

August 15, 2022

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

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

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

RE: ORGANIZATIONS CALL FOR DESIGNATION OF TEMPORARY PROTECTED STATUS FOR MALI

Dear President Biden, Secretary Mayorkas, and Secretary Blinken,

Under the leadership of African immigrant and Black-led community organizations, the undersigned 109 civil rights, immigrant rights, human rights, educational and grassroots organizations write to urge Secretary Mayorkas to review country conditions and **designate Temporary Protected Status (TPS) for Mali** for an initial 18-months. Mali is eligible for an immediate designation of TPS under INA § 244(b)(1)(C), due to ongoing armed conflict and extraordinary and temporary conditions. Due to these emergent circumstances, we additionally request the Department of Homeland Security (DHS) to issue Special Student Relief (SSR) benefits to Malian students.

Mali has been experiencing conflict, political and economic instability, unrest and a security crisis since the military coup in 2012.¹ Despite being engaged in a democratization process since 1991, political tensions have defeated the constitutional democratic system, resulting in a coup in 2012 with some forward progress before another coup in 2020 and 2021.² Widespread human rights violations and abuses against civilians, including war crimes, have been attributed to armed groups, ethnic militias, government security forces, and Russian mercenaries.^{3 4 5} After an

¹ David Zounmenou, "Mali's Unfortunate Military Coup an Unnecessary Setback for Democracy," published March 24, 2012, <https://reliefweb.int/report/mali/mali%E2%80%99s-unfortunate-military-coup-unnecessary-setback-democracy>.

² Elizabeth Wagner, "Mali," *United States Department of State* (blog), accessed July 27, 2022, <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/mali/>.

³ Human Rights Watch, "Mali: Events of 2020," in *World Report 2021, 2020*, <https://www.hrw.org/world-report/2021/country-chapters/mali>.

⁴ "Mali Archives," Amnesty International, accessed July 27, 2022, <https://www.amnesty.org/en/location/africa/west-and-central-africa/mali/report-mali/>.

⁵ "Allegations of Crimes against Civilians in Moura, Mali: An Independent Investigation Must Take Place," International Federation for Human Rights, July 4, 2022,

economic recession in 2020, Mali's economic recovery in 2021 was weaker than initially projected and poverty continues to accelerate.⁶ The country is experiencing extreme poverty, food insecurity, with limited access to safe drinking water, healthcare and other necessary resources. Environmental challenges due to climate change have impacted the sustainable use of natural resources, resulting in desertification, mining, loss of biodiversity and water pollution.⁷ In 2022, of the 12.9 million people affected by the crisis, 6.3 million need humanitarian assistance,⁸ with over 70% of the displaced population relying on humanitarian aid in the absence of government resources.⁹

There is an unambiguous humanitarian crisis in Mali. Ongoing armed conflict and extraordinary and temporary country conditions place Malians at serious risk if returned. **We strongly urge the Secretary and his counterparts in the administration to take necessary measures to protect Malian immigrants in the United States and provide an initial 18 month designation of TPS for Mali.** In addition, we request that the designation is accompanied with Special Student Relief benefits, a timely Federal Register Notice (FRN), a 180-day registration period and a culturally relevant outreach campaign to the impacted community.

Temporary Protected Status and Special Student Relief

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 adequately,¹⁰ such as the case of Mali.

Under the Immigration and Nationality Act (INA),¹¹ the Secretary can designate a country for TPS if the country is experiencing ongoing armed conflict, natural disaster, or other extraordinary and temporary conditions. Congress intended for TPS to serve as a 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.

The Secretary's decision to designate TPS is a discretionary decision, and there is no judicial review of any determination with respect to the designation.¹²

The DHS can suspend certain regulatory requirements for F-1 students and issue Special Student Relief (SSR) benefits under emergent circumstances such as natural disasters, armed

<https://www.fidh.org/en/region/Africa/mali/allegations-of-crimes-against-civilians-in-moura-mali-an-independent>.

