

December 14, 2022

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

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

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

**RE: ORGANIZATIONS CALL FOR THE EXTENSION AND REDESIGNATION OF TEMPORARY PROTECTED STATUS FOR SOMALIA**

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

The undersigned 116 civil rights, immigrant rights, human rights, educational, and grassroots organizations write to urge Secretary Mayorkas to extend and redesignate **Temporary Protected Status (TPS) for Somalia** for 18 months. The designation for Somalia expires on March 17, 2023, with a decision date coming up on January 16, 2023. Somalia is facing a humanitarian crisis exacerbated by a protracted armed conflict that has lasted over three decades.<sup>1</sup> Political instability, distrust in leaders and electoral institutions, and widespread corruption have delayed and disrupted democratic processes for several years.<sup>2</sup> The fragility is exploited by the armed extremist group Al Shabab which has declared war against “a western-backed government.”<sup>3</sup> Violence is rampant, with civilian casualties being the highest recorded since 2017 according to the UN.<sup>4</sup> An estimated 40 percent of the population, or 6.1 million people, are left hungry due to the drought and soaring inflation.<sup>5</sup> The famine worsened during the war in Ukraine.<sup>6</sup>

**I. Temporary Protected Status**

The Secretary of Homeland Security, after consultation with appropriate agencies of the U.S. Government, has the authority to designate a country for Temporary Protected Status (TPS) if the Secretary determines that the country conditions temporarily prevent their nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals.<sup>7</sup> The Secretary can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions.

The calls for TPS for Somalia come at a time when civilian lives are in grave danger due to the armed conflict, humanitarian, and environmental crisis. If granted TPS, Somali nationals living

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<sup>1</sup> <https://www.hrw.org/world-report/2022/country-chapters/somalia>

<sup>2</sup> <https://www.crisisgroup.org/africa/horn-africa/somalia/welcome-chance-reset-somalia>

<sup>3</sup>

[https://coi.euaa.europa.eu/administration/easo/PLib/2021\\_09\\_EASO\\_COI\\_Report\\_Somalia\\_Security\\_situation.pdf](https://coi.euaa.europa.eu/administration/easo/PLib/2021_09_EASO_COI_Report_Somalia_Security_situation.pdf); <https://www.washingtonpost.com/world/2022/07/17/somalia-al-shabab-us-troops/>

<sup>4</sup>

<https://www.ohchr.org/en/press-releases/2022/11/somalia-turk-decries-steep-rise-civilian-casualties-a-mid-surge-al-shabaab>

<sup>5</sup> <https://www.nytimes.com/2022/05/15/world/africa/somalia-election-president.html>;

<https://news.un.org/en/story/2022/05/1118852>

<sup>6</sup> <https://www.nytimes.com/2022/04/01/world/africa/food-crisis-africa-drought-ukraine.html>

<sup>7</sup> *Immigration and Nationality Act, U.S. Code* (2020), §§ 244 et seq.

in the United States would be given permission to live and work in the country with authorization. Further, TPS would protect them from being deported to Somalia.

## **II. Need for designation of Temporary Protected Status for Somalia**

Somalia is eligible for an immediate extension and redesignation of TPS under INA § 244(b)(1)(C), due to ongoing armed conflict, natural disasters, and other extraordinary and temporary conditions. Somalia was first designated for Temporary Protected Status (TPS) in 1991 following the collapse of state institutions and the authoritarian regime. The extraordinary and temporary conditions continued to worsen and resulted in extensions of the protection over several administrations and two redesignations in 2001 and 2012.<sup>8</sup> More recently, Somalia was extended and redesignated in 2021.

### **A. Political instability**

Somali leader Hassan Sheikh Mohamud, who served as the president between 2012 and 2017, was elected to the presidency in May 2022.<sup>9</sup> He took office from Mohamed Abdullahi Farmajo, whose attempt to suspend Prime Minister Mohamed Hussein Roble in December 2021 was categorized as an attempt to organize a coup to derail elections.<sup>10</sup> Somalia has not conducted one-person, one-vote elections since 1969. In 1969, the military overthrew the elected government and ruled the country for 21 years, followed by a 10-year statelessness era.<sup>11</sup> As the new leadership tries to regain ground and make improvements in the security sector, the militant group al-Shabaab continues to control significant swathes of territory.<sup>12</sup>

