# **Conflict Transforms, Crisis Remains:** The continued need for TPS for Syria



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#### ACKNOWLEDGMENTS

The Catholic Legal Immigration Network, Inc. is grateful for the Silver Giving Foundation's generous support, which funds our Temporary Protected Status advocacy, including this report. We also thank the Temporary Protected Status Advocacy Working Group members, who advocate for Syrians with Temporary Protected Status and others in need of protection.

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## CONTENTS

EXECUTIVE SUMMARY	6
INTRODUCTION	9
TPS: An Overview of the Law	11
TPS for Syria: Background and Context	12
SYRIA IN 2019: CURRENT COUNTRY CONDITIONS WARRANT AN	
18-MONTH EXTENSION AND REDESIGNATION	17
Ongoing Armed Conflict	17
Extraordinary and Temporary Conditions	19
TPS FOR SYRIA IS IN THE U.S. NATIONAL INTEREST	27
Wael's Story	28
CONCLUSION	31

*"It's no surprise to anyone that the humanitarian crisis in Syria continues to put its citizens at risk."* 

The United States government must safeguard the Syrians in the United States who are currently being protected by Temporary Protected Status as well as those who would benefit from redesignation.

By redesignating TPS for Syria and granting an 18-month extension, our country will honor the American principles that call on us to welcome and defend those in need."

**ANNA MARIE GALLAGHER** Executive Director, The Catholic Legal Immigration Network, Inc.



## **EXECUTIVE SUMMARY**

This report describes the acute need for the administration to extend for 18 months and redesignate Temporary Protected Status, or TPS, for Syria. Ongoing armed conflict as well as extraordinary and temporary conditions continue to make the safe return of Syrian nationals impossible. While the war in Syria transformed in 2018 and 2019, with the Assad regime regaining ground from the Islamic State and rebels in much of the country, profound civilian suffering, destruction and loss of life persists. New waves of displacement, mass food insecurity and lack of access to health care are ongoing. As the conflict goes on, destroying more and more infrastructure, including the regime's deliberate bombing of health care facilities and schools, the prospect of future recovery becomes more complex and difficult.

In addition to documenting country conditions, this report contains specific recommendations for the administration and demonstrates how TPS is a vital tool in promoting U.S. interests. The Catholic Legal Immigration Network, Inc., or CLINIC, unequivocally calls on the administration to continue to protect Syrians in the United States as well as those elsewhere in the world who are seeking to save their lives and the lives of their families. Temporary Protected Status allows foreign nationals to remain in the United States if conditions—such as war, famine, natural disaster or epidemic—prevent their safe return. The Catholic Legal Immigration Network, Inc. advocates for the continued use of TPS for Syria and all countries in need. The administration should:

Continue to extend TPS for Syria in 18-month increments until the country recovers from the war and extraordinary and temporary conditions that prevent Syrian TPS holders from safely returning.

2

In addition to the 18-month extension, redesignate TPS for Syria in order to extend protection to those who have more recently arrived in the United States from Syria and others who may not have previously had the resources to apply for TPS.

3

Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of Federal Register Notices and extending TPS as country conditions continue to warrant it.



Engage and consult with experts in civil society in the United States, Syria and elsewhere in the Middle East to better understand conditions in Syria and the region.



Encourage and work with Congress to create a permanent solution for Syrian and other TPS holders who have been in the United States for many years because their countries have remained unsafe. "I got my bachelor's degree in engineering here in the U.S. and have been working here since then. In 2016, I got TPS and it has helped me stay on my feet and maintain a job. I have adapted to the lifestyle and made a lot of friends. I even met the love of my life here.

Everybody loves their country and it is their dream to one day be able to resettle in their own country, but certain circumstances like the war in Syria does not allow for that to happen. Being able to renew my TPS will guarantee that I can continue to live in peace and among the nice and good-hearted people of this country who have always shown me support through the peaks and valleys. It would also help me keep my job to pay my bills and support my family.

I honestly do not know what is waiting for me when and if I return to Syria in the current conditions. I do not like to even think of the idea of returning to Syria. So many people are imprisoned right as they get to Syria, some forced to join the army. Worst of all is thinking of all those who have died in the prison system."

> HAZEM Syrian TPS holder

## INTRODUCTION

Temporary Protected Status is a life-saving humanitarian immigration program grounded in the international concept of nonrefoulment, meaning that a country will not return a person to the hands of their persecutor or to conditions that threaten life or freedom.<sup>1</sup> As a signatory of the United Nations Protocol Relating to the Status of Refugees, the United States has committed to honoring this principle and Congress has codified it through the laws governing TPS, asylum and refugees.<sup>2</sup>

Syria first received its TPS designation in 2012, shortly following the outbreak of civil war.<sup>3</sup> Since then, the United States has extended TPS for Syria four times.<sup>4</sup> Prior to 2018, TPS for Syria had also been redesignated at every decision.<sup>5</sup> Redesignation allows the Homeland Security Secretary to provide protection to people who are more recently arrived from a TPS-designated country as well as to those who may not have had the knowledge or resources to previously apply.<sup>6</sup> The most recent Federal Register Notice associated with TPS for Syria indicated 7,000 people currently have TPS protection from the crisis in Syria.<sup>7</sup>

A Syrian war monitor found that as of March 2018, 511,000 people have died as a result of the conflict.<sup>8</sup> Recent data from the United Nations High Commissioner for Refugees, or UNHCR, shows that 6.6 million people are internally displaced inside Syria, 13.1 million people are in need of humanitarian aid, and 2.98 million people are in areas under siege or other hard-to-reach areas.<sup>9</sup>

Under the law, the secretary of Homeland Security must decide whether to extend and/or redesignate TPS for Syria by August 1, 2019.<sup>10</sup> Current country conditions warrant an 18-month extension and redesignation of TPS for Syria. A failure to extend and redesignate TPS for Syria would be an affront to the long-standing and cherished American principles that compelled Congress to establish the law nearly three decades ago. Without TPS, the 7,000 current Syrian TPS holders, as well as those who would benefit from redesignation,<sup>11</sup> would lose protection from deportation to an active war zone. If returned they would be exposed to violence and human rights violations, face a lack of food, water, and medical care and be at risk of arbitrary arrest, imprisonment and torture.

1 Jill Wilson, Temporary Protected Status: Overview and Current Issues, CONGRESSIONAL RESEARCH SERVICE (March 29, 2019), fas. org/sgp/crs/homesec/RS20844.pdf.

- 7 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-fortemporary-protected-status.
- 8 Syria: Events of 2018, HUMAN RIGHTS WATCH (2018), hrw.org/world-report/2019/country-chapters/syria.
- 9 Syria emergency, UNHCR, unhcr.org/en-us/syria-emergency.html.
- 10 INA § 244 (b)(3)(A); 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-thedesignation-of-syria-for-temporary-protected-status.
- 11 Based on nonimmigrant visa data from the State Department, CLINIC estimates that had the current administration redesignated TPS for Syria in 2018, approximately 7,000 people could have potentially applied for protection. See Nonimmigrant visa statistics, U.S. DEPARTMENT OF STATE, travel.state.gov/content/travel/en/legal/visa-law0/visa-statistics/nonimmigrant-visa-statistics.html.

