



June 11, 2021

Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Antony Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

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

Dear Secretary Mayorkas and Secretary Blinken:

The below 118 organizations request an 18-month extension and redesignation of Temporary Protected Status (TPS) for Yemen. Yemen's TPS designation is set to expire September 3, 2021, but Yemen is still experiencing armed conflict and extraordinary conditions that make safe return impossible. New and escalating violence and the devolving humanitarian crisis qualify Yemen for redesignation as well. Both extension and redesignation are vital to safeguard the lives of both current TPS holders and Yemenis who have arrived in the United States since the last designation in 2017. Given current conditions in Yemen, the maximum protection of an 18-month extension and redesignation is both legally and morally warranted.

By statute, the Secretary of Homeland Security must decide on Yemen TPS by July 5, 2021. We call for a decision, publication of a Federal Register Notice, a minimum 180-day registration period for both current TPS holders and those who would benefit under redesignation, and a public education campaign to inform the impacted community by that date.

I. Temporary Protected Status (TPS)

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

II. Ongoing armed conflict and extraordinary conditions make safe return to Yemen impossible

Nearly 1,400 Yemeni nationals currently hold TPS.¹ The United Nations calls the conditions in Yemen "the largest humanitarian crisis in the world," with approximately 24.1 million people, or 80 percent of its population in need of humanitarian aid and protection.² Yemen was first designated for TPS in 2015 in response to escalating violence that sparked a brutal civil war.³ Today Yemen is in its sixth year of violence, and conditions for Yemeni civilians continue to deteriorate. Such deterioration prompted the extension and redesignation of TPS for Yemen in 2017 and extensions in both 2018 and 2020.⁴

¹ Jill H. Wilson, *Temporary Protected Status: Overview and Current Issues*, CONGRESSIONAL RESEARCH SERVICE (May 12, 2021), <https://fas.org/sgp/crs/homesec/RS20844.pdf>.

² *The United Nations in Yemen*, United Nations (last accessed May 18, 2021), <https://yemen.un.org/en/about/about-the-un>.

³ 80 Fed. Reg. 53319 (Sept. 3, 2015).

⁴ 82 Fed. Reg. 859 (Jan. 4, 2017); 83 Fed. Reg. 40307 (Aug. 14, 2018); 85 Fed. Reg. 12313 (March 2, 2020).

Despite peace efforts, Yemen has now fractured into multiple pieces, each controlled by an expanding number of armed groups, all with differing goals and trajectories.⁵ Violence is particularly heavy in the Al Jawf and Marib governorates, resulting in a high number of civilian casualties and massive internal displacement.⁶ As of February 2021, four million people have been forced from their homes and are internally displaced in Yemen.⁷ Over 233,000 civilians have lost their lives to the conflict to date, 131,000 of which died due to a lack of food, healthcare, and infrastructure.⁸ As of March of 2020, Yemen has been bombarded with an estimated 20,624 to 58,487 airstrikes over five years, almost a third of which were recorded to have hit civilian homes, hospitals, schools, weddings, farms, food stores, school buses, markets, mosques, bridges, civilian factories, detention centers, and water wells.⁹

Indeed, civilians continue to suffer numerous human rights abuses from all sides, including “indiscriminate mortar attacks, laying of landmines, recruitment of child soldiers, and the use of torture, including sexual violence while in detention.”¹⁰ The Chairperson of the UN Group of Eminent International and Regional Experts on Yemen stated last year that “[f]or civilians in Yemen, there is simply no safe place to escape the ravages of the war.” The U.S. State Department’s most recent Country Report on Human Rights for Yemen describes 44 pages of human rights violations, including thousands of forced disappearances and arbitrary arrests; numerous incidents of torture, particularly in detention centers; and gender-based violence.¹¹ Watchdogs report the use of sexual violence against women, children, and detainees from multiple combatant groups.¹²

After years of unabated conflict, Yemen faces acute food insecurity and the threat of famine. Importing nearly 90 percent of its food supply, Yemen is highly vulnerable to currency fluctuations and volatile food prices.¹³ The Famine Early Warning System places Yemen as one of the top four areas of concern in the world, with a global high of 17 million people in need of humanitarian food assistance due to “protracted conflict.”¹⁴ Fifty-eight percent of the Yemeni population lives in extreme poverty.¹⁵ UNICEF projects that nearly 2.3 million children under the age of five in Yemen will suffer from acute malnutrition in 2021, 400,000 of which may perish if they do not receive urgent treatment.¹⁶ The UN World Food Programme warns that the humanitarian situation in Yemen is so fragile that any disruption to the supply lines for food,