### **B. Armed conflict**

The government's territorial control is contested by the separatist government in Somaliland and by al-Shabaab.<sup>13</sup> Al-Shabaab and various armed forces have perpetrated attacks against populations that may amount to war crimes and crimes against humanity.<sup>14</sup> According to the UN Secretary-General's report from February 2022, the UN recorded an average of 265 security incidents in Somalia per month in 2021, with the majority perpetrated by al-Shabaab.<sup>15</sup> During the period from February to May 2022, United Nations Assistance Mission in Somalia recorded a total of 428 civilian casualties, with 167 persons killed and 261 persons injured.<sup>16</sup> Of the 428 civilian casualties, 76 percent were primarily attributed to al-Shabaab militants using person and vehicle-borne improvised explosive devices.<sup>17</sup>

### **C. Human rights violations**

Al-Shabaab indiscriminately attacks civilians and civilian infrastructure across the country. The group regularly perpetrates human trafficking and exploits the local population by collecting illegal "taxes" from businesses.<sup>18</sup> Government forces and allied militias use excessive force,

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<sup>8</sup>

<https://www.federalregister.gov/documents/2021/07/22/2021-15595/extension-and-redesignation-of-somalia-for-temporary-protected-status>

<sup>9</sup> <https://www.bbc.com/news/world-africa-61438047>

<sup>10</sup>

<https://www.reuters.com/world/africa/somalias-president-suspends-prime-minister-over-corruption-prime-2021-12-27/>

<sup>11</sup> <https://digitalcommons.macalester.edu/cgi/viewcontent.cgi>

<sup>12</sup> <https://www.crisisgroup.org/africa/horn-africa/somalia/how-somalias-election-reshapes-region>

<sup>13</sup> <https://freedomhouse.org/country/somalia/freedom-world/2022>

<sup>14</sup> <https://www.globalr2p.org/countries/somalia/>

<sup>15</sup> Id.

<sup>16</sup> <https://www.unhcr.org/en-us/6328ce824.pdf>

<sup>17</sup> Id.

<sup>18</sup> <https://www.state.gov/reports/2022-trafficking-in-persons-report/somalia/>

including torture, with impunity.<sup>19</sup> The state and regional security forces, prominent among them, the National Intelligence and Security Agency (NISA), are regularly accused of severe human rights violations.<sup>20</sup> Ikran Tahlil Farah, an officer with the NISA, was abducted by unidentified people in a car outside her residence in Mogadishu. The family alleged that NISA officers were behind the abduction and disappearance because she was taken from a secure location near the heavily guarded NISA headquarters, accessible only to screened visitors and NISA personnel.<sup>21</sup>

Children in Somalia are recruited and used, killed or maimed, abducted, and subjected to rape and other forms of sexual violence at staggering levels, making Somalia one of the direst situations on the children and armed conflict agenda. The sixth report of the Secretary-General on children and armed children in Somalia shows a total of 8,042 grave violations against 6,501 children were verified between October 2019 and September 2021.<sup>22</sup> Between January and March 2022, UNSOM verified five incidents of conflict-related sexual violence, involving four women and one girl, all victims of rape. Between April to June 2022, three incidents of conflict-related sexual violence were verified. Two out of the three survivors, all rape victims, were aged 9 and 12 years, and the third was an internally displaced woman. Women and children, particularly the internally displaced, remain the most vulnerable to conflict-related sexual violence.<sup>23</sup>

#### **D. Humanitarian and climate crisis**

In Somalia, an estimated 4.1 million people are currently in need of food assistance due to the compounding impacts of extended drought, flooding, desert locust infestations, the economic impacts of COVID-19, and conflict.<sup>24</sup> Over 14 million people across Somalia, Ethiopia, and Kenya are already on the verge of starvation as drought, conflict, and COVID-19 threaten East Africa with famine.<sup>25</sup> Isha Dyfan, an Independent Expert on the situation of human rights in Somalia, said Somalia was experiencing a fourth consecutive failed rainy season, which had led to unprecedented drought and ravaged at least 90 percent of Somalia's districts.<sup>26</sup> The drought in Somalia is worsening with famine (IPC Phase 5) predicted to occur in three areas of the Bay region by the end of 2022 if the humanitarian response is not significantly scaled up.<sup>27</sup> An estimated 1.8 million (54.5 percent) children may face acute malnutrition between August 2022 and July 2023, including 513,550 children who are likely to be severely malnourished.

