



March 5, 2019

Chairman Jerrold Lewis Nadler
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Ranking Member Doug Collins
House Committee on the Judiciary
2138 Rayburn House Office Building
Washington, D.C. 20515

Re: Hearing on Protecting Dreamers and TPS Recipients

Dear Chairman Nadler, Ranking Member Collins and Members of the Committee:

On behalf of Amnesty International USA and our more than two million supporters nationwide, we hereby submit this statement for the record. This statement addresses the human rights situation in 10 countries that are currently designated for Temporary Protected Status (“TPS”). The Trump administration’s decisions to end TPS for several countries imperil many longtime U.S. residents who are at risk of deportation to countries where they may face violence, persecution, torture, even death. Amnesty International USA’s statement examines the current conditions in the 10 TPS-designated countries.

Since January 2017 the Department of Homeland Security (“DHS”) has made multiple announcements to end TPS, sometime over the near year:

South Sudan: TPS designated through May 2, 2019.

Nepal: TPS to terminate on June 24, 2019.

Syria: TPS designated through September 30, 2019.

Honduras: TPS to terminate on January 5, 2020.

Yemen: TPS designated through March 3, 2020.

Somalia: TPS designated through March 17, 2020.

El Salvador, Haiti, Nicaragua, Sudan In October 2018 in [*Ramos, et al. v. Nielsen, et al., No. 18-cv-01554 \(N.D. Cal. Oct. 3, 2018\) \(PDF, 458 KB\)*](#), the U.S. District Court for the Northern District of California enjoined DHS from implementing and enforcing the decisions to terminate TPS. As long as the preliminary injunction ordered by the court in *Ramos, et al v.*

Nielsen (N.D. Cal. Oct. 3, 2018) remains in effect, TPS should continue for these four countries.

I. Current conditions in TPS countries:

A. South Sudan (TPS designated through May 2, 2019): South Sudan is the first TPS-designated country that will lose its TPS designation, as of May 2, 2019. South Sudan was designated for TPS for ongoing armed conflict and massive humanitarian crisis, both of which continue to widen and deepen. In our 2017-2018 Annual State of the World’s Human Rights [report](#) Amnesty International highlighted internal armed conflict, sexual violence, lack of humanitarian access, chronic violations of the right to food and the displacement of over 3.9 million persons either as refugees or Internally Displaced Peoples (“IDPs”). Other [human rights violations](#) include [ethnically-based killings of civilians](#); extrajudicial killings; and mass forced displacement.

[According to Amnesty International’s 2018 report](#), approximately one third of the South Sudanese population had been displaced since the beginning of the conflict in December 2013; 1.9 million of them were internally displaced, including over 200,000 who lived on United Nations (“UN”) bases under the protection of peacekeepers. More than 640,000 fled war-torn South Sudan, bringing the total number of refugees from South Sudan to over two million.

The crisis in South Sudan led the United Nations Security Council (“UNSC”) to authorize UN peacekeepers and other UN security personnel to protect civilians. The [UNSC](#) also unanimously extended the mandate of the UN Mission in South Sudan until March 15, 2019, demanding that parties end the fighting and signaling its intention to consider all measures including an arms embargo against those obstructing peace.

Although a new peace agreement was signed in 2018, that has not stopped the violence, human suffering and the use of sexual- and gender-based violence as a tool of war in the South Sudan conflict.

Amnesty International's findings have been echoed by the U.S. State Department ("DOS") in its 2018 human rights [report](#) on South Sudan, noting:

The most significant human rights issues included conflict-related, ethnically based targeted killings of civilians; extrajudicial killings, abuse, and mass forced displacement of approximately four million civilians, displaced internally and as refugees; and intimidation and inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of an estimated 17,000 child soldiers; and widespread sexual violence. Attacks on military and civilian targets often resulted in rape, destruction of villages, theft, looting, and revenge attacks on civilians. Human rights abuses also included torture, intimidation, and unlawful detention of civilians; harassment, intimidation, and violence against journalists, civil society organizations, and human rights defenders; government restriction of freedoms of privacy, speech, press, and association; and abductions related to intercommunal and interethnic conflict. Officials reportedly arrested, detained, and mistreated several persons affiliated with the LGBTI community. Security force abuses occurred throughout the country. Impunity was widespread and remained a major problem. While government offensives during the year were responsible for the majority of the atrocities, resulting displacement, and consequent food insecurity, opposition forces also perpetrated serious human rights abuses.

