large swaths of the country.”<sup>163</sup>

On June 10, 2021, UNOCHA reported an upsurge in deadly clashes between gangs in Port-au-Prince displaced more than 5,000 people since the beginning of June.<sup>164</sup> According to UNOCHA, the displacement brings the overall number to some 10,000 residents who have been displaced in the past 12 months due to similar incidents.<sup>165</sup> Starting June 24, 2021, multiple news organizations reported one of Haiti’s most powerful gang leaders warned that he was launching a “revolution” against the country’s business and political elites, signaling a likely further escalation of violence in Haiti.<sup>166</sup> On July 7, 2021 a group of assailants attacked President Moïse’s residence and killed him. No one has claimed responsibility for the assassination.

### Economic Situation

According to the World Bank, Haiti’s economic and social development continue to be hindered by political instability, governance issues, and fragility. With a Gross Domestic Product (GDP) per capita of \$1,149.50 U.S. dollars per year and a Human Development Index ranking of 170 out of 189 countries in 2020, Haiti remains the poorest country in the Latin America and Caribbean region and among the poorest countries in the world.<sup>167</sup> The World Bank further reports that even before the COVID-19 pandemic, the economy was contracting and facing significant fiscal imbalances. Following a contraction of 1.7 percent in 2019 in the context of the political turmoil and social discontent, GDP contracted by an estimated 3.8 percent in 2020, as the COVID-19 pandemic exacerbated the already weak economy and political instability.<sup>168</sup> It further reports that past marginal gains in poverty reduction have been undone by these recent shocks, with current estimates pointing to a poverty rate of nearly 60 percent in 2020, compared to the last official national estimate of 58.5 percent in 2012. About two thirds of the poor live in rural areas. The welfare gap between urban and rural areas is largely due to adverse conditions for agricultural production.<sup>169</sup> The Congressional Research Service (CRS) reported in March 2020 that “Public frustration with economic woes has contributed greatly to ongoing

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<sup>163</sup> Charles, Jacqueline, “When we aren’t killed, they kidnap us.’ Riding a bus in Haiti now a dangerous quest,” *Miami Herald*, Apr. 8, 2021, <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article248908489.html>.

<sup>164</sup> Daily Noon Briefing Highlights, United Nations Office for the Coordination of Humanitarian Affairs, 10 June 2021, <https://www.unocha.org/story/daily-noon-briefing-highlights-ethiopia-haiti>.

<sup>165</sup> Id.

<sup>166</sup> See e.g. “Haiti Gang Leader Launches ‘Revolution’ as Violence Escalates”, *U.S. News and World Report*, June 24, 2021, <https://www.usnews.com/news/world/articles/2021-06-24/haiti-gang-leader-launches-revolution-as-violence-escalates>, and “Haiti gang leader threatens ‘revolution’”, *The New York Carib News*, June 26, 2021, <https://www.nycaribnews.com/articles/haiti-gang-leader-threatens-revolution/>.

<sup>167</sup> “The World Bank in Haiti”, *World Bank*, April 26, 2021.

<sup>168</sup> Id.

<sup>169</sup> Id.

demonstrations, some of which have become violent.”<sup>170</sup> Protests have been spurred in part by the elimination of fuel subsidies in 2018 and subsequent increases in fuel prices.<sup>171</sup> In late 2019, protests in response to rising fuel costs precipitated a halt in nearly all economic activity for a period of about eight weeks.

The United Nations Integrated Office in Haiti reports that, as a result of multiple crises including political instability and COVID-19, Haiti’s economy contracted by 1.2 percent in 2019. Factories are operating at reduced capacity, unemployment is rising, the Haitian gourde continues to lose value against the United States dollar, inflation consistently exceeds 20 percent.<sup>172</sup>

On June 8, UNOCHA reported that the unprecedented level of violence and subsequent displacements as a result of gang violence is creating a host of secondary issues, such as the disruption of community-level social functioning, family separation, increased financial burdens on host families, forced school closures, loss of livelihoods and a general fear among the affected populations.<sup>173</sup>

### Healthcare Situation

USAID reported in January 2020 that insufficient funding, a weak health service delivery system, a lack of qualified health professionals, and the lingering impact of the 2010 earthquake and Hurricane Matthew in 2016 pose key challenges to the delivery of healthcare services to Haiti’s population.<sup>174</sup> In March 2020, the independent humanitarian analysis organization ACAPS reported on a severe lack of healthcare services and infrastructure across the country, noting that only 31 percent of Haitians have access to healthcare services.<sup>175</sup> Several vector-borne diseases are prevalent in Haiti, including malaria, chikungunya, dengue, and Zika.<sup>176</sup> Diphtheria is endemic, and cases have increased in recent years.<sup>177</sup> Treatment of these types of diseases is hampered by a lack of healthcare infrastructure and medication, and a low vaccination rate.<sup>178</sup> The current epidemiological situation of cholera in Haiti has improved overall, but the

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<sup>170</sup> Taft-Morales, Maureen, “Haiti’s Political and Economic Conditions,” Congressional Research Service (CRS), p.5, Mar. 5, 2020, <https://fas.org/sgp/crs/row/R45034.pdf>.

<sup>171</sup> “World Report 2021 – Haiti,” Human Rights Watch, Jan. 13, 2021, <https://www.hrw.org/world-report/2021/country-chapters/haiti>.

<sup>172</sup> “United Nations Integrated Office in Haiti: Report of the Secretary-General,” United Nations Security Council, pg 9, Feb. 11, 2021, <https://reliefweb.int/report/haiti/united-nations-integrated-office-haiti-report-secretary-general-s2021133>.

