



September 14, 2022

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

Secretary Alejandro Mayorkas  
U.S. Department of Homeland Security  
301 7th Street SW  
Washington, DC 2052

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

**RE: 89 ORGANIZATIONS CALL FOR EXTENSION AND REDESIGNATION OF TEMPORARY PROTECTED STATUS FOR BURMA**

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

We are writing today to urge the administration to extend and redesignate Temporary Protected Status (TPS) for Burma, formerly known as Myanmar. Over 80 organizations have endorsed the request to Secretary Mayorkas, (1) to provide an 18-month extension for current TPS holders from Burma, (2) to expand the protections to more recently arrived Burmese individuals present in the United States by redesignating Burma for TPS, (3) to provide a 180 day registration period for beneficiaries under the redesignation and the current designation's extension, and (4) to provide educational resources and public engagement for the impacted community. An estimated 1,800 TPS beneficiaries would benefit from the designation.<sup>1</sup>

The calls for extension and redesignation of TPS for Burma come as the elected leaders of the nation are spending their 20th month under house arrest after the military coup in February 2021. Aung San Suu Kyi, the democratically elected leader of the National League for Democracy (NLD) party, has been sentenced to 17 years in prison.<sup>2</sup> Violent crackdown on protesters and targeting of civilians reflects the political and institutional instability. In 2022, more incidents of violence against civilians by state forces operating domestically were reported in Burma than in any other country in the world.<sup>3</sup> Civilians are arbitrarily detained, tortured, and killed in politically motivated attacks and crimes against humanity,<sup>4</sup> and crimes against women such as rape are being used as a weapon of war.<sup>5</sup> Aid operations are at significant risk since the increase

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<sup>1</sup> Donald Kerwin, José Pacas, and Robert Warren, "Ready to Stay: A Comprehensive Analysis of the US Foreign-Born Populations Eligible for Special Legal Status Programs and for Legalization Under Pending Bills," *Journal on Migration and Human Security* 10, no. 1 (March 2022): 37–76, <https://doi.org/10.1177/23315024211065016>.

<sup>2</sup> Grant Peck, "Myanmar Court Convicts Suu Kyi on More Corruption Charges," *AP NEWS*, August 15, 2022, <https://apnews.com/article/myanmar-philanthropy-aung-san-suu-kyi-government-and-politics-65b31bd a03227a2bf73e3b26cea32b12>.

<sup>3</sup> "10 Conflicts to Worry About in 2022: Myanmar | Mid-Year Update," ACLED, accessed September 12, 2022, <https://acleddata.com/10-conflicts-to-worry-about-in-2022/myanmar/mid-year-update/>.

<sup>4</sup> "Myanmar: Crimes against Humanity Committed Systematically, Says UN Report," *UN News*, August 9, 2022, <https://news.un.org/en/story/2022/08/1124302>.

<sup>5</sup> Charlotte Attwood, Ko Ko Aung, and Rebecca Henschke, "I Can't Forget Her' - Myanmar's Soldiers Admit Atrocities," *BBC News*, July 21, 2022, sec. Asia, <https://www.bbc.com/news/world-asia-62208882>.

in violence against aid workers in 2021.<sup>6</sup> The United Nations estimates that 907,500 are internally displaced across Burma as a result of the conflict.<sup>7</sup> Over 14.4 million people are in need of humanitarian assistance.<sup>8</sup>

## I. Temporary Protected Status

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

## II. Country Conditions in Burma Make Safe Return Impossible

### A. Ongoing armed conflict

In February 2021, the Burmese military overthrew the elected government in a coup, alleging fraud and irregularities in the November 2020 elections. Aung San Suu Kyi and President U Win Myint, along with other senior leaders from the ruling National League for Democracy (NLD), were arrested.<sup>9</sup> The coup was followed by the transfer of all executive, legislative, and judicial authority to the State Administration Council, an authoritarian military-run administrative organization led by armed forces commander in chief Min Aung Hlaing.<sup>10</sup> On August 1, 2021, Min Aung Hlaing declared himself prime minister.