- B. Nepal** (TPS to terminate June 24, 2019): According to [Amnesty International's 2017-2018 report](#), nearly 70 percent of survivors from the 2015 earthquake, numbering hundreds of thousands, were still living in temporary shelters two years after the earthquake. The Nepali government stipulated proof of land ownership as a condition for receiving a rebuilding grant. However, because up to 25 percent of the population were considered not to have met this criterion, tens of thousands of earthquake survivors were ineligible for these grants. The situation primarily affected marginalized and disadvantaged groups, including women, Dalits, and other caste-based and ethnic minorities.
- C. Syria** (TPS designated through September 30, 2019): The conflict in Syria has continued to support a climate of lethal danger to civilians. The [Syrian refugee crisis](#) continues to be the worst the world has seen since World War II, producing over five million refugees. Mass imprisonment and hangings, forced conscription, and entire swaths of the country in ruins render the country too dangerous and unstable for Syrians to return.
- D. Honduras** (TPS to terminate on January 5, 2020): Insecurity, impunity, and violence continue to run rampant. Honduras has [a homicide rate 800 percent higher than that of the U.S.](#) In our 2018 report *[Protest Prohibited: Use of Force and Arbitrary Detentions to Suppress Dissent in Honduras](#)*, Amnesty International documented how the government's crackdown resulted in hundreds of arrests and [at least 30 deaths](#). [Human Rights Watch](#) reported that 20,500 people were held in a prison system designed to hold a maximum of 10,600 inmates.

Women, girls and LGBTI individuals continue to face high levels of gender-related violence. Gangs consistently exploit children, forcing them to assist in arms trades, drug deals, and even homicide. Sexual exploitation of children is also common. Human rights defenders continue to be targets of [smear campaigns](#) by both state and non-state actors, as well as

being subjected to threats and attacks. Land disputes continue to result in violent conflicts, and Indigenous people have had their territories illegally explored and exploited of resources. Additionally, [Indigenous people have consistently reported threats and acts of violence against their communities.](#)

E. Yemen (TPS designated through March 3, 2020): The war and humanitarian catastrophe have made conditions too dangerous and unstable for Yemenis to return. Around 14 million people are at [risk of famine](#), and the actions of the [Saudi Arabia-UAE led coalition](#) have led to tens of thousands displaced people across Yemen. The [health sector is in ruins](#), and the basic infrastructure destroyed. The political process aimed at ending the fighting and lifting a blockade imposed by Saudi Arabia is making little progress.

F. Somalia (TPS designated through March 17, 2020): The most recent designation of Somalia's TPS was based on ongoing [armed conflict](#) and persisting humanitarian crisis. The ongoing violence and mass humanitarian crisis render Somalia too dangerous and unstable for safe returns.

The [United Nations](#) Assistance Mission in Somalia reported 1,228 civilian casualties between January and September 2017 as a result of the conflict. Due to ongoing conflict, more than 1.5 million people are currently internally displaced in Somalia and nearly 900,000 refugees have fled to neighboring countries. Over half of Somalia's 12.4 million people are still in need of emergency [humanitarian assistance](#). According to a report from the [U.N. Office for the Coordination of Humanitarian Affairs](#), flash and river flooding that occurred in April 2018 affected an estimated 772,500 people and displaced more than 229,000.

In our 2017-2018 [report](#) on Somalia, Amnesty International highlighted serious concerns over refugee and migrant rights, lack of freedom of expression, widespread sexual and gender based violence, and food insecurity and malnutrition. The DOS

highlighted similar concerns in its [2017 Country Report on Human Rights Practices on Somalia](#):

Human rights issues included killings of civilians by security forces, clan militias, and unknown assailants, including by al-Shabaab. Disappearances; torture and other cruel, inhuman, or degrading treatment or punishment; arbitrary and politically motivated arrest and detentions, including of journalists; use of child soldiers; restrictions on freedoms of speech and press, assembly and movement; forced eviction, relocation and sexual abuse of internally displaced persons (IDPs); disruption, diversion, and seizure of humanitarian assistance; trafficking in persons; widespread violence against women and girls with little government action for accountability, including rape and female genital mutilation/cutting (FGM/C); criminalization of same-sex sexual conduct; and forced labor, including by children.