<sup>2</sup> Id.

<sup>3 77</sup> Fed. Reg. 19026 (March 29, 2012), federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-fortemporary-protected-status.

<sup>4 78</sup> Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syriafor-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2015/01/05/2014-30871/extensionand-redesignation-of-the-syrian-arab-republic-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/ documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status.

<sup>5</sup> Id.

<sup>6</sup> See INA § 244(b)(1); see also INA § 244(c)(1)(A)(i) (requiring that "the alien has been continuously physically present since the effective date of the most recent designation of the state") (emphasis added).



Syrian refugees and others seeking safety in new countries wait at the Budapest Keleti railway station in Hungary.

#### Accordingly, CLINIC urges the administration to:

- 1. Continue to extend TPS for Syria in 18-month increments until the country recovers from the war and extraordinary and temporary conditions that prevent Syrian TPS holders from safely returning.
- 2. In addition to the 18-month extension, redesignate TPS for Syria in order to extend protection to those who have more recently arrived in the United States from Syria and others who may not have previously had the resources to apply for TPS.
- 3. Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of Federal Register Notices and extending TPS as country conditions continue to warrant it.<sup>12</sup>
- 4. Engage and consult with experts in civil society in the United States, Syria and elsewhere in the Middle East to better understand conditions in Syria and the region.
- 5. Encourage and work with Congress to create a permanent solution for Syrian and other TPS holders who have been in the United States for many years because their countries have remained unsafe.

<sup>12</sup> See generally INA § 244.

#### **TPS: AN OVERVIEW OF THE LAW**

Temporary Protected Status was established by Congress through the Immigration Act of 1990.<sup>13</sup> TPS is intended to protect foreign nationals in the United States from being returned to their home country if it became unsafe during the time they were in the United States and returning would put them at risk of violence, disease or death.<sup>14</sup> Under the law, the Secretary of the Department of Homeland Security, or DHS, may designate a country for TPS in three scenarios:<sup>15</sup>

- A. Ongoing armed conflict that would pose serious threat to the personal safety of nationals;<sup>16</sup>
- B. An environmental disaster or an epidemic and the foreign state is temporarily unable to adequately handle the return of its citizens and the foreign government has requested TPS for its nationals;<sup>17</sup> or
- C. Other extraordinary and temporary conditions that prevent people from the country from safely returning home as long as it is not against the national interest of the United States to allow them to remain.<sup>18</sup>

Congress has also used its authority to designate a country for TPS.<sup>19</sup>

TPS may be designated or extended in six-month, 12-month or 18-month increments.<sup>20</sup> At least 60 days before the end of a designation period, the secretary of DHS must review country conditions in consultation with appropriate government agencies, e.g., the State Department, and determine whether conditions warrant extension.<sup>21</sup> The decision must be published on a timely basis in the Federal Register.<sup>22</sup> Under the law, TPS may be extended as many times as necessary, as long as the dangerous country conditions continue.<sup>23</sup> The DHS secretary also has the authority to redesignate a country for TPS in order to change or add the underlying grounds for a TPS designation and/or to move forward the date by which a person needed to be in the United States in order to apply for TPS.<sup>24</sup>

Nationals of a TPS-designated country and people without nationality who last lived in a TPS-designated country, and who were physically in the United States by a certain date and meet certain requirements, may be eligible for TPS.<sup>25</sup> If granted, recipients are temporarily protected from deportation and may receive work authorization to support themselves while they remain in the United States.<sup>26</sup> TPS does not provide a path to lawful permanent resident status or citizenship.<sup>27</sup>

- 16 INA §244 (b)(1)(A).
- 17 INA §244 (b)(1)(B).
- 18 INA §244 (b)(1)(C).
- 19 Congress designated TPS for El Salvador in 1990. Jill Wilson, Temporary Protected Status: Overview and Current Issues, CONGRESSIONAL RESEARCH SERVICE (March 22, 2019), fas.org/sgp/crs/homesec/RS20844.pdf.
- 20 INA §244 (b)(2)(B).
- 21 INA §244 (b)(3)(A).
- 22 Id.
- 23 See generally INA §244.
- 24 Id.
- 25 INA §244 (a)(1).
- 26 INA §244 (a)(1)(A); INA §244 (a)(1)(B).
- 27 See generally INA §244.

<sup>13</sup> INA § 244.

<sup>14</sup> Carla Arguenta, Temporary Protected Status: Current Immigration Policies and Issues, CONGRESSIONAL RESEARCH SERVICE (Jan. 17, 2017), trac.syr.edu/immigration/library/P13104.pdf.

<sup>15</sup> INA §244 (b).

#### **TPS FOR SYRIA: BACKGROUND AND CONTEXT**

Syria was first designated for TPS in March 2012 under the section of the Immigration and Nationality Act that permits designation due to extraordinary and temporary conditions within the country that prevent nationals from returning to the country safely.<sup>28</sup> Since the original designation, as the civil war and Islamic State occupation developed and expanded, TPS for Syria has been continually extended in 18-month increments under two sections of the Immigration and Nationality Act: extraordinary and temporary conditions and an ongoing armed conflict within the country.<sup>29</sup> In the three decisions made prior to the current administration, TPS was also redesignated at each decision, ensuring protection for people more recently arrived from the conflict and humanitarian crisis.<sup>30</sup>

In the spring of 2011, violence erupted in Syria as the government, led by Syrian President Bashar al Assad, began using military force to suppress political demonstrations.<sup>31</sup> Within the first year of Assad's brutal assault against the Syrian people, 7,500 civilians were killed and hundreds of thousands were internally displaced.<sup>32</sup> As part of its suppression efforts, the Assad government conducted mass, indiscriminate arrests and utilized torture.<sup>33</sup> The UNHCR reported that at least 35,000 people had fled the country seeking safety in Turkey, Lebanon and Jordan by February 2012.<sup>34</sup> The Jordanian government reported that approximately 80,000 Syrians had fled to Jordan alone during that time.<sup>35</sup>

As of December 2012, approximately 900,000 people had been displaced according to UNHCR.<sup>36</sup> In early 2013, there were reports that at least 70,000 civilians had been slaughtered, with 15,000 killed in only a matter of months.<sup>37</sup> The majority of the deaths were civilians, caused by indiscriminate bombing and shelling in populated areas.<sup>38</sup>

In the summer of 2014, a new, devastating dynamic unfolded as the Islamic State of Syria and the Levant (ISIL or the Islamic State) captured huge swaths of territory in Syria and Iraq, declaring Raqqa, Syria, as the capital of their new

<sup>28 77</sup> Fed. Reg. 19026 (March 29, 2012), federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-for-temporary-protected-status.

<sup>29 78</sup> Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syriafor-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2015/01/05/2014-30871/extensionand-redesignation-of-the-syrian-arab-republic-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/ documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protectedstatus.

<sup>30 78</sup> Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syriafor-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2015/01/05/2014-30871/extensionand-redesignation-of-the-syrian-arab-republic-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/ documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status.

<sup>31 77</sup> Fed. Reg. 19026 (March 29, 2012), federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-fortemporary-protected-status.

<sup>32</sup> Id.

<sup>33</sup> Id.

<sup>34</sup> Id.