<sup>173</sup> “HAITI: Displacement in Port-au-Prince Situation Report No. 1,” OCHA, June 1-8, 2021.

<sup>174</sup> “Haiti Health Fact Sheet,” U.S. Agency for International Development (USAID), Jan. 2020, [https://www.usaid.gov/sites/default/files/documents/1862/USAID\\_Haiti\\_Health\\_Fact\\_Sheet\\_-\\_January\\_2020.pdf](https://www.usaid.gov/sites/default/files/documents/1862/USAID_Haiti_Health_Fact_Sheet_-_January_2020.pdf).

<sup>175</sup> “Briefing Note: Haiti,” ACAPS, p.4, Mar. 23, 2020, [https://www.acaps.org/sites/acaps/files/products/files/20200323\\_acaps\\_briefing\\_note\\_complex\\_crisis\\_in\\_haiti.pdf](https://www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf).

<sup>176</sup> Brown, Clive M.; Ejike-King, Lacreisha; Gracia, J. Nadine; and Sampson, Dana M.; Chapter 10: Haiti, Yellow Book, Centers for Disease Control and Prevention, last reviewed Jun. 24, 2019, accessed Feb. 12, 2021, <https://wwwnc.cdc.gov/travel/yellowbook/2020/popular-itineraries/haiti>.

<sup>177</sup> Brown, Clive M.; Ejike-King, Lacreisha; Gracia, J. Nadine; and Sampson, Dana M.; Chapter 10: Haiti, Yellow Book, Centers for Disease Control and Prevention, last reviewed Jun. 24, 2019, accessed Feb. 12, 2021, <https://wwwnc.cdc.gov/travel/yellowbook/2020/popular-itineraries/haiti>.

<sup>178</sup> “Briefing Note: Haiti,” ACAPS, p.4, Mar. 23, 2020, [https://www.acaps.org/sites/acaps/files/products/files/20200323\\_acaps\\_briefing\\_note\\_complex\\_crisis\\_in\\_haiti.pdf](https://www.acaps.org/sites/acaps/files/products/files/20200323_acaps_briefing_note_complex_crisis_in_haiti.pdf).

medical community appears divided on cholera's current prevalence in Haiti.<sup>179</sup> Special Representative of the Secretary General La Lime said the COVID-19 pandemic is stretching the country's fragile health system: In a country of more than 11 million inhabitants, La Lime explained that Haiti only has the capacity to treat a few hundred patients at a time, due to suboptimal coordination within the state apparatus, inadequate funding of the national response plan, and staunch opposition by local communities to the opening of these centers, a manifestation of the lingering climate of denial, stigma and discrimination.<sup>180</sup>

### COVID-19's Exacerbation of Food Insecurity and Lack of Access to Basic Services

High rates of poverty and natural disasters, including earthquakes and hurricanes, have contributed to elevated levels of food insecurity in Haiti.<sup>181</sup> According to the WFP, Haiti has one of the highest levels of food insecurity in the world.<sup>182</sup> More than half of the population is chronically food insecure.<sup>183</sup> According to UNICEF, 4.1 million Haitians (nearly 40 percent of the Haitian population) are estimated to be food insecure, and the estimated number of children suffering from acute malnutrition has risen to 167,000 as of May 2020.<sup>184</sup>

In an October 2020 report, FAO and WFP identified Haiti as one of 20 "acute food insecurity hotspots"<sup>185</sup> in the world.<sup>186</sup> The report also noted that "COVID-19-related restrictions have exacerbated an already high acute food insecurity situation, reducing availability of and access to food."<sup>187</sup>

In mid-March 2021, FAO stated that the effects of the COVID-19 pandemic—combined with economic instability, civil unrest, and recurring shocks linked to natural disasters including droughts, earthquakes, floods and hurricanes, have led to increased food insecurity and other humanitarian needs throughout the country.<sup>188</sup>

In early May 2021, USAID reported that the socioeconomic impacts of coronavirus disease (COVID-19) mitigation measures—along with ongoing violence and instability and persistent

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<sup>179</sup> See e.g. Henrys, Jean et al, "Cholera in Haiti," *The Lancet*, Dec. 2020,

[https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30450-2/fulltext?rss=yes](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30450-2/fulltext?rss=yes).

<sup>180</sup> "Haiti's Stability in Peril without Strong Response to COVID-19, Legal Expert Tells Security Council," June 19, 2020, <https://www.un.org/press/en/2020/sc14218.doc.htm>.

<sup>181</sup> "Country Brief – Haiti," World Food Programme (WFP), p. 1, Oct. 2020, <https://reliefweb.int/report/haiti/wfp-haiti-country-brief-october-2020>.

<sup>182</sup> "Haiti," World Food Programme (WFP), accessed Feb. 5, 2021, <https://www.wfp.org/countries/haiti>.

<sup>183</sup> "Country Brief – Haiti," World Food Programme (WFP), p. 1, Oct. 2020, <https://reliefweb.int/report/haiti/wfp-haiti-country-brief-october-2020>.

<sup>184</sup> "Haiti Humanitarian Situation Report", UNICEF, January – December 2020, <https://www.unicef.org/media/94046/file/Haiti-SitRep-December-2020.pdf>

<sup>185</sup> "FAO-WFP Early Warning Analysis of Acute Food Insecurity Hotspots: October 2020," Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), p.6, Nov. 2020, <http://www.fao.org/3/cb1907en/CB1907EN.pdf>.

<sup>186</sup> *Id.* at p.5-6,12.

<sup>187</sup> *Id.* at p.12.