⁶ The World Bank, "Mali Economic Update : Resilience in Uncertain Times - Renewing the Social Contract," May 25, 2022,

<https://reliefweb.int/report/mali/mali-economic-update-resilience-uncertain-times-renewing-social-contract>.

⁷ Bertelsmann Stiftung, "BTI 2022 Mali Country Report," BTI 2022, 2022, <https://bti-project.org/en/reports/country-report/MLI>.

⁸ "Mali | Global Humanitarian Overview," accessed July 27, 2022, <https://gho.unocha.org/mali>.

⁹ "Mali – Complex Emergency," USAID, September 30, 2021,

https://www.usaid.gov/sites/default/files/documents/2021-09-30_USG_Mali_Complex_Emergency_Fact_Sheet_2.pdf.

¹⁰ *Immigration and Nationality Act, U.S. Code* (2020), §§ 244 et seq.

¹¹ *Immigration and Nationality Act*, § 244(b)(1).

¹² *Immigration and Nationality Act*, § 244(b)(5)(A).

conflict and financial crises. F-1 students from countries experiencing such conditions face significant economic hardship.¹³ SSR allows students directly affected by the crises to apply for employment authorization to work off campus, be exempt from regular student employment requirements, and reduce their course loads if needed.

The country conditions analysis below will demonstrate that conditions in Mali merit TPS and SSR designations due to armed conflict and extraordinary and temporary conditions as a return to the country would pose a serious threat to the personal safety of Malians.

Need for designation of Temporary Protected Status for Mali

Mali is eligible for an immediate designation of TPS under INA § 244(b)(1)(C), due to ongoing armed conflict and other extraordinary and temporary conditions.

A. Background

Since the coup in 2012, armed extremist groups and governmental armed forces have terrorized populations in northern and central Mali.¹⁴ ¹⁵ The conflict began with a growing separatist insurgency in the country's north. The insurgents were armed with weapons flowing from nearby Libya following that country's 2011 civil war.¹⁶ The government's ineffectiveness and corruption in handling the conflict in the north and center of the country led to large scale civilian protests. The military overthrew the government, leaving a vacuum that was exploited by extremist groups linked to al-Qaeda and the self-proclaimed Islamic State. Other rebel and armed groups seized on the chaos of the Tuareg insurgency, and violence ensued. The effects of the civil war, the coup, conflict, and violent extremism has destabilized Mali and the Sahel region in West Africa.

a. Ongoing Armed Conflict

Despite signing the 2015 Algiers Accord for Peace and Reconciliation in Mali (Algiers Accord)¹⁷, signatory armed groups have committed serious human rights abuses.¹⁸ Islamist militant groups that were not party to a 2015 peace agreement continue to carry out acts of violence against civilians in the northern and central regions.¹⁹ The Group for the Support of Islam and Muslims (GSIM) and the Islamic State in the Greater Sahara (ISGS) committed war crimes and other abuses against civilians.²⁰

¹³ "Special Student Relief," Homeland Security: Study in the States, accessed July 28, 2022, <https://studyinthestates.dhs.gov/students/special-student-relief>.

¹⁴ "Mali: Freedom in the World 2022 Country Report," Freedom House, accessed July 27, 2022, <https://freedomhouse.org/country/mali/freedom-world/2022>.

¹⁵ "Mali: Crimes without Convictions: Analysis of the Judicial Response to Conflict Related Crimes in Central Mali," Amnesty International, April 13, 2022, <https://www.amnesty.org/en/documents/afr37/5192/2022/en/>.

¹⁶ Claire Klobucista and Nathalie Bussemaker, "What to Know About the Crisis in Mali," Council on Foreign Relations, August 12, 2020, <https://www.cfr.org/in-brief/what-know-about-crisis-mali>.