<sup>35</sup> Jordan says it hosts over 80,000 Syrian refugees, THE DAILY STAR (Feb. 26, 2012), dailystar.com.lb/News/Middle-East/2012/Feb-26/164661-jordan-says-it-hosts-over-80000-syrian-refugees.ashx.

<sup>36</sup> Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syria-fortemporary-protected-status.

<sup>37</sup> Id.

<sup>38</sup> Id.



A child's shoe and a water bottle lay abandoned in a field crossed by Syrian refugees.

state.<sup>39</sup> ISIL systematically cut civilians off from communications with the outside world.<sup>40</sup> They lashed, stoned, tortured and beheaded people for "morality" infractions; starved, denied humanitarian aid, persecuted and killed people who were believed to be lesbian, gay, bisexual or transgender, and others who were condemned as immoral or not belonging to the Islamic State.<sup>41</sup> The added "third front" of the Islamic State in Syria—along with Assad and the rebellion—brought even more widespread loss and destruction of infrastructure and internal displacement.<sup>42</sup>

By November 2015, the U.S. government estimated there had been at least \$270 billion in damage to Syria's infrastructure.<sup>43</sup> Half of Syrian hospitals had been destroyed as well as 2.1 million homes and 7,000 schools.<sup>44</sup> The availability of water had decreased by 50 percent, leaving 16 million people in need of water assistance for survival.<sup>45</sup> The U.S. government described "unprecedented food insecurity," with at least 6.3 million people in Syria in need of emergency food assistance.<sup>46</sup> Chemical weapons attacks, widespread and indiscriminate torture of

44 Id.

45 Id.

46 Id.

<sup>39 80</sup> Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2015/01/05/2014-30871/extension-and-redesignation-of-thesyrianarab-republic-for-temporary-protected-status; Anne Barnard and Hwaida Saad, Raqqa, ISIS 'Capital,' Is Captured, U.S.-Backed Forces Say, THE NEW YORK TIMES (Oct. 17, 2017), nytimes.com/2017/10/17/world/middleeast/isis-syria-raqqa.html.

<sup>40</sup> The Raqqa diaries: life under ISIS rule, THE GUARDIAN (Feb. 26, 2017) theguardian.com/books/2017/feb/26/the-raqqa-diarieslifeunder-isis-rule-samer-mike-thomson-syria; Arwa Damon and Zeynep Bilginsoy, Amid brazen, deadly attacks, gay Syrians tell of fear of ISIS persecution, CNN (March 6, 2015), cnn.com/2015/03/05/middleeast/isis-lgbt-persecution/index.html.

<sup>41</sup> Id.

<sup>42</sup> Id.

<sup>43 81</sup> Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/documents/2016/08/01/2016-17933/extension-and-redesignation-of-syriafor-temporary-protected-status.

civilians, conscription of child soldiers, air strikes and use of barrel bombs were ongoing.<sup>47</sup>

In the most recent extension of TPS for Syria in 2018, the U.S. government reported in the Federal Register that at least half a million Syrians had been killed or were missing since the beginning of the war.<sup>48</sup> At least 11.5 million Syrians had been displaced, with 1.24 million people displaced between early 2017 and early 2018 alone.<sup>49</sup> Nearly threequarters of people remaining in Syria were in need of humanitarian aid, with malnutrition hitting its highest point since the conflict began.<sup>50</sup> An estimated 9 million people were in need of emergency food assistance.<sup>51</sup> Images of babies and children starving to death in Eastern Ghouta shocked the world.<sup>52</sup>

There were also reports of an increase in conscription by the Syrian military and other factions, including the Islamic State, forcing children and other civilians to become soldiers.<sup>53</sup> Children as young as six were forced to assist in Islamic State executions and children as young as 12 were used as suicide bombers.<sup>54</sup>

The U.S. government also noted an increase in the number of Syrians trying to return to their country and their homes but displacements continued at a three to one ratio.<sup>55</sup> The United Nations cautioned that given the conditions in Syria, a large number of returnees could deepen the humanitarian crisis.<sup>56</sup>

The conflict in Syria has been and continues to be characterized by large-scale civilian massacres, indiscriminate arrests, torture and sexual and gender-based violence at the hands of the Assad regime and other factions, sieges and targeted attacks intended to cut millions of people off from water, food, medical and humanitarian aid, airstrikes and the use of barrel bombs (explosives filled with shrapnel), and chemical weapons attacks.<sup>57</sup>

<sup>47</sup> Id.

<sup>48</sup> Id.

<sup>49</sup> Id.

<sup>50</sup> Id.

<sup>51</sup> Id.

<sup>52</sup> For e.g., Syria: shocking images of starving baby reveal impact of food crisis, THE GUARDIAN (Oct. 23, 2017), theguardian.com/world/2017/oct/23/syria-shocking-images-of-starving-baby-reveal-impact-of-food-crisis.

<sup>53 83</sup> Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status.

<sup>54</sup> Id.

<sup>55</sup> Id.

<sup>56</sup> Id.

<sup>57 77</sup> Fed. Reg. 19026 (March 29, 2012), federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republicfor-temporary-protected-status; 78 Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syria-for-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status;



"Despite a general wind-down in the kinetic conflict, the situation in Syria remains far from conducive to the safe and dignified return of Syrian TPS holders, refugees, and other displaced persons.

Parties to the conflict continue to be responsible for widespread violations of human rights and international humanitarian law, not least of which are attacks on health facilities and medical personnel. These attacks have been widespread and systematic and, in Physicians for Human Rights' assessment, rise to the level of war crimes and potentially crimes against humanity.

This complete disregard for international laws and norms is ongoing, as is evident in the latest round of violence that started at the end of April 2019 in northwest Syria and continues today."

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## SYRIA IN 2019: CURRENT COUNTRY CONDITIONS WARRANT AN 18-MONTH EXTENSION AND REDESIGNATION

#### **ONGOING ARMED CONFLICT**

Ongoing armed conflict in Syria persists, with the conflict transforming and new threats emerging over the course of 2018 and beginning of 2019.

In 2018 and 2019, Assad's government, backed by Russia and Iran, continued its massive military campaign to take back physical territory from both the Islamic State and rebel forces.<sup>58</sup> The campaign is brutal, with relentless attacks in civilian areas, destroying more infrastructure, driving more displacement and costing human life.<sup>59</sup> In early 2018, over 1,600 civilians were killed in Eastern Ghouta, a suburb of Damascus, in a single month.<sup>60</sup> The Syrian government also continues to use humanitarian aid as a weapon of war, demonstrating its willingness to starve people, including children, to death.<sup>61</sup> Chemical weapons attacks attributed to the Syrian government also continue to be reported.<sup>62</sup>

In March 2019, Syrian rebel forces backed by the United States announced they had seized Baghouz, the Islamic State's last piece of territory in Syria.<sup>63</sup> While many noted the territorial victory as progress, experts, including U.S. State Department and military officials, warned that the Islamic State is far from defeated.<sup>64</sup> U.S. Central Command Commander General Joseph Votel said of the so-called defeat of the Islamic State at Baghouz, "We should be clear that what we are seeing now is not the surrender of ISIS as an organization, but a calculated decision to preserve the safety of their families and preservation of their capabilities by taking their chances in camps for internally displaced persons and going to ground and remote areas and waiting for the right time to resurge."<sup>65</sup>