...

Impunity generally remained the norm. Government authorities took minimal steps to prosecute and punish officials who committed violations, particularly military and police officials accused of committing rape, killings, clan violence, and extortion. Clan militias and al-Shabaab continued to commit grave abuses throughout the country, including extrajudicial and politically motivated killings; disappearances; cruel and unusual punishment; rape; and attacks on employees of nongovernmental organizations (NGOs), and the United Nations. They also blocked humanitarian assistance, conscripted child soldiers, and restricted freedoms of speech, press, assembly, and movement. AMISOM troops killed civilians.

G. El Salvador: In October 2018 in [Ramos, et al. v. Nielsen, et al., No. 18-cv-01554 \(N.D. Cal. Oct. 3, 2018\) \(PDF, 458 KB\)](#), the U.S. District Court for the Northern District of California enjoined DHS from implementing and enforcing the decisions to terminate TPS. As long as the preliminary injunction ordered by the court in *Ramos, et al v. Nielsen* (N.D. Cal. Oct. 3, 2018) remains in effect, TPS should continue for El Salvador.

El Salvador remains one of the deadliest countries in the world. As [Amnesty International](#) reported in 2018, the murder rate in El Salvador is one of the highest in the world. In our 2018 report [Stuck at the Door: The Urgent Need for Protection of Central American Refugees, Asylum Seekers and Migrants in the Caravans](#), Amnesty International documented how the high murder rate is largely attributed to the *maras*, large criminal networks that use violence, extortion, physical and sexual assault, forced recruitment, and death threats. Not only are security forces unable to control the gangs, but in some cases they are [actually complicit](#) in criminal activities.

H. Haiti: In October 2018 in [Ramos, et al. v. Nielsen, et al., No. 18-cv-01554 \(N.D. Cal. Oct. 3, 2018\) \(PDF, 458 KB\)](#), the U.S. District Court for the Northern District of California enjoined DHS from implementing and enforcing the decisions to terminate TPS. As long as the preliminary injunction ordered by the court in *Ramos, et al v. Nielsen* (N.D. Cal. Oct. 3, 2018) remains in effect, TPS should continue for Haiti.

Over eight years after the 2010 earthquake, Haiti continues to experience violence and extreme poverty, remaining the poorest country in the western hemisphere. Internal displacement following the earthquake continues, with approximately [37,867](#) people affected, most of whom are living in makeshift camps. Cholera, introduced by UN peacekeepers in 2010, [continues to claim](#) lives.

In 2018 Haiti faced the [worst civil unrest](#) of recent years, following protests related to the government's elimination of petroleum subsidies, which resulted in reported fatalities. This, combined with hospitals running out of supplies and people unable to access essential services, has created a hotbed of rights violations. Women and girls are particularly affected by the instability, enduring sexual and gender-based violence.

I. Nicaragua: In October 2018 in [Ramos, et al. v. Nielsen, et al., No. 18-cv-01554 \(N.D. Cal. Oct. 3, 2018\) \(PDF, 458 KB\)](#), the U.S. District Court for the

Northern District of California enjoined DHS from implementing and enforcing the decisions to terminate TPS. As long as the preliminary injunction ordered by the court in *Ramos, et al v. Nielsen* (N.D. Cal. Oct. 3, 2018) remains in effect, TPS should continue for Nicaragua.

Following reforms to the social security system in April 2018, Nicaraguans [began conducting protests](#) throughout the country. In response, the government of President Ortega [brutally cracked down](#) on protesters, resulting in hundreds of deaths and thousands of injuries. In June 2018 Amnesty International [concluded that](#) the Ortega government had employed a strategy of indiscriminate repression, intending not only to stanch the protests but to punish those who participated and anyone who attempted to expose the rampant corruption and rights abuses committed by the regime. The government has [engaged in escalating attacks](#) on the press, forcing over 60 journalists into exile.