<sup>188</sup> "Haiti | Humanitarian Response Plan 2021," Food and Agriculture Organization of the United Nations (FAO), p.1, Mar. 11, 2021, <https://reliefweb.int/report/haiti/haiti-humanitarian-response-plan-2021>.

economic challenges—continue to affect access to services for vulnerable people in Haiti, where approximately 4.4 million people are in need of humanitarian assistance, according to the UN.<sup>189</sup>

On June 10, 2021, UNOCHA reported that as a result of deadly gang clashes, the displaced are in need of urgent humanitarian assistance and protection. Priority needs include sanitation, shelter, access to clean water and food.<sup>190</sup> Additional information supporting the reasons for the extension of Haiti’s TPS designation is provided at 86 FR 41863 (August 3, 2021).

## **Venezuela**

On March 9, 2021, Secretary Mayorkas announced via FRN the designation of Venezuela for TPS, effective March 9, 2021, through September 9, 2022.<sup>191</sup>

**The information below describing the reasons for Venezuela’s TPS designation has been excerpted from the March 9, 2021 FRN that announced the designation.**

### **Overview**

Venezuela is currently facing a severe humanitarian emergency.<sup>192</sup> Under Nicolás Maduro’s influence,<sup>193</sup> the country “has been in the midst of a severe political and economic crisis for several years.”<sup>194</sup> Venezuela’s crisis has been marked by a wide range of factors, including: economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID-19 pandemic, among other factors.<sup>195</sup>

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<sup>189</sup> “Haiti - Complex Emergency Fact Sheet #2, Fiscal Year (FY) 2021,” U.S. Agency for International Development (USAID), p.2, May 4, 2021, <https://reliefweb.int/report/haiti/haiti-complex-emergency-fact-sheet-2-fiscal-year-fy-2021>.

<sup>190</sup> Daily Noon Briefing Highlights, United Nations Office for the Coordination of Humanitarian Affairs, 10 June 2021, <https://www.unocha.org/story/daily-noon-briefing-highlights-ethiopia-haiti>.

<sup>191</sup> See 86 FR 13574 (March 9, 2021) (18-month designation of Venezuela for TPS through September 9, 2022).

<sup>192</sup> World Report 2021 – Venezuela, Human Rights Watch, Jan. 2021.

<sup>193</sup> Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), Summary, Aug. 26, 2020.

<sup>194</sup> Venezuelan Humanitarian and Refugee Crisis, Center for Disaster Philanthropy, Jan. 18, 2021.

<sup>195</sup> Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), Summary, Aug. 26, 2020; Venezuelan Humanitarian and Refugee Crisis, Center for Disaster Philanthropy, Jan. 18, 2021; Venezuela: Complex Crisis – Overview, ACAPS, Jul. 27, 2020, <https://www.acaps.org/country/venezuela/crisis/complex-crisis> (last visited Feb. 2, 2021); Venezuela: Humanitarian Response Plan with Humanitarian Needs Overview 2020, United Nations Office for the Coordination of Humanitarian Affairs (UNOCHA), p.7-9, Jul. 2020; Detailed findings of the independent international factfinding mission on the Bolivarian Republic of Venezuela, United Nations Human Rights Council, p.27, Sep. 15, 2020; Conflictividad Social 2020 [Social Conflict 2020], Observatorio Venezolano de Conflictividad Social (OVCS), Jan. 25, 2021; Asmann, Parker, and Jones, Katie, InSight Crime’s 2020 Homicide Round-Up, InSight Crime, Jan. 29, 2021; Venezuela 2020 Crime & Safety Report, Overseas Security Advisory Council (OSAC), U.S. Department of State, Jul. 21, 2020.

## Economic Crisis

Venezuela continues to suffer from a severe economic crisis. The Congressional Research Service (CRS) reported in August 2020 that “Venezuela’s economy has collapsed.” With the largest proven oil reserves in the world, Venezuela had long been “one of the most prosperous countries in South America.” However, in 2014, the country entered into an ongoing “economic recession marked by hyperinflation, shortages of basic goods and a collapse in public services such as electricity and water.” Sources attribute Venezuela’s economic crisis to a variety of factors, including: the crash of global oil prices; economic mismanagement; heavy government regulation of the economy and the private sector; corruption; and the impact of the COVID-19 pandemic.

## Political Crisis

Venezuela continues to be impacted by a prolonged political crisis. Following a May 2018 electoral process that lacked legitimacy, but which Nicolás Maduro claimed to have won, the United States and many other democracies recognized Juan Guaidó as the interim President of Venezuela. Maduro continued to exert control over all Venezuelan institutions after January 2019, aside from the legitimately elected, opposition-controlled 2015 National Assembly. In elections held on December 6, 2020—which were rejected by the Organization of American States, many governments, and other international organizations as fraudulent<sup>196</sup>—supporters of Maduro won a vast majority of seats in the National Assembly under manipulated electoral conditions. Maduro installed a new illegitimate purported National Assembly on January 5, 2021.

## Human Rights

While concerns about “the deterioration of democratic institutions and threats to freedom of speech and press in Venezuela” have been expressed by human rights organizations for over a decade, CRS reported in August 2020 that human rights conditions are even worse under Maduro than under former President Chávez.<sup>197</sup> The Independent International Fact-Finding Mission created by the UN Human Rights Council to investigate allegations of atrocities since 2014 concluded that there were reasonable grounds to believe that pro-government groups and high-level authorities, including Maduro, had committed violations amounting to crimes against humanity. The mission found the judiciary contributed to arbitrary arrests, impunity for egregious abuses, and denial of justice to victims.<sup>198</sup>

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<sup>196</sup> See Remarks by Bradley A. Freden, Deputy Permanent Representative of the United States OAS Permanent Council, OAS Resolution Condemns the Fraudulent Elections in Venezuela (Dec 9, 2020).