### **III. Designation of TPS for Somalia is in United States National Interest**

Al-Shabaab pledged allegiance to al-Qa'ida in 2009 and officially became an al-Qa'ida affiliate in 2012.<sup>28</sup> The U.S. Government describes al-Shabaab as "one of al-Qa'ida's most dangerous affiliates, which has killed thousands of people, including Americans, in Somalia and across East

<sup>19</sup> <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/somalia/>

<sup>20</sup> <https://bti-project.org/en/reports/country-report/SOM>

<sup>21</sup>

<https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/somalia/report-somalia/>

<sup>22</sup>

<https://childrenandarmedconflict.un.org/2022/06/situation-of-children-in-somalia-alarming-new-report-details-staggering-levels-of-grave-violations/>

<sup>23</sup> <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G22/465/72/PDF/G2246572.pdf?OpenElement>

<sup>24</sup> <https://www.ifrc.org/emergency/somalia-hunger-crisis-2021-2022>

<sup>25</sup> <https://www.rescue.org/country/somalia>

<sup>26</sup>

<https://www.ohchr.org/en/press-releases/2022/10/human-rights-council-holds-separate-interactive-dialogues-special-rapporteur>

<sup>27</sup> <https://www.unicef.org/somalia/reports/somalia-situation-reports-2022#>

<sup>28</sup> <https://home.treasury.gov/news/press-releases/jv1028>

Africa.”<sup>29</sup> In coordination with the Federal Government of Somalia, U.S. Africa Command conducted an airstrike against the al-Shabaab militant network in Somalia on October 1, 2022.<sup>30</sup>

As recently as October 2022, the Department of State designated five al-Shabaab leaders as Specially Designated Global Terrorists under Executive Order 13224.<sup>31</sup> Additionally, the Department of the Treasury designated a network of nine al-Shabaab financial facilitators.<sup>32</sup> On May 16, 2022, President Biden signed an order authorizing the redeployment of U.S. troops to Somalia to support the government’s efforts to counter al-Shabaab.<sup>33</sup> The U.S. government also issued a Level 4, do not travel advisory citing crime, terrorism, civil unrest, health issues, kidnapping, and piracy.<sup>34</sup>

The escalation of armed conflict and the United States' involvement in counterterrorism efforts show no immediate signs of ending. The United States' commitment to improving regional security is reason enough to deliberate protection for Somalis present in the United States. This government can and must do everything to protect Somalis from being returned to a dangerous war.

#### **IV. Conclusion**

Congress intended for TPS to serve as humanitarian protection, allowing beneficiaries of a designated country to live and work in the United States without fear of deportation to life-threatening conditions. It is life-saving, blanket protection, especially for those who are ineligible for or who have been denied asylum. We strongly urge the Secretary and his counterparts in the administration to take necessary measures to protect Somali nationals in the United States and provide an initial 18-month designation of TPS for Somalia. In addition, we request that the designation is accompanied by a timely Federal Register Notice, a 180-day registration period, and a culturally relevant outreach campaign to the impacted community.

Thank you for your consideration.

Sincerely,

#### **National**

African Communities Together (ACT)

African Career Education and Resources Inc (ACER)

Alianza Americas

America’s Voice

American Friends Service Committee (AFSC)

American Immigration Lawyers Association

American Relief Coalition for Syria

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<sup>29</sup> <https://www.state.gov/terrorist-designation-of-al-shabaab-leaders/>

<sup>30</sup>

<https://www.africom.mil/pressrelease/34758/us-forces-conduct-strike-in-somalia-targeting-al-shabaab-leader>

<sup>31</sup> Id.

<sup>32</sup> Id.

