

United States Senate

WASHINGTON, DC 20510

May 2, 2023

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

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

Dear Secretary Mayorkas and Secretary Blinken:

We urge you to issue a new Temporary Protected Status (TPS) designation for Sudan, as the current armed conflict between the Sudanese Armed Forces (SAF) and the Rapid Support Forces (RSF) has led to a mass exodus of individuals fleeing violence, scarcity of essential goods, and rapidly deteriorating health services. A new designation would protect current Sudanese TPS holders from returning to Sudan in the midst of this violence and would offer protected status to Sudanese nationals who arrived after March 1, 2022.

In recent weeks, violence in Sudan has claimed hundreds of lives, injured thousands, forcibly displaced tens of thousands, and terrorized many more. Despite multiple attempted ceasefires between the SAF and the RSF, intense and indiscriminate fighting continues across the country, including within the densely populated capital of Khartoum, and in the continuously conflict-stricken region of Darfur. Ongoing hostilities have led to the near collapse of the healthcare system, significantly disrupted the flow of humanitarian aid into the country, and in many cases made access to basic resources like food, water, and medication impossible.

Due to the continued threat of armed conflict, on April 22, 2023, the U.S. Department of State issued a Level 4: Do Not Travel advisory and ordered the departure of Embassy employees. This is part of a broader effort by the U.S., in coordination with regional and international partners, to evacuate U.S. nationals from Khartoum and allow for a safe path into neighboring countries. Given the extremely violent clashes, deteriorating conditions, and the posture of the Department of State, it is clear that Sudan meets the standards for TPS. To that end, it is critical that a new designation be issued for Sudan that reflects the ongoing armed conflict and the continued extraordinary and temporary conditions on the ground.

It is important to note that, while the situation is rapidly changing, the threat will not subside immediately once the conflict stops. Lasting damage has been done to Sudan's telecommunications networks, electrical infrastructure, and transportation systems, including to Khartoum International Airport, making international travel extremely difficult.

Redesignating Sudan's TPS status would also provide much needed clarity for current Sudanese TPS holders and would offer protection for Sudanese individuals who entered the U.S. more recently. As you know, Sudanese nationals living in the U.S. can currently apply for TPS under

the April 2022 designation, which expires on October 19, 2023. TPS holders under the 2013 designation are facing an uncertain future due to ongoing litigation. The expiration date of TPS documentation under the 2013 designation is contingent on the outcome of the Ramos v. Nielsen case – a lawsuit determining the legality of the Trump Administration’s termination of Sudan’s 2013 designation – which could potentially remove status for TPS holders who have not applied under the 2022 designation.

Additionally, while TPS holders registered under the 2022 designation are exempt from the ongoing litigation, their protection expires in October. Further, there is currently no recourse for Sudanese nationals who have arrived in the U.S. after March 2022. This uncertainty and the continued dangerous circumstances in Sudan have created considerable hardship for TPS recipients and their families, including American-born children.

A new TPS designation for Sudan would protect eligible beneficiaries from the dangers they face if they were removed and would provide protection for newer arrivals. In light of these considerations, we strongly urge you to redesignate TPS for Sudan to ensure that Sudanese nationals already living in the U.S. are not forced to return to a nation facing violence and instability.

Thank you for your consideration of this important matter.

Sincerely,



Mark R. Warner
United States Senator



Tim Kaine
United States Senator