<sup>197</sup> Ribando Seelke, Clare, Nelson, Rebecca M., Brown, Phillip, Margesson, Rhoda, Venezuela: Background and U.S. Relations, Congressional Research Service (CRS), p.7, Aug. 26, 2020.

<sup>198</sup> OHCHR | Venezuela: UN report urges accountability for crimes against humanity (Sep 16, 2020).

## Health Crisis

Venezuela was facing a significant health crisis even before the start of the COVID-19 pandemic. According to CRS, “overall health indicators, particularly infant and maternal mortality rates,” had deteriorated well before the impact of the COVID-19 pandemic. In April 2019, Human Rights Watch and the Johns Hopkins Bloomberg School of Public Health reported that “Venezuela’s health system has been in decline since 2012, with conditions worsening drastically since 2017.” Human Rights Watch reported in May 2020 that “Venezuela’s health system has collapsed. Shortages of medications and health supplies, interruptions of basic utilities at healthcare facilities, and the emigration of healthcare workers have led to a progressive decline in healthcare operational capacity.” Venezuelans also face “severe shortages of medicines and medical supplies”<sup>199</sup> and “a complex situation in which access to basic services, especially health services remain critical.”<sup>200</sup>

## Food Insecurity

In an October 2020 report, FAO and WFP identified Venezuela (and Venezuelan migrants in neighboring countries) as one of 20 “acute food insecurity hotspots”<sup>201</sup> in the world.<sup>202</sup> In an April 2019 report, Human Rights Watch and the Johns Hopkins Bloomberg School of Public Health reported that “[h]unger, malnutrition, and severe shortages of food are widespread” in Venezuela.<sup>203</sup> Despite a lack of nationwide nutrition data—last published by the government in 2007—the report asserted that “available evidence suggests malnutrition is high.”<sup>204</sup> Moreover, Human Rights Watch reported in January 2021 that, “[b]ased on data collected prior to the pandemic, the 2020 National Survey of Life Conditions reported 8 percent of children under five acutely malnourished and 30 percent chronically malnourished, or stunted.”

To help address shortages of food, the Venezuelan government established the Local Committees for Supply and Production (Comités Locales de Abastecimiento y Producción - CLAP) in 2016. According to the European Asylum Support Office (EASO), the CLAP “are responsible for the delivery of food and other government aid to the communities.” However, CLAP food boxes “do not meet the basic nutritional needs,” and their delivery is reportedly “inconsistent and discretionary.” Furthermore, EASO noted that the CLAP are reportedly used to monitor the population—including the political activity of beneficiaries—and “as a tool to discriminate and harass those who oppose the government or are involved in human rights

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<sup>199</sup> Venezuela: Country Focus, European Asylum Support Office (EASO), p.41, Aug. 2020.

<sup>200</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), Venezuela: Health Emergency 12-month update, <https://reliefweb.int/report/venezuela-bolivarian-republic/venezuela-health-emergency-12-month-update-mdrve004>, May 20, 2020

<sup>201</sup> FAO-WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), p.6, Nov. 2020.

<sup>202</sup> FAO-WFP early warning analysis of acute food insecurity hotspots: October 2020, Food and Agriculture Organization of the United Nations (FAO) and the World Food Programme (WFP), p.5-6,12, Nov. 2020.

<sup>203</sup> Venezuela’s Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises, Human Rights Watch & Johns Hopkins Bloomberg School of Public Health, p.4, Apr. 4, 2019.

<sup>204</sup> Venezuela’s Humanitarian Emergency: Large-Scale UN Response Needed to Address Health and Food Crises, Human Rights Watch & Johns Hopkins Bloomberg School of Public Health, p.4, Apr. 4, 2019.



advocacy.” There have also been allegations that certain Venezuelans have been “excluded from the list of CLAP beneficiaries because they were not government supporters.”  
*Access to Basic Services (Electricity, Water, Gas, etc.)*

Venezuela has seen a “collapse of basic services.”<sup>205</sup> In a July 2020 report, OHCHR stated that “Access and quality of basic services, such as transportation, electricity, water and sanitation, and gas, continued to deteriorate, undermining the right to an adequate standard of living.”<sup>206</sup> Venezuela also faces “severe shortages of water.” Further, “an estimated 86 percent of Venezuelans reported unreliable water service, including 11 percent who have none at all”, according to an April 2020 survey of 4,500 residents by the non-profit Venezuelan Observatory of Public Services.<sup>207</sup>

### Crime and Insecurity

Sources reported in mid-2020 that Venezuela has “among the highest homicide and crime victimization rates in Latin America and the Caribbean,” and “one of the highest number [sic] of violent deaths in the region and in the world.” While Venezuela recorded “a substantial decrease in homicides in 2020,” InSight Crime noted in January 2021 that “violence is indeed still rampant” in the country. InSight Crime also reported that—per the Venezuelan Violence Observatory (Observatorio Venezolano de Violencia or OVV)—“a violence epidemic continues to plague every single state, as well as the capital district of Caracas.” Sources have attributed recent declines in the homicide rate to a variety of factors, including: a decrease in violence among armed structures that engage in territorial control; fewer opportunities to engage in criminal behavior due to rising poverty, emigration, and economic deterioration, among other factors; and the impact of quarantines and restrictions on movement related to the COVID-19 pandemic. In its 2020 report, the U.S. Department of State’s Overseas Security Advisory Council (OSAC) stated that “[h]eavily armed criminals have used grenades and assault rifles to commit crimes at banks, shopping malls, public transportation stations, and universities.”<sup>208</sup> Additional information supporting the reasons for Venezuela’s TPS designation is provided at 86 FR 13574 (March 9, 2021).