Former U.S. special envoy Brett McGurk said, "'defeat of the physical space is not the defeat of ISIS,' noting that the group is less vulnerable to conventional military operations once it no longer holds large areas of territory."<sup>66</sup> Estimates show that the Islamic State may have as many as 30,000 fighters left in Iraq and Syria.<sup>67</sup> Other experts point to lessons learned from Iraq: since the territorial defeat of the Islamic State in Iraq in 2017, it has carried out over 1,000 attacks.<sup>68</sup>

- 58 Syria: events of 2018, HUMAN RIGHTS WATCH (2018), hrw.org/world-report/2019/country-chapters/syria.
- 59 Id.
- 60 Id.
- 61 Id.
- 62 Id.
- 63 Bethan McKernan, Isis defeated, US-backed Syrian Democratic Forces announce, THE GUARDIAN (March 23, 2019), theguardian. com/world/2019/mar/23/isis-defeated-us-backed-syrian-democratic-forces-announce.
- 64 Armed Conflict in Syria: Overview and U.S. Response, CONGRESSIONAL RESEARCH SERVICE (March 25, 2019), fas.org/sgp/crs/ mideast/RL33487.pdf; Cristina Maza, Donald Trump is Wrong, ISIS hasn't been defeated in Syria, Experts Say, NEWSWEEK (Dec. 19, 2018), newsweek.com/donald-trump-wrong-isis-defeated-syria-1265300.
- 65 Armed Conflict in Syria: Overview and U.S. Response, CONGRESSIONAL RESEARCH SERVICE (March 25, 2019), fas.org/sgp/crs/ mideast/RL33487.pdf.

- 67 Cristina Maza, Donald Trump is Wrong, ISIS hasn't been defeated in Syria, Experts Say, NEWSWEEK (Dec. 19, 2018), newsweek.com/ donald-trump-wrong-isis-defeated-syria-1265300.
- 68 Bethan McKernan, Isis defeated, US-backed Syrian Democratic Forces announce, THE GUARDIAN (March 23, 2019), theguardian.

<sup>66</sup> Id.



Syrian refugee children washing clothes.

Assad's campaign to reclaim territory from rebels escalated in mid-2019 in Idlib province in northwestern Syria.<sup>69</sup> The province is home to approximately 3 million people, half of whom fled from other parts of Syria.<sup>70</sup> In May 2019, as Assad's aerial bombardment campaign intensified, hundreds of thousands fled.<sup>71</sup> During May, the Syrian Observatory for Human Rights reported that 5,400 airstrikes killed 316 people.<sup>72</sup> At least 61 children were killed by airstrikes in April and May 2019.<sup>73</sup> The United Nations predicts that millions may try to flee to Turkey and that the battle in Idlib could be among the most brutal in the history of the war.<sup>74</sup> While news of a ceasefire agreement in Idlib broke in June 2019, there were reports of intensive shelling just hours later.<sup>75</sup> The June 2019 ceasefire follows a long line of broken ceasefires, humanitarian pauses and other agreements.<sup>76</sup> At the date of this writing, the violence in Idlib continues.

- 74 Health agencies warn Idlib offensive could uproot 700,000 Syrians, REUTERS (Aug. 8, 2018), reuters.com/article/us-mideast-crisissyria-idlib/health-agencies-warn-idlib-offensive-could-uproot-700000-syrians-idUSKBN1KT0ZE.
- 75 Russia and Turkey broker ceasefire in Syria's Idlib: Russian news agencies, REUTERS (June 12, 2019), reuters.com/article/us-syriasecurity-russia-turkey/russia-and-turkey-broker-ceasefire-in-syrias-idlib-russian-news-agencies-idUSKCNITD2MG.
- 76 Faysil Itani, A Trail of Broken Ceasefires in Syria, ATLANTIC COUNCIL (March 9, 2018), atlanticcouncil.org/blogs/new-atlanticist/atrail-of-broken-ceasefires-in-syria.

com/world/2019/mar/23/isis-defeated-us-backed-syrian-democratic-forces-announce.

<sup>69</sup> Latest Idlib offensive threatens 'unprecedented humanitarian disaster', REFUGEES INTERNATIONAL (May 6, 2019), reliefweb.int/ report/syrian-arab-republic/latest-idlib-offensive-threatens-unprecedented-humanitarian-disaster.

<sup>70</sup> Id.

<sup>71</sup> Bethan McKernan, 'Every day brings a new massacre': Eid offers no respite for Idlib, THE GUARDIAN (June 4, 2019), heguardian.com/ world/2019/jun/04/every-day-brings-new-massacre-eid-offers-no-respite-idlib-syria.

<sup>72</sup> Id.

<sup>73</sup> No funeral for children killed in Idlib as death toll rises, SAVE THE CHILDREN (June 4, 2019), reliefweb.int/report/syrian-arab-republic/ no-funeral-children-killed-idlib-death-toll-rises.

In addition to Assad's campaign in Idlib, new threats of instability are emerging elsewhere in the region. At least 10 people were killed in June 2019 in escalating tensions between Israel and Syria in the Golan Heights.<sup>77</sup> There were also reports of the Syrian government army targeting Turkish troops in Syria in May 2019.<sup>78</sup>

#### **EXTRAORDINARY AND TEMPORARY CONDITIONS**

Years of brutal war and other factors have created extraordinary conditions and humanitarian crisis in Syria that make safe return impossible at this time. The United Nations Office for the Coordination of Human Affairs forsees that the situation in Syria will remain unpredictable in 2019, with 13 million people in need of humanitarian aid.<sup>79</sup> At least 5.5 million children need help.<sup>80</sup> In 2018, there was a 16 percent increase in the population at camps of last resort for internally displaced people.<sup>81</sup>

The Syrian government continues to use siege warfare and deliberately target food sources, health care facilities and workers, schools, and other vital infrastructure, deepening the suffering.<sup>82</sup> Even in areas where conflict has abated, lack of resources and lingering landmines and explosives put millions at risk.<sup>83</sup>

#### Ongoing use of chemical weapons, torture, execution and other human rights abuses

The use of chemical weapons, including chlorine and sarin, by the Syrian government and its allies continues to be documented.<sup>84</sup> A 2018 chemical weapons attack in Douma killed dozens.<sup>85</sup> A study by the Global Public Policy Institute released in February 2019 found that there have been at least 336 chemical attacks in Syria since the war began, a higher figure than previously recorded.<sup>86</sup> The study concludes that 98 percent of attacks were carried out by the Syrian government.<sup>87</sup>

The use of unguided barrel bombs and cluster munitions targeting civilians and humanitarian aid convoys also continues.<sup>88</sup> A major offensive characterized by relentless bombing by the Syrian government and Russian allies