<sup>33</sup> <https://www.nytimes.com/2022/05/16/us/politics/biden-military-somalia.html>

<sup>34</sup>

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

Asylum Seeker Advocacy Project (ASAP)  
Asian Americans Advancing Justice | AAJC  
Black Alliance for Just Immigration (BAJI)  
Catholic Legal Immigration Network, Inc. (CLINIC)  
Committees of Correspondence for Democracy and Socialism (CCDS)  
Center for Gender & Refugee Studies  
Church World Service  
Climate Refugees  
Communities United for Status & Protection (CUSP)  
Disciples Immigration Legal Counsel  
Disciples Peace Fellowship  
First Focus on Children  
Franciscan Action Network  
FWD.us  
Haitian Bridge Alliance  
Human Rights First  
Immigrant Legal Resource Center  
Immigration Equality  
Immigration Hub  
Justice Action Center  
Latino Pastoral Action Center, Inc.  
Leadership Team of the Felician Sisters of North America  
MPower Change  
Nicaraguan American Human Rights Alliance (NAHRA)  
National Asian Pacific American Families Against Substance Abuse  
National Council of Churches  
National Council of Jewish Women  
National Employment Law Project  
National Immigration Law Center  
National Network for Arab American Communities  
National Partnership for New Americans  
National TPS Alliance  
Northeastern University School of Law Immigrant Justice Clinic  
Partnership for the Advancement of New Americans  
Presbyterian Church (USA)  
RAICES  
Refugee Congress  
Sisters of Charity Federation  
Sisters of Charity of Nazareth Congregational Leadership

Sisters of Charity of Nazareth Western Province Leadership  
Sisters of Mercy of the Americas Justice Team  
Sisters of Notre Dame de Namur USA  
Sisters of the Holy Cross  
The Campaign for Hong Kong  
U.S. Committee for Refugees and Immigrants (USCRI)  
U.S. Federation of the Sisters of St. Joseph  
UndocuBlack Network  
Venezuelan American Caucus  
Women's Alliance For Theology, Ethics, And Ritual (WATER)

**State/Local**

Advokato  
American Friends Service Committee, Colorado  
Arab American Civic Council  
Buen Vecino  
Cabrini Immigrant Services of NYC, Inc.  
CAIR-Minnesota  
Caribbean Community Service Center (CCSC)  
Catholic Charities of SW Kansas  
Central American Resource Center  
Central American Resource Center of Northern CA (CARECEN SF)  
Church of Our Saviour/La Iglesia de Nuestro Salvador  
Church Women United in New York State  
CLUE Ventura County  
Connecticut Shoreline Indivisible  
COPAL  
Council on American-Islamic Relations, California  
Council on American-Islamic Relations, New York (CAIR-NY)  
Dorothy Day House, Washington DC  
DRUM - Desis Rising Up & Moving  
First Congregational Church of San Jose  
Florida Immigrant Coalition  
Florida Poor People's Campaign  
Greater Cleveland Immigrant Support Network  
Human Rights Initiative  
Illinois Coalition for Immigrant and Refugee Rights  
Immaculate Heart Community, Commission on Justice for Immigrants, Refugees, and Indigenous Peoples

Immigrant Defenders Law Center  
Immigrant Law Center of Minnesota  
InterReligious Task Force on Central America  
Jewish Voice for Peace, Atlanta chapter  
Just Neighbors Ministry  
Justice Committee Sisters of St. Joseph of Carondelet, Albany  
Justice for Our Neighbors, El Paso  
La Colaborativa, Inc  
Lutheran Social Services of the National Capital Area (LSSNCA)  
Master in Migration Studies, University of San Francisco  
New Hampshire Conference United Church of Christ, Immigrant & Refugee Support Group  
New York Immigration Coalition  
Ohio Immigrant Alliance  
Pennsylvania Council of Churches  
Rocky Mountain Immigrant Advocacy Network  
San Diego Immigrant Rights Consortium  
Seattle Immigrant Rights Action Group  
SEIU Local 2015  
Sisters of Charity of Leavenworth Office of Justice, Peace, and Integrity of Creation  
Sisters of St. Dominic of Blauvelt, New York  
Sisters of St. Joseph of Carondelet, LA  
Social Justice Coalition Central Lutheran Church  
St. James Cathedral Immigrant Assistance  
Tennessee Justice for Our Neighbors  
Texas Civil Rights Project  
The Advocates for Human Rights  
True Alliance Center Inc.  
Unitarian Universalist (UUFHCT)  
Venezuelans and Immigrants Aid, Inc. (VIA)  
Wallingford Indivisible  
Wayne Action for Racial Equality  
WESPAC Foundation, Inc.  
Wilco Justice Alliance, (Williamson County, TX)  
Wind of the Spirit Immigrant Resource Center