### **Section 4.5 Terminations Under INA § 244(b)(3)(B)**

The Secretary did not terminate the TPS designations of any foreign states, or parts thereof, in CY 2021. *But see* discussion below on DHS’ compliance with court orders that currently prevent certain TPS termination decisions made by the former Secretary or a former Acting Secretary in previous years.

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<sup>205</sup> Venezuela: Country Focus, European Asylum Support Office (EASO), p.41, Aug. 2020.

<sup>206</sup> Outcomes of the investigation into allegations of possible human right violations of the human rights to life, liberty and physical and moral integrity in the Bolivarian Republic of Venezuela, Office of the United Nations High Commissioner for Human Rights (OHCHR), p.4, Jul. 2, 2020.

<sup>207</sup> Latest on Water Shortage in Venezuela, Hispanic Outlook Magazine, June 2020.

<sup>208</sup> Venezuela 2020 Crime & Safety Report, Department of State Overseas Security Advisory Council, July 21, 2020.

## **Section 4.6 Preliminary Injunction Orders and Order to Stay Proceedings**

This section provides details about TPS actions announced by DHS in CY 2021 to ensure its continued compliance with the preliminary injunction orders of the U.S. District Court for the Northern District of California in *Ramos, et al. v. Nielsen, et al.*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018) and the U.S. District Court for the Eastern District of New York in *Saget, et al., v. Trump, et al.*, No. 18-cv-1599 (E.D.N.Y. Apr. 11, 2019), and with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019).

### **Preliminary injunction order in *Ramos v. Nielsen***

In its October 3, 2018 order, the U.S. District Court for the Northern District of California enjoined DHS from implementing or enforcing the determinations to terminate TPS for El Salvador, Haiti, Nicaragua, and Sudan pending resolution of the case on the merits.<sup>209</sup> As a result, DHS may not effectuate the termination of TPS for these countries while the order remains in effect. The order also requires DHS to continue the validity of documentation showing lawful status and work authorization for affected, eligible TPS beneficiaries from those countries. DHS has published four FRNs, on October 31, 2018,<sup>210</sup> March 1, 2019,<sup>211</sup> May 10, 2019,<sup>212</sup> November 4, 2019,<sup>213</sup> December 9, 2020,<sup>214</sup> and September 10, 2021<sup>215</sup> to ensure DHS' compliance with the court's order. On September 16, 2021, a panel of the U.S. Court of Appeals for the Ninth Circuit vacated the *Ramos* preliminary injunction. *Ramos, et al., v. Nielsen, et al.*, No. 18-16981(9th Cir., Sept. 14, 2020). The plaintiffs filed a request seeking *en banc* review of the panel's decision and on February 16, 2021, the Ninth Circuit stayed plaintiffs' request for rehearing *en banc* for a 60-day period. The stay has been extended and remains in place while the case was placed in mediation. The parties are currently discussing possible terms of settlement while the case is in mediation. The district court's preliminary injunction remained in effect throughout CY 2021, as did the *Bhattarai* and *Saget* court orders discussed below.

### **Preliminary injunction order in *Saget v. Trump***

On April 11, 2019, in *Saget*, the U.S. District Court for the Eastern District of New York enjoined the termination of TPS for Haiti, pending a final decision on the merits of the case. As required by the order in *Saget*, the TPS designation for Haiti remains in effect pending further court order. Beneficiaries under the TPS designation for Haiti will maintain their status and TPS

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<sup>209</sup> *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018).

<sup>210</sup> See 83 FR 54764 (October 31, 2018) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

<sup>211</sup> See 84 FR 7103 (March 1, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

<sup>212</sup> See 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019)).

<sup>213</sup> See 84 FR 59403 (November 4, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

<sup>214</sup> See 85 FR 79208 (December 9, 2020) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).

<sup>215</sup> 86 FR 50725 (Sept. 10, 2021).

documentation, but they must continue to meet all the individual requirements for TPS eligibility found in INA section 244(c) and 8 C.F.R. § 244, as well as in the instructions for Form I-821, Application for Temporary Protected Status. The DHS FRNs published on October 31, 2018, March 1, 2019, November 4, 2019, December 9, 2020, and September 10, 2021, also addressed measures DHS took to continue TPS and TPS-related documentation for eligible beneficiaries of TPS for Haiti. *See* fns. 19 - 22 *supra*.

### **The court order in *Bhattarai v. Nielsen***

On May 1, 2019, DHS announced actions to ensure its compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai*.<sup>216</sup> The claims raised in *Bhattarai* are similar to, and will be impacted by, the resolution of the claims being litigated in *Ramos v. Nielsen, et al.*, No. 18-16981(9th Cir. September 14, 2020). For that reason, DHS stipulated that it will not implement or enforce the decision to terminate TPS for Honduras or Nepal<sup>217</sup> pending the resolution of the *Ramos* appeal, or by other order of the court. Beneficiaries under the TPS designations for Honduras and Nepal will retain their TPS, provided that a noncitizen's TPS is not withdrawn because of ineligibility.