In December 2018 the government [cancelled the legal registration](#) of the Nicaraguan Centre for Human Rights, a domestic NGO dedicated to educating Nicaraguans about their human rights and providing reporting on Nicaragua's compliance with its human rights guarantees. In December 2018 the Interdisciplinary Group of Independent Experts ("GIEI") concluded that the Ortega government had committed crimes against humanity in its crackdown on the 2018 protests; that same month, the Nicaraguan government kicked out GIEI as well as the Special Follow-up Mechanism for Nicaragua, [in a move the Organization of American States criticized](#) as "further plac[ing] Nicaragua in the terrain of authoritarianism." Since 2018, many Nicaraguans have been forced to flee to neighboring countries.

J. Sudan: On October 3, 2018, a court temporarily stopped DHS from terminating TPS for four countries including [Sudan](#). Following the court decision, DHS announced its continued compliance with the preliminary injunction order, thereby extending TPS designation for Sudan, until [January 2, 2020](#).

In our 2017-2018 State of the World's Human Rights [report](#) on Sudan, Amnesty International found:

Security forces targeted opposition party members, human rights defenders, students and political activists for arbitrary arrest, detention and other abuses. The rights to freedom of expression, association and peaceful assembly were arbitrarily restricted. The security and humanitarian situation in Darfur, Blue Nile and South Kordofan states remained dire, with widespread violations of international humanitarian and human rights law.

DOS documented many of these same human rights violations in its 2018 [report](#) on Sudan:

The most significant human rights issues included extrajudicial killings; torture, beatings, rape, and other cruel or inhuman treatment or punishment of detainees and prisoners; arbitrary detention by security forces; harsh and life-threatening prison conditions; restrictions on the freedoms of expression, press, assembly, association, religion, and movement; intimidation and closure of human rights and nongovernmental organizations (NGOs); lack of accountability in cases involving violence against women, including rape and female genital mutilation/cutting (FGM/C); the use of child soldiers; trafficking in persons; criminalization of same-sex conduct with severe penalty; denial of workers' rights to associate with independent trade unions; and child labor.

Government authorities did not investigate human rights violations by the National Intelligence and Security Services (NISS), the military, or any other branch of the security services, with limited exceptions relating to the Sudanese Armed Forces (SAF). The government failed to adequately compensate families of victims of shootings during the September 2013 protests, make its investigation results public, or hold security officials accountable. Impunity remained a problem in all branches of the security forces and government institutions.

December 2018 developments: Since December 19, 2018, conditions have deteriorated in Sudan. [Sudan](#) has experienced over three months of sustained protests, with over 300 [protests](#) in 15 of Sudan's 18 states. Thousands of people have marched in dozens of cities. This is the biggest popular [revolt](#) that Sudan's ruling National Congress Party (NCP) has faced since it came to power in the 1989 coup. [Protests](#) are mainly led by young people and organized by the Sudanese Professionals Association (trade unions, including teachers, doctors, engineers and journalists) and opposition parties.

In response, Sudanese security services have cracked down on the protestors with brutality. [Amnesty International](#) has credible information that over 40 people have been killed, at least 179 injured, and over 1300 arrested since the protests began. Forty-seven students of [Darfur origin](#) remain in incommunicado detention after security agents arrested them in raids on their homes in December 2018 in Sinnar and Khartoum states. One student was killed in the raids. In press conferences on December 23 and 28 the government accused the students of infiltration, association with a rebel group, and planning to kill protesters in the ongoing protests.

III. Policy Recommendations

- A. Amnesty International USA urges DHS to continue TPS for all 10 countries with current TPS designation.
- B. Congress should press DHS to designate [Venezuela](#) for TPS, in view of the ongoing state of emergency since January 2016, security forces' use of excessive force against protesters, sexual violence against demonstrators, use of the judicial system to silence dissidents, use of military jurisdiction to prosecute civilians, and shortages of food and medicines.

Without extension of TPS for the 10 designee countries, thousands of longtime U.S. residents will be deported to countries that are too dangerous and violent for safe return, where they would face certain violence and persecution. The costs for these TPS recipients and their families – and for human rights around the world – would be immense and too high a price to pay.

For more information, please contact me at jlin@aiusa.org or 202/509-8151.

Sincerely,

A handwritten signature in black ink, appearing to read "Joanne Lin". The signature is fluid and cursive, with the first name "Joanne" and the last name "Lin" clearly distinguishable.

Joanne Lin
National Director
Advocacy and Government Affairs