¹⁷ "Agreement for Peace and Reconciliation in Mali Resulting from the Algiers Process," opened for signature July 14, 2014, Peace Agreement Access Tool, https://www.un.org/en/pdfs/EN-ML_150620_Accord-pour-la-paix-et-la-reconciliation-au-Mali_Issu-d-u-Processus-d'Alger.pdf.

¹⁸ Wagner, "Mali." <https://www.state.gov/reports/2021-country-reports-on-human-rights-practices/mali/>.

¹⁹ "Mali: Freedom."

²⁰ "Mali Archives."

Ethnic militias committed serious human rights abuses that include summary executions, torture, the recruitment and use of child soldiers, destruction of homes and food stores, and the burning of entire villages.²¹ Terrorist groups kidnapped and killed civilians, including humanitarian workers, military and peacekeeping forces. The UN secretary-general documented that as of August 26, 2021, a total of 871 attacks against civilians resulted in the death of 484 civilians, 385 injuries, and 383 abductions. The reports also mentioned 1,556 human rights abuses, including 65 extrajudicial killings, 73 cases of torture, and 444 abductions and or involuntary or enforced disappearances.²²

More recently, Russian mercenaries were deployed to Mali by the Russian-backed private military contractor, Wagner Group.²³ According to U.S. military officials focused on Africa, between 800 and 1,000 mercenaries are now working in Mali.²⁴ The Wagner Group is a Russian security organization targeted by U.S. sanctions that has been widely accused of war crimes.²⁵ Malian armed forces and Russian soldiers, identified as “white soldiers”, have conducted mass executions in violation of international humanitarian law. At least 300 people are believed to have been killed in Moura.²⁶

The dangerous conditions in the country have led to widespread displacement, with registrations at a refugee camp near the border having quadrupled, according to the U.N. refugee agency.²⁷ An estimated 401,736 civilians were internally displaced at the end of 2021, with more than half of the displaced population reporting armed conflict and communal tensions as the reason for displacement. As of 31 October 2021, there were 158,958 Malian refugees in neighboring countries.²⁸

The ongoing armed conflict, the persistence of violence and human rights violations and abuses perpetrated by State and non-State actors, and targeted and indiscriminate attacks on the civilian population, make the safe return of Malians impossible.

b. Political Instability

Since 2020, the Malian government has undergone rapid and unstable transitions. In August 2020, military officers overthrew President Ibrahim Boubacar Keïta. The National Assembly was dissolved by former president Keita following the coup d'état. Retired colonel major Bah N'Daw was sworn in as president of a transition government, and one of the coup leaders, Colonel Assimi Goita, was sworn in as transition government vice president. N'Daw named former minister of foreign affairs Moctar

²¹ Stiftung, “BTI 2022 Mali Country Report.”

²² Wagner, “Mali.”

²³ Cooper Inveen, “Mali Denies Deployment of Russian Mercenaries, Says Only ‘trainers’ Present,” *Reuters*, December 25, 2021, <https://www.reuters.com/world/mali-denies-deployment-russian-mercenaries-says-only-trainers-present-2021-12-25/>.

²⁴ Danielle Paquette, “Russian Mercenaries Have Landed in West Africa, Pushing Putin’s Goals as Kremlin Is Increasingly Isolated,” *Washington Post*, March 9, 2022, <https://www.washingtonpost.com/world/2022/03/09/mali-russia-wagner/>.

²⁵ Paquette, “Russian Mercenaries.”

²⁶ “Mali: Massacre by Army, Foreign Soldiers,” *Human Rights Watch* (blog), April 5, 2022, <https://www.hrw.org/news/2022/04/05/mali-massacre-army-foreign-soldiers>.

²⁷ UN High Commissioner for Refugees (UNHCR), *UNHCR Position on Returns to Mali – Update III*, January 2022, <https://www.refworld.org/topic.50ffbce5124.50ffbce512a.61f3a52e4.o...MLI.html>.