### **Continued compliance with the court orders**

DHS has complied with the various court orders described above by publishing appropriate FRNs that continue TPS for eligible beneficiaries and continue their TPS-related employment and status documentation while the litigation proceeds. Since October 1, 2018, DHS has published six FRNs to ensure its compliance with the court orders:

- 83 FR 54764 (October 31, 2018) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. October 3, 2018)).
- 84 FR 7103 (March 1, 2019) (compliance with the preliminary injunction order of the U.S. District Court for the Northern District of California in *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Oct. 3, 2018)).
- 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. March 12, 2019)).
- 84 FR 59403 (November 4, 2019) (combined FRN to ensure compliance with the court orders in *Ramos*, *Bhattarai* and *Saget*).
- 85 FR 79208 (December 9, 2020) (combined FRN to ensure compliance with the preliminary injunction order in *Ramos*, as well as the *Bhattarai* and *Saget* orders).

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<sup>216</sup> *See* 84 FR 20647 (May 10, 2019) (compliance with the order of the U.S. District Court for the Northern District of California to stay proceedings in *Bhattarai v. Nielsen*, No. 19-cv-00731 (N.D. Cal. Mar. 12, 2019)). The *Federal Register* notices published on November 4, 2019, December 9, 2020, and September 10, 2021 also addressed the continuation of TPS and TPS-related documentation for eligible beneficiaries of TPS for Nepal. *See* 84 FR 59403 (November 4, 2019); 85 FR 79208 (December 9, 2020).

<sup>217</sup> *See* Termination of the Designation of Nepal for Temporary Protected Status, 83 FR 23705 (May 22, 2018); Termination of the Designation of Honduras for Temporary Protected Status, 83 FR 26074 (June 5, 2018).

- 86 FR 50725 (September 10, 2021) (combined FRN to ensure compliance with the preliminary injunction order in *Ramos*, as well as the *Bhattarai* and *Saget* orders).

In its September 10, 2021 FRN cited above, DHS announced measures to continue its compliance with all of the relevant court orders in *Ramos*, *Saget* and *Bhattarai*.<sup>218</sup> Beneficiaries under the TPS designations for El Salvador, Haiti, Honduras, Nepal, Nicaragua, and Sudan will retain their TPS while the various court orders that cover each country remain in effect, provided that a noncitizen's TPS is not withdrawn because of individual ineligibility. The FRN automatically extends TPS and TPS-related documentation, such as employment authorization documentation, through December 31, 2022, for affected beneficiaries who maintain their individual TPS eligibility. As needed, DHS will publish future FRNs to continue its compliance with the court orders.

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<sup>218</sup> 86 FR 50725 (September 10, 2021) (combined FRN to ensure compliance with the preliminary injunction order in *Ramos*, as well as the *Bhattarai* and *Saget* orders).

Appendix A – Immigration Status Codes<sup>219</sup>

Code	Description	Code	Description
<b>1B1</b>	H-1B1 SPECIALTY OCCUPATION	<b>ASD</b>	ASYLUM DENIED
<b>1B2</b>	H-1B2 DoD SPECIALTY OCCUPATION	<b>ASY</b>	IMMIGRANT VISA – ASYLUM
<b>A1</b>	AMBASSADOR/DIPLOMAT/PUBLIC MINISTER/ CONSULAR OFFICER (OR IMMEDIATE FAMILY)	<b>B1</b>	TEMP VISITOR FOR BUSINESS
<b>A2</b>	OTHER DIPLOMATIC OFFICIAL (OR IMMEDIATE FAMILY)	<b>B1A</b>	NONIMMIGRANT VISA – TEMPORARY VISITORS FOR BUSINESS
<b>A3</b>	ATTENDANT/SERVANT/PERSONAL EMPLOYEE OF A1 OR A2 (OR IMMEDIATE FAMILY)	<b>B2</b>	TEMP VISITOR FOR TRAVEL
<b>A12</b>	CHILD OF AN ALIEN CLASSIFIED AS A11 (UNMARRIED SON OR DAUGHTER OF U.S. CITIZEN BORN IN CAMBODIA, KOREA, LAOS, THAILAND, OR VIETNAM)	<b>C1</b>	NONCITIZEN IN TRANSIT THROUGH U.S.
<b>A17</b>	CHILD OF AN ALIEN CLASSIFIED AS A16 (UNMARRIED SON OR DAUGHTER OF U.S. CITIZEN BORN IN CAMBODIA, KOREA, LAOS, THAILAND, OR VIETNAM)	<b>C4</b>	NONIMMIGRANT VISA – TRANSIT WITHOUT VISA (TWOV)
<b>AS</b>	ASYLUM APPLICANT	<b>CH</b>	PAROLEE (HUMANITARIAN/HQ AUTH)
<b>AS1</b>	PRIMARY ASYLEE	<b>CP</b>	PAROLEE (PUBLIC INTEREST/HQ AUTH)
<b>AS2</b>	SPOUSE OF ASYLEE	<b>CR6</b>	SPOUSE OF U.S. CITIZEN - CONDITIONAL
<b>AS3</b>	CHILD OF ASYLEE	<b>CR7</b>	STEPCHILD OF U.S. CITIZEN - CONDITIONAL
<b>AS6</b>	ASYLEE, ADJUSTMENT	<b>CW1</b>	NONIMMIGRANT VISA FOR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS TRANSITIONAL WORKERS
<b>AS8</b>	CHILD OF ASYLEE, ADJUSTMENT	<b>CW2</b>	DEPENDANT OF CW1

<sup>219</sup> This reference chart of Immigration Status Codes includes both current codes and previously used historical codes, which are reflected in this document, Section 3.2: *Number and Prior Immigration Status of TPS Beneficiaries During CY 2021*. The data in CLAIMS, which USCIS reviewed to compile this TPS CY 2021 Congressional Report, contains references to both current and historical data codes.