The coup was followed by widespread civil disobedience. Protesters were met with indiscriminate violence from military forces. Journalists, activists, and ordinary people risked criminal charges and detention for voicing dissent. An estimated 15,161 anti-coup protesters have been arrested since the coup, and 4,954 are still being detained as political prisoners.<sup>11</sup> Four democracy activists were executed by the military in the first use of capital punishment in decades, as recently as July 2022.<sup>12</sup> Arbitrary arrests, torture, rape, killings, and disappearances of civilians have been attributed to regime forces.<sup>13</sup> More than 2,500 civilians have been killed, of

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<sup>6</sup> “Aid Worker Security Database Signal Alert Report - Politically Motivated Attacks Rising in Myanmar,” Humanitarian Outcomes, December 8, 2021, <https://www.humanitarianoutcomes.org/publications/signal-alert-myanmar>.

<sup>7</sup> UN High Commissioner for Refugees, “Myanmar Emergency Update,” ReliefWeb, April 6, 2022, <https://reliefweb.int/report/myanmar/myanmar-emergency-update-6-april-2022>.

<sup>8</sup> UN Office for the Coordination of Humanitarian Affairs, “Myanmar Humanitarian Response Plan 2022,” ReliefWeb, January 30, 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-response-plan-2022-january-2022>.

<sup>9</sup> “Myanmar Archives,” Amnesty International, accessed September 12, 2022, <https://www.amnesty.org/en/location/asia-and-the-pacific/south-east-asia-and-the-pacific/myanmar/report-myanmar/>.

<sup>10</sup> *2021 Country Reports on Human Rights Practices: Burma*, United States Department of State, accessed September 12, 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/burma/>.

<sup>11</sup> “Assistance Association for Political Prisoners (Burma),” Assistance Association for Political Prisoners, accessed September 12, 2022, <https://aappb.org>.

<sup>12</sup> “Myanmar: First Executions in Decades Mark Atrocious Escalation in State Repression,” Amnesty International, July 25, 2022, <https://www.amnesty.org/en/latest/news/2022/07/myanmar-first-executions-in-decades-mark-atrociou-s-escalation-in-state-repression/>.

<sup>13</sup> *2021 Country Reports on Human Rights Practices: Burma*.

which at least 382 were children.<sup>14</sup> According to the NGO Assistance Association for Political Prisoners (Burma), at least 100 political prisoners died due to torture inflicted by authorities between February 1 and September 9, 2021.<sup>15</sup> Sexual violence and threats of sexual violence by the security forces against women, girls, and men arrested during protests were also documented.<sup>16</sup>

Discrimination based on ethnicity and religion intensified post the coup, leaving vulnerable communities such as the Rohingya at greater risk. This year marks the decade of over 135,000 Rohingya and Kaman Muslims being arbitrarily detained in the Rakhine State. After the coup, local authorities reinstated a directive that further restricted the freedom of movement of Rohingya communities.<sup>17</sup> Rohingya must now obtain travel authorization to leave their township.<sup>18</sup> The persecution, apartheid, and severe deprivation of liberty are being investigated by the International Court of Justice under a case brought by the Gambia against Myanmar for genocide.<sup>19</sup>

This ongoing armed conflict, which has included killings, torture, and rape by regime forces, makes it impossible for Burmese individuals currently in the U.S. to safely return to Burma.

### **B. Extraordinary and temporary conditions**

Over 1.2 million people are internally displaced across Burma due in large part to the ongoing armed conflict.<sup>20</sup> The junta has torched 12,000 civilian homes across the country resulting in further displacement.<sup>21</sup> More than 26 percent of Myanmar's population lives below the poverty line and three million people are spending a high percentage of their limited income on food with a restricted diet that does not meet all their consumption needs.<sup>22</sup> The Kyat has lost more than 60% of its value since September 2021, driving up the cost of food, fuel, and other essential goods.<sup>23</sup> Following the COVID-19 pandemic and political crisis, school enrolment in Burma has dropped by up to 80 percent in two years, leaving at least 7.8 million children shut out of the classroom.<sup>24</sup> Physicians for Human Rights reported at least 415 attacks and threats against

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<sup>14</sup> "Myanmar: Shocking Toll on Children Must Be Spur to Action, Says UN Rights Expert," *UN News*, June 29, 2022, <https://news.un.org/en/story/2022/06/1121662>.