- 77 Ten killed in Israeli airstrikes in Syria in reply to rocket attack, THE GUARDIAN (June 2, 2019), theguardian.com/world/2019/jun/02/ ten-killed-in-israeli-airstrikes-in-syria-in-reply-to-rocket-attack.
- 78 Joe Macaron, Are Russia and Turkey making deals or parting ways in Syria?, AL JAZEERA (May 15, 2019), aljazeera.com/indepth/ opinion/russia-turkey-making-deals-parting-ways-syria-190515163715038.html.
- 79 Global Humanitarian Overview 2019, UNOCHA (2019), unocha.org/sites/unocha/files/GHO2019.pdf.
- 80 Syrian crisis, UNICEF (2019), unicef.org/emergencies/syrian-crisis.
- 81 2019 Humanitarian Needs Overview: Syrian Arab Republic, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (March 2019), unocha.org/syrian-arab-republic/about-ocha-syria.
- 82 For e.g., Bethan McKernan, School and hospitals in Idlib were among Assad targets, says Amnesty, THE GUARDIAN (March 28, 2019), theguardian.com/world/2019/mar/28/school-and-hospitals-in-idlib-syria-were-among-bashar-al-assad-targets-says-amnesty-international; Syria violence interrupts food distribution in some areas, AP NEWS (June 11, 2019), apnews. com/llee00caf6cf493dab6db2cb91431af6.
- 83 Id.
- 84 For e.g., Chemical weapons agency: 'toxic chemical' used in attack on Syrian rebel town last April, REUTERS (March 1, 2019), reuters. com/article/us-mideast-crisis-syria-chemicalweapons/chemical-weapons-agency-toxic-chemical-used-in-attack-on-syrian-rebeltown-last-april-idUSKCN1Q157V.
- 85 Id.
- 86 Tobias Schneider, Theresa Lutkefend, Nowhere to Hide: The Logic of Chemical Weapons Use in Syria, GLOBAL PUBLIC POLICY INSTITUTE (Feb. 2019), gppi.net/media/GPPi\_Schneider\_Luetkefend\_2019\_Nowhere\_to\_Hide\_Web.pdf.
- 87 Id.
- 88 Syria: Unlawful attacks using cluster munitions and unguided barrel bombs intensify as Idlib offensive looms, AMNESTY INTERNATIONAL (Sept. 14, 2018), amnesty.org/en/latest/news/2018/09/syria-unlawful-attacks-using-cluster-munitions-andunguided-barrel-bombs-intensify-as-idlib-offensive-looms/; Syria's war: NGOs suspend aid to embattled Idlib province, AL JAZEERA (May 11, 2019), aljazeera.com/news/2019/05/syria-war-ngos-suspend-aid-embattled-idlib-province-190511093135241.html.

has put millions at risk in Idlib.<sup>89</sup> At least 1,500 were killed by air strikes and shelling in a matter of weeks beginning in April 2019.<sup>90</sup> In May 2019, the World Food Programme reported that emergency food deliveries that would feed 47,000 people in the area were being attacked through heavy aerial bombardment.<sup>91</sup> With their workers being killed, many organizations have been forced to withhold delivering vital humanitarian aid to the area, home to millions.<sup>92</sup>

Arbitrary arrests, torture, and executions at the hands of the Syrian government and other factions are ongoing.<sup>93</sup> A study of nearly 190,000 civilian deaths in Syria found that 77 percent of deaths could be attributed to human rights violations by the Syrian government.<sup>94</sup> In addition to violations by the Syrian government, Human Rights Watch documented ongoing killings by anti-government groups in 2018, including hundreds of deaths in Ghouta between February and April 2018.<sup>95</sup> In 2018, the U.N. Commission of Inquiry on Syria issued a report stating that the ongoing use of sexual assault and rape as weapons of war constituted crimes against humanity and war crimes.<sup>96</sup>

As the Syrian government has seized more territory from the Islamic State and rebels, anticipating taking full control of the country back, it has escalated arrests, torture and execution of people considered to be political prisoners.<sup>97</sup> At least 128,000 people have disappeared into Syrian prisons and remain unaccounted for today.<sup>98</sup> Inside Assad's prisons, people are beaten, doused with fuel and burned, electrocuted, sexually assaulted, hung up by their wrists, forced to beat and kill one another and starved to death.<sup>99</sup> There are also reports of torture being used against people taken to the Syrian government's military hospitals, including by hospital staff.<sup>100</sup> The Syrian Network for Human Rights has recorded 14,000 people being tortured to death in Syria.<sup>101</sup>

#### Food and water emergency

Syria is currently ranked the fifth most severe food crisis in the world by the United Nations.<sup>102</sup> USAID reports that 11.7 million Syrians need food assistance in 2019, with 9 million facing emergency food insecurity.<sup>103</sup> Approximately 6.5 million people are facing "life-threatening food insecurity.<sup>104</sup> Compounding factors leading to the crisis—in addition

90 Id.

91 Syria's war: NGOs suspend aid to embattled Idlib province, AL JAZEERA (May 11, 2019), aljazeera.com/news/2019/05/syria-warngos-suspend-aid-embattled-idlib-province-190511093135241.html.

92 Id.

- 93 Syria: Events of 2018, HUMAN RIGHTS WATCH (2019), hrw.org/world-report/2019/country-chapters/syria.
- 94 Daniel Boffey, From kidnap to torture, the database rigorously logging every Syrian atrocity, THE GUARDIAN (July 23, 2018), theguardian.com/world/2018/jul/23/why-database-of-syrian-atrocities-may-hold-key-to-future-justice.
- 95 Id.
- 96 Syria: Events of 2018, HUMAN RIGHTS WATCH (2019), hrw.org/world-report/2019/country-chapters/syria.
- 97 Louisa Loveluck and Zakaria Zakaria, Syria's once-teeming prison cells being emptied by mass murder, THE WASHINGTON POST (Dec. 23, 2018), washingtonpost.com/graphics/2018/world/syria-bodies/?utm\_term=.90b77ebd3532; Anne Barnard, What We Know About Syria's Secret Torture Prisons, THE NEW YORK TIMES (May 11, 2019), nytimes.com/2019/05/11/world/middleeast/syria-torturepractices.html.
- 98 Id.
- 99 Id.
- 100 Id.
- 101 Id.
- 102 2019 Global Report on Food Crisis, FOOD SECURITY INFORMATION NETWORK (2019), reliefweb.int/sites/reliefweb.int/files/ resources/GRFC\_2019-Full\_Report.pdf.
- 103 Food assistance fact sheet, USAID (April 24, 2019), usaid.gov/syria/food-assistance.

104 Id.

<sup>89</sup> Russian jets carry out deadly bombings in Syria's Idlib, AL JAZEERA (June 10, 2019), aljazeera.com/news/2019/06/russian-jets-carrydeadly-bombings-syria-idlib-190611003401421.html; U.N. decries barrel bomb assault in rebel-held northwest Syria, REUTERS (May 2, 2019), reuters.com/article/us-syria-security-idlib-un/u-n-decries-barrel-bomb-assault-in-rebel-held-northwest-syria-idUSKCN1S812X.