⁵ Gregory D. Johnsen, *The End of Yemen*, BROOKINGS INSTITUTE (March 25, 2021), <https://www.brookings.edu/blog/order-from-chaos/2021/03/25/the-end-of-yemen/>

⁶ *Yemen - Complex Emergency Fact Sheet #4, Fiscal Year (FY) 2021*, INTERNATIONAL ORGANIZATION FOR MIGRATION (May 14, 2021), <https://reliefweb.int/report/yemen/yemen-complex-emergency-fact-sheet-4-fiscal-year-fy-2021>.

⁷ *Id.*

⁸ *Global Humanitarian Overview 2021: Yemen*, UN Office for the Coordination of Humanitarian Affairs (2021), <https://gho.unocha.org/yemen>.

⁹ *Id.*

¹⁰ *Yemen: Unchecked violations ‘may amount to war crimes’, Security Council hears*, UN NEWS (December 3, 2020), <https://news.un.org/en/story/2020/12/1079232>.

¹¹ *Country Reports on Human Rights Practices for 2020: Yemen 2020 Human Rights Report*, U.S. DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR (2021), <https://www.state.gov/wp-content/uploads/2021/03/YEMEN-2020-HUMAN-RIGHTS-REPORT.pdf>.

¹² *Id.*

¹³ *Yemen: Food supply chain - Thematic report, 16 December 2020*, ASSESSMENT CAPACITIES and PROJECT MERCY CORPS (December 17, 2020), <https://reliefweb.int/report/yemen/yemen-food-supply-chain-thematic-report-16-december-2020>.

¹⁴ *Acute Food Insecurity: Near Term (April - May 2021)*, FAMINE EARLY WARNING SYSTEMS NETWORK (April 2021), <https://fews.net/east-africa/yemen>.

¹⁵ *Id.*

¹⁶ *Acute malnutrition threatens half of children under five in Yemen in 2021: UN*, UNICEF (February 11, 2021), <https://www.unicef.org/press-releases/acute-malnutrition-threatens-half-children-under-five-yemen-2021-un>.

fuel, or medicine could be catastrophic for millions of people, putting them at high risk of starvation and death.¹⁷

Yemen's healthcare system cannot meet the needs of its people. Less than 50 percent of the health facilities are still functioning, and those that are face a lack of specialists, equipment, and medicines.¹⁸ Municipal water systems have been all but destroyed in the conflict, and approximately 18 million people do not have access to safe drinking water, sanitation, or hygiene services.¹⁹ The combination of collapsing health and water systems has culminated into one of the largest cholera outbreaks in modern history, with over 2.5 million suspected cases in Yemen from 2016 to 2020.²⁰ The COVID-19 pandemic has only served to exacerbate conditions. As of May 15, 2021, Yemen had the highest case fatality rate in the region (19.7 percent), over nine times higher than the global rate of 2.1 percent.²¹ Limited testing means that the true impact of the virus is unknown, and some militant groups have consistently suppressed information about the spread and impact of COVID-19 in areas under their control.²²

The Yemeni economy is also destroyed as a result of conflict and other factors. According to the United Nations, Yemen has lost 90 billion USD in economic output since the beginning of the conflict, and over 600,000 people have lost their jobs.²³

III. Yemen must be redesignated to protect human life

Redesignation is a tool to add or change reasons for a TPS designation and/or provide protection to more recently arrived people by moving forward residence and physical presence requirements. Redesignation serves the purpose and principles that led Congress to create TPS, namely that the United States should provide safe haven and not return people to countries where their lives or freedom would be at risk. The need for protection from the conditions in Yemen is the same whether a person is a current TPS holder or more recently arrived.