<sup>15</sup> *2021 Country Reports on Human Rights Practices: Burma*.

<sup>16</sup> Richard C. Paddock, "It's Better to Walk Through a Minefield: Victims of Myanmar's Army Speak," *The New York Times*, March 9, 2021, <https://www.nytimes.com/2021/03/09/world/asia/myanmar-military-tatmadaw-violence.html>.

<sup>17</sup> "Myanmar Archives."

<sup>18</sup> *2021 Country Reports on Human Rights Practices: Burma*.

<sup>19</sup> "Developments in Gambia's Case Against Myanmar at the International Court of Justice," Human Rights Watch, February 14, 2022, <https://www.hrw.org/news/2022/02/14/developments-gambias-case-against-myanmar-international-court-justice>.

<sup>20</sup> "Myanmar Humanitarian Update No. 20," ReliefWeb, July 31, 2022, <https://reliefweb.int/report/myanmar/myanmar-humanitarian-update-no-20-31-july-2022>.

<sup>21</sup> "April-May Situation Update of Burma/Myanmar," Women's League of Burma, July 11, 2022, <http://womenofburma.org/reports/april-may-situation-update-burmamyanmar>.

<sup>22</sup> "Myanmar," World Food Program USA, accessed September 12, 2022, <https://www.wfpusa.org/countries/myanmar/>.

<sup>23</sup> "Crisis in Myanmar: Violent Deadlock Leaves Millions in Need," International Rescue Committee, January 24, 2022, <https://www.rescue.org/article/crisis-myanmar-violent-deadlock-leaves-millions-need>.

<sup>24</sup> "Myanmar's Multidimensional Crises Have 'Deepened and Expanded Dramatically,'" *UN News*, June 13, 2022, <https://news.un.org/en/story/2022/06/1120292>.

health workers and facilities since the coup.<sup>25</sup> The state absence has resulted in a socioeconomic and humanitarian crisis.

### **III. TPS for Burma is in line with U.S. interests**

Secretary Blinken announced sanctions against five people and entities connected to Burma earlier this year,<sup>26</sup> and there is news that the administration is considering sanctions targeting Burma's energy sector.<sup>27</sup> The U.S. Department of State, Bureau of East Asian and Pacific Affairs stated "Burma is facing a grave political, economic, human rights, and humanitarian crisis due to a brutal crackdown by a powerful military that acts with impunity." In 2022, the United States announced more than \$152 million in additional humanitarian assistance to Burma.<sup>28</sup> The United States has acknowledged the conflict and crisis in Burma and has committed to supporting democracy, human rights, and rule of law in the country using sanctions, diplomacy, and life-saving humanitarian aid. It is only fit for the administration to stick to its promise of protection for Burmese individuals present in the United States by extending and redesignating Burma for TPS.

### **IV. Conclusion**

We urge Secretary Mayorkas to provide an 18-month extension for current TPS holders from Burma as the country's conditions for the TPS designation continue to be met. The administration must continue to support Burmese migrants by expanding the protections to individuals who arrived in the United States after the last designation, as the ongoing armed conflict and extraordinary and temporary conditions persist and deteriorate. In addition, we request a 180-day registration period for beneficiaries under the extension and redesignation, and an outreach campaign for the impacted community. Burmese nationals in the U.S. particularly face the threat of being targeted by the military for their presence in the United States, owing to which they are unable to safely return home.

Sincerely,

### **National**

African Communities Together  
American Immigration Lawyers Association  
Amnesty International USA  
Asian Americans Advancing Justice | AAJC  
Asian Pacific American Labor Alliance, AFL-CIO

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<sup>25</sup> Lindsey Green, "Our Health Workers Are Working in Fear': After Myanmar's Military Coup, One Year of Targeted Violence against Health Care," Physicians for Human Rights, accessed September 12, 2022, <https://phr.org/our-work/resources/one-year-anniversary-of-the-myanmar-coup-detat/>.

<sup>26</sup> "Treasury Sanctions Military Leaders, Military-Affiliated Cronies and Businesses, and a Military Unit Prior to Armed Forces Day in Burma," U.S. Department of the Treasury, March 25, 2022, <https://home.treasury.gov/news/press-releases/jy0679>.