A woman walks near a house in the city of Homs that was destroyed in the fighting.

to active conflict—include elevated food prices, inflation, and the 2018 drought, the worst in 30 years.<sup>105</sup> Drought was followed by heavy and unseasonable rain that also exacerbated agricultural problems, leading to the lowest wheat production in the country since 1989.<sup>106</sup> Wheat production is 1.2 million metric tons short of meeting Syria's need.<sup>107</sup> Sixty-five percent of households are making unsustainable choices to survive including restricting daily food intake and purchasing food on credit.<sup>108</sup>

Drought in Syria and destruction of infrastructure in the conflict (including deliberate attacks), has led to severe water shortages.<sup>109</sup> Large percentages of the populations, including more than 50 percent of the population in three governorates, depend on water being trucked in to survive.<sup>110</sup> For those who are dependent on trucking, 27 percent spend between 11 and 20 percent of their household income to purchase water. Destruction of infrastructure, including water treatment facilities and sewage networks continues to exacerbate lack of access to safe water.<sup>111</sup>

111 2019 Humanitarian Needs Overview: Syrian Arab Republic, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (March 2019), unocha.org/syrian-arab-republic/about-ocha-syria.

<sup>105</sup> Food assistance fact sheet, USAID (April 24, 2019), usaid.gov/syria/food-assistance; 2019 Global Report on Food Crisis, FOOD SECURITY INFORMATION NETWORK (2019), reliefweb.int/sites/reliefweb.int/files/resources/GRFC\_2019-Full\_Report.pdf.

<sup>106</sup> Id.

<sup>107 2019</sup> Global Report on Food Crisis, FOOD SECURITY INFORMATION NETWORK (2019), reliefweb.int/sites/reliefweb.int/files/ resources/GRFC\_2019-Full\_Report.pdf.

<sup>108</sup> Food assistance fact sheet, USAID (April 24, 2019), usaid.gov/syria/food-assistance.

<sup>109</sup> For e.g., Tom Miles, Syria committed war crime by bombing Damascus water supply: U.N., REUTERS (March 14, 2017), reuters.com/ article/us-mideast-crisis-syria-water/syria-committed-war-crime-by-bombing-damascus-water-supply-u-n-idUSKBN16L0W5.

<sup>110</sup> WASH Situational Overview: Whole of Syria, January 2019, UN CHILDREN'S FUND (2019), reliefweb.int/report/syrian-arabrepublic/wash-situational-overview-whole-syria-january-2019.

#### Weaponization of health care

Approximately 12 million people in Syria needed medical assistance as of December 2018.<sup>112</sup> Over the course of 2018, outbreaks of typhoid, fever, leishmaniosis and acute bloody diarrhea were reported across the country.<sup>113</sup>

Deliberate, targeted attacks on health care facilities and workers continue. Almost every one of the verified 566 attacks on medical facilities in Syria has been carried out by the Assad regime or Russian allies.<sup>114</sup> There have been 890 documented killings of medical professionals, 264 of which were doctors. Fifty four percent of medical professionals were killed by arterial shelling.<sup>115</sup> There have been 141 cases of medical professionals who were detained or kidnapped and then killed.<sup>116</sup> Ninety percent of killings are attributed to the Assad regime or its allies.<sup>117</sup>

In a matter of weeks beginning in April 2019, the Syrian government and allies intentionally bombed 19 health care facilities in Idlib, including a maternity and children's hospital.<sup>118</sup> In a June 11, 2019, press release, the Syrian American Medical Society, or SAMS, reported it has received more than 1,600 injured patients since the beginning of the offensive in Idlib.<sup>119</sup> A SAMs surgeon working in Idlib said: "It's been nothing short of hell on earth. The situation on the ground continues to deteriorate."<sup>120</sup> As a result of the attacks, 30 other facilities were forced to evacuate and stop providing care to the densely populated region.<sup>121</sup> In order to continue serving people in need, physicians are attempting to spread out facilities across multiple buildings and hide medical clinics in caves or underground.<sup>122</sup>

#### Danger to returnees

In 2018, the U.N. reported that approximately 1.4 million displaced persons and 56,000 registered refugees returned to Syria.<sup>123</sup> Increased rates of returnees—projected to include as many as 250,000 refugees in 2019—add a new layer to Syria's complex crisis.<sup>124</sup> Despite rising numbers, the U.N. cautions that "safe, voluntary and dignified return" is not possible at this time.<sup>125</sup>

- 112 Medical Personnel are Targeted in Syria, PHYSICIANS FOR HUMAN RIGHTS (2019), phr.org/resources/medical-personnel-aretargeted-in-syria/.
- 113 2019 Humanitarian Needs Overview: Syrian Arab Republic, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (March 2019), unocha.org/syrian-arab-republic/about-ocha-syria.
- 114 The Syrian Conflict: Eight Years of Devastation and Destruction of the Health System, PHYSICIANS FOR HUMAN RIGHTS (March 12, 2019), phr.org/resources/the-syrian-conflict-eight-years-of-devastation-and-destruction-of-the-health-system/.

115 Id.

- 116 Medical Personnel are Targeted in Syria, PHYSICIANS FOR HUMAN RIGHTS (2019), phr.org/resources/medical-personnel-aretargeted-in-syria/.
- 117 The Syrian Conflict: Eight Years of Devastation and Destruction of the Health System, PHYSICIANS FOR HUMAN RIGHTS (March 12, 2019), phr.org/resources/the-syrian-conflict-eight-years-of-devastation-and-destruction-of-the-health-system/.
- 118 Diane Cole, In Syria, Reports Of 19 Medical Facilities Bombed Since April 28, NPR (May 17, 2019), npr.org/sections/ goatsandsoda/2019/05/17/724281900/in-syria-reports-of-19-medical-facilities-bombed-since-april-28.
- 119 SAMS alarmed by heightened attacks on civilian infrastructure in northwest Syria, SYRIAN AMERICAN MEDICAL SOCIETY (June 11, 2019), sams-usa.net/press\_release/sams-alarmed-by-heightened-attacks-on-civilian-infrastructure-in-northwest-syria/.

121 Diane Cole, In Syria, Reports Of 19 Medical Facilities Bombed Since April 28, NPR (May 17, 2019), npr.org/sections/ goatsandsoda/2019/05/17/724281900/in-syria-reports-of-19-medical-facilities-bombed-since-april-28.

- 123 UNHCR Syria Factsheet (January 2019), UNHCR (Jan. 31, 2019) reliefweb.int/report/syrian-arab-republic/unhcr-syria-factsheetjanuary-2019.
- 124 Jesse Marks, Why Syrian refugees are at risk of a forced return to Syria, THE WASHINGTON POST (Feb. 13, 2019), washingtonpost. com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-hereswhy/?utm\_term=.64538974272b.
- 125 Global Humanitarian Overview 2019, UNOCHA (2019), unocha.org/sites/unocha/files/GHO2019.pdf

<sup>120</sup> Id.

<sup>122</sup> Id.

"A person's dignity does not depend on them being a citizen, a migrant, or a refugee. Saving the life of someone fleeing war and poverty is an act of humanity."