<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
<b>D1</b>	NONCITIZEN CREW DEPART SAME VESSEL	<b>E28</b>	CHILD OF ALIEN CLASSIFIED E26 (PROFESSIONAL HOLDING ADVANCED DEGREE), ADJUSTMENT
<b>DA</b>	ADVANCE PAROLE (DISTRICT AUTH)	<b>EAO</b>	EMPLOYMENT ADVISORY OPTION
<b>DE</b>	PAROLEE (DEFERRED INSPECTION)	<b>EB1</b>	EMPLOYMENT-BASED, FIRST PREFERENCE (PRIORITY WORKERS)
<b>DT</b>	PAROLE GRANTED AT POE OR DIST OFF	<b>F1</b>	STUDENT-ACADEMIC
<b>DV1</b>	PRINCIPAL, DIVERSITY IMMIGRANT VISA PROGRAM, NEW ARRIVAL	<b>F2</b>	SPOUSE/CHILD OF F1
<b>DV2</b>	SPOUSE OF PRINCIPAL, DIVERSITY IMMIGRANT VISA PROGRAM, NEW ARRIVAL	<b>F21</b>	SPOUSE OF ALIEN RESIDENT, SUBJECT TO COUNTRY LIMITS, NEW ARRIVAL
<b>DV6</b>	PRINCIPAL, DIVERSITY IMMIGRANT VISA PROGRAM, ADJUSTMENT	<b>F27</b>	CHILD OF ALIEN RESIDENT, SUBJECT TO COUNTRY LIMITS, ADJUSTMENT
<b>DV7</b>	SPOUSE OF PRINCIPAL, DIVERSITY IMMIGRANT VISA PROGRAM, NEW ARRIVAL	<b>F31</b>	MARRIED SON OR DAUGHTER OF U.S. CITIZEN, NEW ARRIVAL
<b>EB2</b>	EMPLOYMENT-BASED, SECOND PREFERENCE (WORKERS WITH PROFESSIONAL OR ADVANCED DEGREE, ETC.)	<b>FUG</b>	FAMILY UNITY PROGRAM, STATUS GRANTED ALLOWING EXTENDED VOLUNTARY DEPARTURE
<b>ENT</b>	ENTER WITHOUT INSPECTION	<b>G1</b>	PRINCIPAL REP RECOGNIZED FOREIGN GOVT/STAFF/IMMED FAMILY
<b>EWI</b>	ENTRY WITHOUT INSPECTION	<b>G2</b>	OTHER REP RECOGNIZED FOREIGN GOVT/ IMMED FAMILY
<b>E1</b>	TREATY TRADER/SPOUSE/CHILD	<b>G4</b>	OFFICER/EMPLOYEE OF INT'L ORG AND IMMED FAMILY
<b>E2</b>	TREATY INVESTOR/SPOUSE/CHILD	<b>G5</b>	ATTENDANT/SERVANT/PERSONAL EMPLOYEE OF G1/G2/G3/G4
<b>E16</b>	ALIEN WITH EXTRAORDINARY ABILITY, ADJUSTMENT	<b>GB</b>	TEMPORARY VISITOR FOR BUSINESS UNDER GUAM VISA WAIVER PILOT PROGRAM
<b>E26</b>	PROFESSIONAL HOLDING ADVANCED DEGREE, ADJUSTMENT	<b>GT</b>	TEMPORARY VISITOR FOR PLEASURE UNDER GUAM VISA WAIVER PILOT PROGRAM

<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
<b>H1</b>	SPECIALTY OCCUPATION	<b>J1</b>	EXCHANGE VISITOR
<b>H1A</b>	REGISTERED NURSE / SPOUSE / CHILDREN	<b>J1S</b>	VARIATION OF J1 NONIMMIGRANT STATUS (EXCHANGE VISITOR)
<b>H-1</b>	NONCITIZEN IN A SPECIALTY (PROFESSIONAL OCCUPATION)	<b>J2</b>	SPOUSE/CHILD OF J1
<b>H1B</b>	SPECIALTY OCCUPATION	<b>K1</b>	NONCITIZEN FIANC(E) OF USC
<b>H2</b>	TEMP WORKER FOR SERVICES NOT AGRICULTURE SERVICES UNAVAIL IN U.S.	<b>K2</b>	CHILD OF K1
<b>H2A</b>	TEMP WORKER FOR AGRICULTURE SERVICES UNAVAIL IN U.S.	<b>K3</b>	SPOUSE OF USC
<b>H2B</b>	TEMP WORKER FOR SERVICES NOT AGRICULTURE UNAVAIL IN U.S.	<b>K4</b>	CHILD OF K3
<b>H3A</b>	TRAINEE	<b>L1</b>	INTRA-COMPANY TRANSFEREE
<b>H4</b>	SPOUSE/CHILD OF H1/H1B/H2/H2A/H2B/H3	<b>L1A</b>	NONIMMIGRANT VISA – INTRACOMPANY TRANSFEREE (IN THE EXECUTIVE OR MANAGERIAL LEVEL)
<b>I</b>	FOREIGN PRESS (AND SPOUSE/CHILD)	<b>L1B</b>	SPECIALIZED KNOWLEDGE NONCITIZEN WORKER
<b>IMM</b>	IMMIGRANT (INDEFINITE PAROLE)	<b>L2</b>	SPOUSE OF L1
<b>IN</b>	INDEFINITE PAROLE	<b>M1</b>	STUDENT-VOCATIONAL/NON-ACAD
<b>IR0</b>	PARENT OF U.S. CITIZEN	<b>N1</b>	PRINCIPAL PERMANENT REPRESENTATIVE OF MEMBER STATE OF NATO
<b>IR1</b>	SPOUSE OF U.S. CITIZEN, NEW ARRIVAL	<b>O1</b>	EXTRA ABILITY SCIENCES/ARTS/EDUCATION/BUSINESS/ATHLETICS
<b>IR6</b>	SPOUSE OF U.S. CITIZEN, ADJUSTMENT	<b>O1A</b>	INDIVIDUAL WITH AN EXTRAORDINARY ABILITY IN THE SCIENCES, EDUCATION, BUSINESS, OR ATHLETICS (NOT INCLUDING THE ARTS, MOTIONS PICTURES OR TELEVISION INDUSTRY)
<b>IR7</b>	CHILD OF U.S. CITIZEN, ADJUSTMENT		