<sup>27</sup> Robbie Gramer and Mary Yang, "U.S. Eyes New Energy Sanctions on Myanmar After Execution of Activists," *Foreign Policy*, August 2, 2022, <https://foreignpolicy.com/2022/08/02/myanmar-burma-energy-sanctions-biden-execution-democracy-activists/>.

<sup>28</sup> "The United States Announces More Than \$152 Million in Additional Humanitarian Assistance for the People of Burma and Bangladesh," U.S. Agency for International Development, March 29, 2022, <https://www.usaid.gov/news-information/press-releases/mar-29-2022-united-states-announces-more-152-million-additional-humanitarian>.

Asian Pacific Institute on Gender-Based Violence  
Asylum Seeker Advocacy Project (ASAP)  
Center for Disability Rights  
Center for Gender & Refugee Studies  
Church World Service  
Communities United for Status & Protection (CUSP)  
Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces  
Congregation of Sisters of St. Agnes  
Disciples Immigration Legal Counsel  
Disciples Refugee & Immigration Ministries  
Haitian Bridge Alliance  
Human Rights First  
ICNA Council for Social Justice  
Immigrant Legal Resource Center  
Immigration Hub  
InReach  
International Refugee Assistance Project (IRAP)  
Jewish Council for Public Affairs  
Lutheran Immigration and Refugee Service  
National Advocacy Center of the Sisters of the Good Shepherd  
National Council of Jewish Women  
National Employment Law Project  
National Partnership for New Americans  
Presbyterian Church (USA)  
Provincial Council Clerics of St. Viator  
Service Employees International Union (SEIU)  
Sisters of Charity Federation  
Sisters of Charity of Nazareth Congregational Leadership  
Sisters of Charity of Nazareth Western Province Leadership  
Sisters of St Joseph of Carondelet  
South Asian Americans Leading Together (SAALT)  
Southeast Asia Resource Action Center (SEARAC)  
The Campaign for Hong Kong  
U.S. Committee for Refugees and Immigrants (USCRI)  
UndocuBlack Network  
Unitarian Universalists for Social Justice  
Venezuelan American Caucus  
Wheaton Franciscan Sisters JPIC Office  
Win Without War

### **State/Local**

Adhikaar  
Advocates for Immigrant Rights  
Alliance San Diego  
American Friends Service Committee, Colorado  
Capuchin Franciscans - Prov. of St. Joseph  
Catholic Charities of SW Kansas  
Central American Resource Center of Northern CA - CARECEN SF  
Centro Romero  
Church Women United in New York State  
Clergy and Laity United for Economic Justice of Ventura County (CLUE VC)

Connecticut Shoreline Indivisible  
Cooperative Baptist Fellowship  
Cooperative Baptist Fellowship of Texas  
Dorothy Day Catholic Worker, DC  
Envision Freedom Fund  
Fellowship Southwest  
First Congregational Church of SanJose  
Greater Cleveland Immigrant Support Network  
Immigrant Legal Advocacy Project  
Immigration Support Services Network  
Interfaith Welcome Coalition - San Antonio  
International Institute of New England  
InterReligious Task Force on Central America  
Jewish Coalition for Immigrant Justice NW  
Just Neighbors Ministry  
Lutheran Church of Our Redeemer  
Lutheran Social Services of the National Capital Area (LSSNCA)  
Massachusetts Law Reform Institute  
Master in Migration Studies- University of San Francisco  
National Council of Jewish Women, Greater Long Beach & West Orange County (CA) Section  
New York Immigration Coalition  
Pennsylvania Council of Churches  
Seattle Immigrant Rights Action Group  
Sisters of St. Joseph TOSF  
The Advocates for Human Rights  
The Legal Project  
Venezuelans and Immigrants Aid, Inc.  
Wallingford Indivisible  
Wayne Action for Racial Equality  
Welcome House Raleigh  
Wesley Foundation Serving UCLA  
WESPAC Foundation, Inc.  
Wilco Justice Alliance (Williamson County, TX)  
Wind of the Spirit Immigrant Resource Center  
Women Watch Afrika