²⁸ UNHCR, “UNHCR Position on Returns to Mali – Update III.”

Ouane as prime minister.²⁹ In May 2021, after the government announced a new cabinet that excluded two key military leaders, another coup took place: the military arrested both N'Daou and Prime Minister Moctar Ouane, and Goïta declared himself transitional president.³⁰

In September 2021, transitional authorities announced the creation of a single election management body, the Independent Election Management Authority (AIGE). However, two months later, the transitional government postponed elections that had been scheduled for February 2022. In response, the Economic Community of West African States (ECOWAS), which had been pressing for a return to elected civilian rule, imposed economic and travel sanctions on members of the transitional authority. In December, the Malian leadership nevertheless proposed further extending the transition period and suspending elections for up to five years.

In June 2022, the mandate of the United Nations' peacekeeping mission in Mali was extended for another year until 30 June 2023 due to the delayed return to civilian rule, deteriorating security, and the dire humanitarian and human rights situation in Mali.³¹ *"While the challenges in Mali are numerous and complex, they are far from being insurmountable,"* said El-Ghassim Wane, Special Representative of the Secretary-General and Head of the United Nations Multidimensional Integrated Stabilization Mission in Mali (MINUSMA). The Council decided to retain its current troop strength of 13,289 military personnel and 1,920 police personnel.³² The military-led Malian government has since ordered a suspension of U.N. peacekeeping mission rotations in the country.³³ The withdrawal of French troops involved in Operation Barkhane over the next few months could further destabilize the region.³⁴

The United Nations Office for the Coordination of Humanitarian Affairs (OCHA) has projected that for 2022, that **the persistence of State absence, rampant impunity, and widespread armed violence will continue to generate multiple and protracted displacements**, accentuating the civilian population's vulnerabilities and increasing the risk of community tensions.³⁵

c. Other Temporary and Extraordinary Conditions

According to OCHA, the humanitarian situation remains precarious for the almost 6 million people in need of assistance due to the immediate, multidimensional effect of

²⁹ Wagner, "Mali."

³⁰ "Mali: Freedom."

³¹ United Nations Security Council, "Resolution 2640 (2022)," S/RES/2640, June 29, 2022, https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/res_2640.pdf

³² "Security Council Renews Multidimensional Integrated Stabilization Mission in Mali, Adopting Resolution 2640 (2022) | UN Press," United Nations Meetings Coverage and Press Releases, June 29, 2022, <https://press.un.org/en/2022/sc14953.doc.htm>.

³³ "Mali Orders Suspension of U.N. Peacekeeping Mission Rotations," *Reuters*, July 15, 2022, sec. Africa, <https://www.reuters.com/world/africa/mali-orders-temporary-suspension-un-peacekeeping-mission-rotations-2022-07-14/>.

³⁴ "Why Are French Troops Leaving Mali, and What Will It Mean for the Region?," *BBC News*, April 26, 2022, <https://www.bbc.com/news/world-60419799>.

³⁵ "Mali | Global Humanitarian Overview."

conflict and violence. Economic growth prospects for 2022 have been undermined by the economic sanctions, regional food insecurity, and the war in Ukraine.³⁶

As of Fiscal year 2021, the U.S. Government has provided Mali \$83,026,077 in humanitarian assistance. The extreme poverty rate in 2019 was 42.3%, as a result of outstanding agricultural output since 2014. The 2020 health, security, social, and political crises led to a 5% increase in poverty.

Approximately 70 percent of displaced households in Mali rely on humanitarian assistance to meet their food needs, according to the International Organization for Migration (IOM). Food shortages affected 1.3 million people during the lean season (June –August) in 2020, an increase of more than 200% compared to the same period in 2019. In 2020, severe flooding throughout Mali in July and August led to significant crop losses, where flooding inundated extensive areas of cultivated land, causing some households to lose the majority of their annual agricultural production.³⁷ Mali ranked 160th out of 180 countries in the environmental performance index (EPI).