While TPS for Yemen has been extended multiple times since the original designation, the previous administration failed to redesignate Yemen for TPS, leaving people at risk of deportation to this devastating crisis. In the 2020 extension of TPS for Yemen, the previous administration acknowledged that civilians in Yemen “continue to be killed and injured and to suffer numerous human rights abuses and violations, including those involving unlawful or arbitrary killings, forced disappearances, torture, sexual violence, arbitrary arrest and detention, and harsh and life-threatening prison conditions,” and yet did not protect the latest civilians to flee such conditions by redesignating Yemen for TPS.²⁴ The Biden administration must not make the same mistake.

Furthermore, on May 11, 2021 the Biden administration continued Yemen's national emergency declaration, citing political obstruction and corruption that undermine “a peaceful transition of

¹⁷ *Yemen Emergency*, UN WORLD FOOD PROGRAMME (2021), <https://www.wfp.org/emergencies/yemen-emergency>.

¹⁸ *Yemen: Global Health*, USAID (November 12, 2020), <https://www.usaid.gov/yemen/global-health>.

¹⁹ *USAID Yemen Water, Sanitation and Hygiene Fact Sheet*, USAID (last updated February 27, 2020), <https://www.usaid.gov/yemen/fact-sheets/water-sanitation-and-hygiene-fact-sheet>.

²⁰ *Cholera situation in Yemen, December 2020*, WORLD HEALTH ORGANIZATION (March 5, 2021), <https://reliefweb.int/report/yemen/cholera-situation-yemen-december-2020>.

²¹ *COVID-19 situation updates for week 19 (9 - 15 May 2021)*, WORLD HEALTH ORGANIZATION (May 19, 2021), <https://reliefweb.int/report/iran-islamic-republic/covid-19-situation-updates-week-19-9-15-may-2021>.

²² See Maggie Michael, *Yemen's rebels crack down as COVID-19 and rumors spread*, ASSOCIATED PRESS (June 9, 2020), <https://apnews.com/article/united-nations-health-yemen-ap-top-news-virus-outbreak-677a1fc12d864cd37cea57e5f71614a2>.

²³ *The United Nations in Yemen*, UNITED NATIONS (2021).

²⁴ 85 Fed. Reg. 12313 (March 2, 2020).



power that meets the legitimate demands and aspirations of the Yemeni people.”²⁵ This administration acknowledges the continued extraordinary conditions in Yemen and should apply that knowledge toward a redesignation.

IV. It is in the U.S. national interest to extend and redesignate TPS for Yemen

Earlier this year, the President told the State Department that the war and subsequent “humanitarian and strategic catastrophe” in Yemen must end.²⁶ Protecting Yemenis in the United States from return to untenable conditions is a vital statement to Yemen and our allies that our nation is restoring its commitment to human rights, globally and at home. In addition to important foreign policy and humanitarian objectives, like all TPS holders, Yemenis have also served as essential workers during the pandemic, contributing to the economy and enriching U.S. communities.

The Biden administration has committed to taking “immediate steps to demonstrate that the United States is prepared to lead the world again, and to defend and advance human rights and the other democratic values that we hold dear” in its Plan for Partnership with the Arab American Community.²⁷ Securing TPS for all eligible Yemeni nationals in the United States is essential to stay true to this promise.

V. Conclusion

We are calling on you to extend for 18 months and redesignate TPS for Yemen, to publish a Federal Register Notice, and to launch a public information campaign to notify the impacted community of the decision and any actions they must take by July 5, 2021. Given the COVID-19 pandemic, we call for a minimum 180-day registration period for both current TPS holders and those who would benefit under redesignation. We urge you to not only grant the maximum protection for Yemen but to implement that decision in a way that honors the dignity and humanity of the Yemeni community in the United States. Please contact Lisa Parisio at lparisio@cliniclegal.org with any questions or to arrange for stakeholder engagement. Thank you.

Sincerely,

ACER, Inc
Adhikaar
African Communities Together
Alianza Americas
Alianza Sacramento
American Friends Service Committee
American Muslim Bar Association
American-Arab Anti-Discrimination Committee (ADC)
Arab American Association of New York
Arab American Civic Council
Arab American Heritage Council

²⁵ 86 Fed. Reg. 26341 (May 11, 2021).

²⁶ Ellen Knickmeyer, *Biden ending US support for Saudi-led offensive in Yemen*, ASSOCIATED PRESS (February 4, 2021), <https://apnews.com/article/biden-end-support-saudi-offenseive-yemen-b68f58493dbfc530b9fcfdb80a13098f>.