> POPE FRANCIS June 2018

Rates of forced return and deportation to Syria from neighboring countries, a violation of international law, is on the rise.<sup>126</sup> In addition to deportation, there is great concern that Syrian refugees will return to Syria due to a false sense of security based on inflated returnee numbers put forth by those countries, strained by years of the Syrian war as well as other factors.<sup>127</sup> Furthermore, Assad and Russia are engaged in a propaganda campaign, calling on Syrians to return to the country, as part of a political campaign to legitimize the government.<sup>128</sup> Trend analysis from Tahrir Institute for Middle East Policy predicts that decisions to return to Syria based on false information and perceptions will continue to increase, putting more lives at risk.<sup>129</sup>

The process of voluntarily returning to Syria typically involves registering, getting permission from the Syrian government, and providing information about any involvement in political opposition to Assad.<sup>130</sup> Some are making this decision not because they believe Syria is safe, but due to difficult living conditions in countries of first asylum.<sup>131</sup> People are living in extreme poverty, facing harassment and eviction.<sup>132</sup> Host countries are putting new laws in place, making life even more difficult for refugees and displaced persons, which is intended to drive people to leave.<sup>133</sup> According to a 2019 survey, approximately 75 percent of Syrians who returned to government-controlled areas have been subjected to harassment at checkpoints, extorted, conscripted into the military and forced to fight in the war or arrested.<sup>134</sup> At least 2,000 returnees have been detained over the past two years.<sup>135</sup> Returnees have been interrogated, tortured and forced to inform on their family members.<sup>136</sup> A 2018 report documents at least 50 returnee children arrested with accusations of "revolutionary ties."<sup>137</sup>

Meeting the humanitarian needs of returnees will be complex, with limited resources spread even more thinly.<sup>138</sup>

138 2019 Humanitarian Needs Overview: Syrian Arab Republic, UNITED NATIONS OFFICE FOR THE COORDINATION OF HUMANITARIAN AFFAIRS (March 2019), unocha.org/syrian-arab-republic/about-ocha-syria.

<sup>126</sup> Jesse Marks, Why Syrian refugees are at risk of a forced return to Syria, THE WASHINGTON POST (Feb. 13, 2019), washingtonpost. com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-hereswhy/?utm\_term=.64538974272b.

<sup>127</sup> Jesse Marks, Why Syrian refugees are at risk of a forced return to Syria, THE WASHINGTON POST (Feb. 13, 2019), washingtonpost. com/news/monkey-cage/wp/2019/02/12/syrian-refugees-face-growing-pressure-to-return-to-insecure-conditions-hereswhy/?utm\_term=.64538974272b; TIMEP Brief: The Return of Refugees, THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY (March 18, 2019), timep.org/reports-briefings/timep-brief-return-of-refugees/.

<sup>128</sup> Id.

<sup>129</sup> TIMEP Brief: The Return of Refugees, THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY (March 18, 2019), timep.org/reports-briefings/ timep-brief-return-of-refugees/.

<sup>130</sup> Louisa Loveluck, Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, THE WASHINGTON POST (June 2, 2019), washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-beingwelcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef\_story.html?utm\_term=.0a86ef59fde7.

<sup>131</sup> TIMEP Brief: The Return of Refugees, THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY (March 18, 2019), timep.org/reports-briefings/ timep-brief-return-of-refugees/.

<sup>132</sup> Id.

<sup>133</sup> TIMEP Brief: The Return of Refugees, THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY (March 18, 2019), timep.org/reports-briefings/ timep-brief-return-of-refugees/; Syria: Events of 2018, HUMAN RIGHTS WATCH (2019), hrw.org/world-report/2019/countrychapters/syria; Louisa Loveluck, Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, THE WASHINGTON POST (June 2, 2019), washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-beingwelcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef\_story.html?utm\_term=.0a86ef59fde7.

<sup>134</sup> Louisa Loveluck, Assad urged Syrian refugees to come home. Many are being welcomed with arrest and interrogation, THE WASHINGTON POST (June 2, 2019), washingtonpost.com/world/assad-urged-syrian-refugees-to-come-home-many-are-beingwelcomed-with-arrest-and-interrogation/2019/06/02/54bd696a-7bea-11e9-b1f3-b233fe5811ef\_story.html?utm\_term=.0a86ef59fde7.

<sup>135</sup> Id.

<sup>136</sup> Id.

<sup>137</sup> TIMEP Brief: The Return of Refugees, THE TAHRIR INSTITUTE FOR MIDDLE EAST POLICY (March 18, 2019), timep.org/reports-briefings/ timep-brief-return-of-refugees/.

A study shows that 41.2 percent of Syrian returnees are facing food insecurity and 29 percent are resorting to emergency coping strategies.<sup>139</sup>

#### Catastrophic loss of infrastructure and functioning economy

Protracted conflict has destroyed Syria's infrastructure and economy. A 2018 U.N. assessment found that the war has caused the country approximately \$388 billion in economic damage.<sup>140</sup> The cost of destruction to roads, homes and other infrastructure is projected to be \$120 billion.<sup>141</sup> More than 80 percent of Syrians are in poverty, with the unemployment rate estimated at 55 percent.<sup>142</sup> In 2014, the U.N. estimated it would take the Syrian economy at least 30 years to recover from the first years of the war alone.<sup>143</sup>

At least 3 million homes have been partially or completely destroyed as a cost of the war.<sup>144</sup> Forty percent of schools have been damaged or destroyed as well as 50 percent of health care facilities.<sup>145</sup>

141 Id.

143 Socioeconomic and Damage Assessment: UNRWA Microfinance clients in Syria, UNITED NATIONS RELIEF AND WORKS AGENCY (April 2, 2014), reliefweb.int/report/syrian-arab-republic/socioeconomic-and-damage-assessment-report-unrwa-microfinance-clients.

<sup>139 2019</sup> Global Report on Food Crisis, FOOD SECURITY INFORMATION NETWORK (2019), reliefweb.int/sites/reliefweb.int/files/ resources/GRFC\_2019-Full\_Report.pdf.

<sup>140</sup> The Latest: UN says civil war has cost Syria \$388B in damage, AP NEWS (Aug. 9, 2018), apnews.com/ aa0aaa2c44cd430196f572227b45c150.

<sup>142 2019</sup> Global Report on Food Crisis, FOOD SECURITY INFORMATION NETWORK (2019), reliefweb.int/sites/reliefweb.int/files/ resources/GRFC\_2019-Full\_Report.pdf.

<sup>144 3</sup>m homes destroyed in Syria war, MIDDLE EAST MONITOR (June 1, 2018), middleeastmonitor.com/20180601-3m-homes-destroyed-insyria-war/.

<sup>145</sup> Syria crisis fast facts, UNICEF (March 2019), unicef.org/mena/reports/syria-crisis-fast-facts.

"Syrians pressured and forced to return prematurely face horrific human rights and humanitarian conditions and in some areas, escalated levels of violence. Additionally, reports continue to surface that numerous Syrian returnees have been subject to interrogations and threats, forced conscription, pressure to sign restrictive reconciliation agreements, arrest and torture, and in some cases, even death.

As the State Department has stated in its current travel notice, 'No part of Syria is safe from violence.' Failing to renew and redesignate TPS for Syrians would be in defiance of the United States' own findings, its moral commitments, and its domestic and international legal obligations."