The ongoing armed conflict has exacerbated the severity of the extraordinary and temporary conditions in Mali currently.

Designation of TPS is in United States' National Interest

U.S.-Mali relations have been strong for decades and have been based on shared goals of improving stability and reducing poverty through economic growth. The U.S. State Department's Bureau of African Affairs has stated that "the United States is committed to international efforts to help Mali restore peace and stability throughout its territory following the 2020 coup d'état, and the loss of large swaths of the country's territory to violent extremist groups."³⁸ In June, 2022, the State Department urged the Malian transition government to make sustained and tangible action toward holding elections, in light of the announcement by Mali's transition government of a 24-month transition timetable starting in March 2022.³⁹

U.S. foreign assistance continues to support the Malian people. The U.S. State Department has recognized the ongoing armed conflict, human rights abuses, and humanitarian crisis in Mali in its annual human rights report consistently since the conflict began. Its most recent 2021 report specifically highlights the conditions that put civilians in grave danger. U.S. bilateral foreign assistance to Mali's development totaled more than \$134 million in FY 2019 and over \$146 million in FY 2020. More than \$133 million in bilateral foreign assistance was officially requested for FY 2021.

The U.S. government must do everything it can to support Malian nationals in the United States until conditions in Mali improve. A new TPS designation would enable Malian nationals currently residing in the United States to file initial applications for TPS, obtain work permits, and if approved, receive temporary protection from deportation. An announcement of SSR will have a significant impact on Malian students who can continue their education in the United States uninterrupted by the emergent crises. TPS and SSR were meant to serve as acute humanitarian protection for those who cannot return to dangerous country conditions. Designating TPS and SSR for Mali not only serves the U.S. interests by meeting the above-stated

³⁶ "Mali Economic Update."

³⁷ "Mali – Complex Emergency."

³⁸ Maureen Thaivalappil, "U.S. Relations With Mali," *United States Department of State* (blog), November 16, 2021, <https://www.state.gov/u-s-relations-with-mali/>.

³⁹ Janelle Simmons, "On the Transition Timeline in Mali," *United States Department of State* (blog), June 9, 2022, <https://www.state.gov/on-the-transition-timeline-in-mali/>.

foreign policy commitments, but also creates opportunities for Malian nationals to continue contributing to the U.S. economy and to their communities. Furthermore, the designation of TPS for Mali is not contrary to the national interest of the United States, therefore meeting all the statutory requirements for a designation.

Conclusion

We strongly urge the Secretary and his counterparts in the administration to take necessary measures to protect Malian nationals in the United States and provide an initial 18-month designation of TPS for Mali. In addition, we request that the designation is accompanied with SSR benefits, a Timely Federal Register Notice (FRN), a 180-day registration period and a culturally relevant outreach campaign to the impacted community.

It is essential that equity be front and center in the review of a designation decision of TPS Mali. All nationals of countries whose conditions meet the requirements of a designation, including Black- and Brown-majority countries in the Global South, should be provided the protection they need in the form of TPS. Designating TPS and providing SSR benefits for Malian nationals would also advance the administration's goal of addressing disparities in humanitarian treatment toward Black and Brown majority countries in the Global South. The recent designation for Cameroon took years of advocacy led by affected community members, while review and designation decisions for Ukraine took just six days.⁴⁰ Others, like Burkina Faso, Democratic Republic of Congo, Mauritania, and Ethiopia, are still awaiting review and decisions. The Biden administration must prioritize equity in the consideration of TPS for Mali and all countries whose conditions meet TPS requirements, regardless of their racial makeup.

Thank you for your consideration.

Sincerely,

National

African Career, Education & Resources, Inc.