<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
<b>O1A</b>	INDIVIDUAL WITH AN EXTRAORDINARY ABILITY IN THE SCIENCES, EDUCATION, BUSINESS, OR ATHLETICS (NOT INCLUDING THE ARTS, MOTIONS PICTURES OR TELEVISION INDUSTRY)	<b>PAR</b>	PAROLEE
<b>O1B</b>	INDIVIDUAL WITH AN EXTRAORDINARY ABILITY IN THE ARTS OR EXTRAORDINARY ACHIEVEMENT IN MOTION PICTURE OR TELEVISION INDUSTRY	<b>PI</b>	EMPLOYMENT AUTHORIZATION DOCUMENT FOR PACIFIC TRUST TERRITORIES
<b>O2</b>	INDIVIDUAL WHO WILL ACCOMPANY AN O-1 ARTIST OR ATHLETE TO ASSIST IN A SPECIFIC EVENT OR PERFORMANCE	<b>Q1</b>	NONIMMIGRANT VISA – INTERNATIONAL CULTURAL EXCHANGE PROGRAM PARTICIPANT
<b>O3</b>	SPOUSE/CHILD OF O1, O2	<b>Q3</b>	DEPENDENTS OF IRISH PPCT PROGRAM OR CHILD OF NONCITIZEN CLASS Q-1 (Q1M)
<b>OP</b>	OVERSEAS PAROLEE	<b>R1</b>	RELIGIOUS WORKER
<b>P1</b>	INTERNATIONALLY RECOGNIZED ATHLETE/ENTERTAINER	<b>R2</b>	SPOUSE/CHILD OF R1
<b>P2</b>	INDIVIDUAL PERFORMER OR PART OF A GROUP ENTERING TO PERFORM UNDER A RECIPROCAL EXCHANGE PROGRAM	<b>RE</b>	REFUGEE
<b>P3</b>	CULTURALLY UNIQUE PROGRAM ARTIST/ENTERTAINER	<b>RE5</b>	REFUGEE – HAITI
<b>P3S</b>	VARIATION OF P-3 NONIMMIGRANT VISA STATUS (ARTISTIC OR ENTERTAINER COMING TO PERFORM OR TEACH)	<b>REF</b>	REFUGEE
<b>P4</b>	SPOUSE OR CHILD OF AN ALIEN CLASSIFIED AS P3	<b>S1</b>	SPECIAL AGRICULTURAL WORKER



<b>Code</b>	<b>Description</b>	<b>Code</b>	<b>Description</b>
<b>S9</b>	EMERGENCY FARM WORKER TO PERFORM AGRICULTURAL SERVICES OR LABOR OF A TEMPORARY OR SEASONAL NATURE WHEN SERVICES ARE UNAVAILABLE IN THE U.S. AND WILL NOT ADVERSELY AFFECT WAGES AND WORKING CONDITIONS OF U.S. WORKERS	<b>U2</b>	SPOUSE OF U1
<b>SL6</b>	JUVENILE COURT DEPENDENT	<b>U4</b>	PARENT OF U1
<b>ST</b>	STOWAWAY	<b>UN/UU or UNK</b>	UNKNOWN, OR NOT REPORTED
<b>T1</b>	NONIMMIGRANT VISA –VICTIM OF SEVERE FORM OF TRAFFICKING IN PERSONS	<b>V1</b>	SPOUSE OF LPR AWAITING VISA
<b>T2</b>	SPOUSE OF AN NONCITIZEN CLASSIFIED AS T1, FIRST PREFERENCE (QUOTA) - NOT CURRENTLY IN USE	<b>V2</b>	CHILD OF LPR AWAITING VISA
<b>T3</b>	1ST PEF CHILD OF NONCITIZEN CL T1	<b>V3</b>	CHILD OF V1 OR V2
<b>T4</b>	PARENT OF A T1 - NOT CURRENTLY IN USE	<b>WB</b>	VISITOR FOR BUSINESS – VISA WAIVER PROGRAM
<b>T5</b>	UNMARRIED UNDER 18 SIBLG T1	<b>WD</b>	WITHDRAWAL
<b>TD</b>	CANADIAN OR MEXICAN CITIZEN SPOUSE OR CHILD OF TN	<b>WI</b>	WITHOUT INSPECTION
<b>TPS</b>	TEMPORARY PROTECTED STATUS	<b>WIT</b>	ENTRY WITHOUT INSPECTION
<b>TWO</b>	TRANSIT WITHOUT A VISA	<b>WT</b>	TEMP TOURISM VISITOR – VISA WAIVER PROGRAM
<b>U1</b>	VICTIM OF CRIMINAL ACTIVITY	<b>X</b>	NON-PREFERENCE QUOTA