#### **MAI EL-SADANY**

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# TPS FOR SYRIA IS IN THE U.S. NATIONAL INTEREST

For countries such as Syria that are designated for TPS due to extraordinary and temporary conditions—in addition to its designation for ongoing armed conflict—the law also requires that it not be against U.S. interests for nationals of a country to remain in the United States.<sup>146</sup> Over the course of TPS for Syria, the U.S. government has repeatedly found that it is not against national interests for Syrian TPS holders to be protected in the United States.<sup>147</sup> Prior to the current administration, TPS for Syria was redesignated at every decision, allowing both current TPS holders and more recently arrived Syrians to apply for protection.<sup>148</sup>

Like all TPS holders, Syrians have the right to work in the United States, contributing to the economy, and enriching U.S. communities.<sup>149</sup> Syrian immigrants in general are notable for their high rate of business ownership and for creating American jobs.<sup>150</sup> Eleven percent of Syrian immigrants in the workforce are business owners, as opposed to 4 percent of all immigrants and 3 percent of native-born U.S. citizens owning businesses.<sup>151</sup> Syrian immigrants are highly educated, with 38 percent of the Syrian immigrant population in the United States holding at least a four-year college degree.<sup>152</sup>

TPS holders are among the most highly vetted immigrants in the United States.<sup>153</sup> During each registration period—of which there have been five since TPS was originally designated for Syria<sup>154</sup> —TPS holders undergo background checks and must submit biometrics to U.S. Citizenship and Immigration Services.<sup>155</sup> TPS is not available to people who have been convicted of any felony or two or more misdemeanors in the United States, have persecuted others because of their nationality, race, religion, political opinion, or membership in any particular social group, or have engaged in or incited terrorist activity.<sup>156</sup>

<sup>146 83</sup> Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syriafor-temporary-protected-status.

<sup>147 78</sup> Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/extension-and-redesignation-of-syriafor-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/documents/2015/01/05/2014-30871/extensionand-redesignation-of-the-syrian-arab-republic-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/ documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protectedstatus.

<sup>148</sup> Id.

<sup>149</sup> INA §244 (a)(1)(B).

<sup>150</sup> David Dyssegaard Kallick, Cyierra Roldan, and Silva Mathema, Syrian Immigrants in the United States, CENTER FOR AMERICAN PROGRESS (Dec. 13, 2016), americanprogress.org/issues/immigration/reports/2016/12/13/294851/syrian-immigrants-in-theunitedstates-a-receiving-community-for-todays-refugees/.

<sup>151</sup> Id.

<sup>152</sup> Id.

<sup>153</sup> Id.

<sup>154 77</sup> Fed. Reg. 19026 (March 29, 2012), federalregister.gov/documents/2012/03/29/2012-7498/designation-of-syrian-arab-republic-for-temporary-protected-status; 78 Fed. Reg. 36223 (June 17, 2013), federalregister.gov/documents/2013/06/17/2013-14101/ extension-and-redesignation-of-syria-for-temporary-protected-status; 80 Fed. Reg. 245 (Jan. 5, 2015), federalregister.gov/ documents/2015/01/05/2014-30871/extension-and-redesignation-of-the-syrian-arab-republic-for-temporary-protected-status; 81 Fed. Reg. 50533 (Aug. 1, 2016), federalregister.gov/documents/2016/08/01/2016-17933/extension-and-redesignation-of-syria-for-temporary-protected-status; 83 Fed. Reg. 9329 (March 5, 2018), federalregister.gov/documents/2018/03/05/2018-04454/extension-of-the-designation-of-syria-for-temporary-protected-status.

<sup>155</sup> Temporary Protected Status, USCIS (2019), uscis.gov/humanitarian/temporary-protected-status.

<sup>156</sup> Id.

#### WAEL'S STORY

Wael had just graduated from college with a computer science degree when civil unrest erupted in Syria. "When the peaceful demonstrations started, there was immediately a shift," he recalls. "It went from bad to worse."

Soon after, Wael's parents begged him and his brother to flee, terrified that they would be picked up and forced to fight for the Syrian government in the war. So Wael and his brother, like millions of others, fled to a neighboring country, seeking refuge.

Life was difficult for Wael and his brother outside of Syria. He remained there for about 6 months but saw there was no future for him. Eventually, Wael was able to get a visa to come to the United States to continue his education and pursue a Master's degree. On what it was like to arrive in the U.S., Wael says, "The main thing I felt instantly was that I was much safer. In the U.S. you feel security. You have rights, even if you are a foreigner. I love that about the U.S."

In the U.S., Wael met and married his wife and they began to build a life together. Wael found a good job after school. His wife volunteers caring for the elderly and works in design.

Getting TPS, "meant everything," Wael says. "Stability, security that you won't be forced to leave the country. You can get a work permit, a good job, good pay. It's hard for people when they aren't allowed to work [legally] in the U.S. and they have to make money. But TPS gives you a lot of rights."

Wael notes that many Syrian TPS holders he knows have applied for asylum. For now, Wael says that asylum is not an option. "I am afraid to apply for asylum. I can't risk never being able to see my family [in Syria] again."

However, if TPS is not extended, Wael says he would be forced to make a different choice. "I would apply for asylum to try to survive," he says. "Going back to Syria is not an option. You can't imagine it. The military can destroy you, throw you in jail, detain you, torture you without accountability."

If he had the chance to speak to the Acting Secretary of DHS, due to make the next decision on TPS for Syria by August 1, 2019, Wael says, "I would like to convince him that the Syrian people [in the U.S.] are just like any other people. We work hard, we pay taxes. For me, personally, I love this country. I feel it's home. And I don't need a green card or citizenship to know this is home. I can make a living. I can know my family is safe. I would love to give this country as much as I can."



"The Syrian TPS holders are very resilient. Many of them are seeking advanced skills and education to contribute to their communities, while others were able to use their resources and knowledge to establish new opportunities for their families throughout the U.S. They have enriched and strengthened the fabric of our life.

Sadly, war-torn Syria continues to be one of the most dangerous places on earth. We pray for the war to stop and for peace to prevail. For the time being, TPS must be renewed and re-designated."

#### AHMAD TARAKJI, MD

President, Syrian American Medical Society

## CONCLUSION

In 2018 and 2019, the landscape in Syria shifted with the territorial defeat of the Islamic State and the Syrian government reclaiming control of almost all of the country. Some characterize these changes as signaling the potential end of the war, yet Assad's regime, the brutality and crimes of which underlie TPS for Syria, remains. In addition to the threat of the regime to the safety and security of civilians, the humanitarian crisis is ongoing and infrastructure in the country is utterly destroyed. Safe return to Syria remains impossible at this time.

Accordingly, the administration must extend TPS for Syria for 18 months and redesignate TPS in order to provide protection to more recently arrived individuals and families. A failure to extend TPS for Syria would be inconsistent with the law and Congressional intent and would be a shocking affront to the pillars of American society, Catholic social teaching and interfaith values. It would amount to a death sentence for many.

The U.S. government must stand with Syrian TPS holders and renew its long-standing commitment to international principles not to return people to the hands of their persecutors or to countries where their lives and freedom would be threatened. Finally, the administration must call on Congress to act swiftly to create a long-term solution to ensure Syrian TPS holders and their families are permanently protected from the catastrophic consequences of the conflict in Syria.

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It's no surprise to anyone that the humanitarian crisis in Syria continues to put its citizens at risk. The United States must safeguard Syrians in the United States who are currently being protected by Temporary Protected Status as well as those who would benefit from redesignation. By redesignating TPS for Syria and granting an 18-month extension, our country will honor the American principles that call on us to welcome and defend those in need.

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**ANNA MARIE GALLAGHER** 

#### ABOUT THE CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

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