African Communities Together

Alianza Americas

American Immigration Lawyers Association

American Relief Coalition for Syria

Asian Americans Advancing Justice | AAJC

Asylum Seeker Advocacy Project (ASAP)

Bridges Faith Initiative

Cameroon American Council

CASA REINA

⁴⁰ "Request for Investigation of Racially Disparate Decisions Regarding the Use of Temporary Protected Status," TPS-DED AAC, May 11, 2022, <https://static1.squarespace.com/static/60b79f3630f94f1039bd0125/t/627ae16d43023d58419f74cf/1652220269890/2022-04-06+Letter+to+Admin.+re.+Failure+to+Utilize+TPS.pdf>.

CCDS, Liberation Road
Center for Gender & Refugee Studies
Central American Resource Center Los Angeles
Church World Service
Communities United for Status & Protection (CUSP)
Congregation of Sisters of St. Agnes
Cooperative Baptist Fellowship
Disciples Immigration Legal Counsel
Disciples Refugee & Immigration Ministries
Dominican Sisters of Sparkill
Faith in Public Life
Friends of Immigration. And Courageous Resistance of the Desert
Haitian Bridge Alliance
Hispanic Federation
Human Rights First
ICNA Council for Social Justice
Immigrant Legal Resource Center
InReach
International Organization to Preserve Human Rights
Justice Action Center
Justice for Migrant Women
National Council of Churches
National Council of Jewish Women
National Employment Law Project
National Immigrant Justice Center
National Immigration Law Center (NILC)
National Partnership for New Americans
Northeastern University School of Law Immigrant Justice Clinic
Presidents' Alliance on Higher Education and Immigration
RAICES
Servants of Mary, US/Jamaica Community Council
Service Employees International Union (SEIU)
Sisters of Charity Federation
Sisters of Charity of Nazareth Congregational Leadership
Sisters of Saint Joseph - Brentwood NY
The Black Alliance for Just Immigration (BAJI)
The Leadership Conference on Civil & Human Rights
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack.org

Unitarian Universalists for Social Justice
Venezuelan American Caucus

State and Local

32BJ SEIU

Adhikaar

Advokato

African Advocacy Network

Al Otro Lado

Alianza Sacramento

American Friends Service Committee, Colorado

Asian Services in Action (ASIA)

Ayuda

Centro San Bonifacio

Chacon Center for Immigrant Justice at Maryland Carey Law

Church of Our Saviour/La Iglesia de Nuestro Salvador

Church Women United in New York State

Cleveland Jobs with Justice

Community Asylum Seekers Project

Connecticut Shoreline Indivisible

Cooperative Baptist Fellowship of Texas

Dominican Sisters ~ Grand Rapids

Dorothy Day Catholic Worker, Washington DC

Envision Freedom Fund

EPIC

Fellowship Southwest

Florida Immigrant Coalition (FLIC)

Greater Cleveland Immigrant Support Network

Human Rights Initiative of North Texas

Immigrant Action Alliance

Immigrant ARC

Immigrant Defenders Law Center

Immigrant Legal Advocacy Project

Indivisible CLE

InterReligious Task Force on Central America

Jewish Voice for Peace, Atlanta chapter

Just Neighbors Ministry

La Comunidad, Inc

Law Office of Peggy J. Bristol

Legal Aid Justice Center
Lutheran Church of Our Redeemer
Motivation Motivates
New York Immigration Coalition
OCSILiO
Ohio Immigrant Alliance
Pax Christi Florida
Pennsylvania Council of Churches
Priority Africa Network (PAN)
Rian Immigrant Center
SIREN
Sisters of St. Dominic of Blauvelt, New York
Sisters of St. Joseph of Carondelet, LA
Transformations CDC
UAW Local 869
Unidad Latina en Accion CT
United African Organization
Ventura County Clergy and Laity United for Economic Justice (CLUE-Ventura County)
Wallingford Indivisible
Wayne Action for Racial Equality
WESPAC Foundation, Inc.
Wilco Justice Alliance (Williamson County, TX)
Wind of the Spirit Immigrant Resource Center