²⁷ “Joe Biden and The Arab American Community: A Plan for Partnership,” Biden Harris Campaign, 2020, <https://joebiden.com/joe-biden-and-the-arab-american-community-a-plan-for-partnership/>.



Arab American Institute (AAI)
Asian Americans Advancing Justice | AAJC
Asylee Women Enterprise
Asylum Seeker Advocacy Project (ASAP)
Beacon Presbyterian Fellowship
Buen Vecino
Cabrini Immigrant Services of NYC, Inc.
Catholic Legal Immigration Network, Inc.
Center for Gender & Refugee Studies
Central American Resource Center - DC
Central American Resource Center (CARECEN-LA)
Central American Resource Center of Northern CA - CARECEN SF
Centro Romero
Church of Our Saviour/La Iglesia de Nuestro Salvador
Church Women United in New York State
Church World Service
Cleveland Jobs with Justice
CLUE- Clergy and Laity United for Economic Justice
Coalition for Humane Immigrant Rights (CHIRLA)
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
Congregation of Sisters of St. Agnes
Connecticut Shoreline Indivisible
Cooperative Baptist Fellowship of Texas
Council on American-Islamic Relations (CAIR)
CRECEN
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Dominican Sisters ~ Grand Rapids
Evangelical Lutheran Church in America
Family Rights Network
Freedom Forward
Friends of Broward Detainees
Greater Cleveland immigrant Support Network
Greater New York Labor-Religion Coalition
Haitian Bridge Alliance
Haitians Americans United Inc.
HANA Center
Hispanic Federation
Hts. Friends of Immigrants
Human Rights First
ICNA Council for Social Justice
IHM Sisters - Justice, Peace and Sustainability Office
Immigrant Legal Advocacy Project
Immigration Hub
Immigration Working Group of the Southwestern Pennsylvania Synod, ELCA
Interfaith Council of Contra Costa County
International Institute of New England
International Institute of St. Louis
International Refugee Assistance Project (IRAP)
Jewish Voice for Peace, Atlanta Chapter



Justice Action Center
Latino Pastoral Action Center
Law Office of Helen Lawrence
Lutheran Church of Our Redeemer
Lutheran Immigration and Refugee Service
Migrant and Immigrant Community Action Project
Muslim Anti-Racism Collaborative (MuslimARC)
National Advocacy Center of the Sisters of the Good Shepherd
National Association of Social Workers
National Council of Churches
National Council of Jewish Women
National Employment Law Project
National Health Law Program
National Immigrant Justice Center
National Immigration Law Center (NILC)
National Immigration Litigation Alliance
National Network for Arab American Communities (NNAAC)
National Network for Immigrant & Refugee Rights
National Organization for Women
National Partnership for New Americans
Nationalities Service Center
NH Conference United Church of Christ Immigrant and Refugee Support Group
Nicaragua Center for Community Action
Northeastern University School of Law Immigrant Justice Clinic
Opening Doors International Services
Oregon Fellowship of Reconciliation
Oxfam America
Pennsylvania Council of Churches
Provincial Council Clerics of St. Viator
QUETZAL ENTERPRISES
Service Employees International Union (SEIU)
Sisters of Charity, BVM
Sisters of Mercy of the Americas Justice Team
Sisters of Saint Francis Justice, Peace and Integrity of Creation Commission
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Francis of Philadelphia
Sisters of St. Francis, Clinton, Iowa
Sisters of St. Joseph of Boston
Sisters of St. Joseph of Carondelet, LA
Sisters of St. Joseph of Rochester
South Asian Americans Leading Together (SAALT)
St. John of God Church
The Door's Legal Services Center
The Episcopal Church
True Alliance Center Inc
U.S. Committee for Refugees and Immigrants (USCRI)
Union for Reform Judaism
University of Maryland Carey Immigration Clinic
Venezuelans and Immigrants Aid, Inc.
Wallingford Indivisible



Wayne Action for Racial Equality
WESPAC Foundation, Inc.
Win Without War
Workers Center of Central New York
Yemeni Alliance Committee
Yemeni American Merchants Association
Young Center for Immigrant Children's Rights