Summary Background: Temporary Protected Status for Sudan and South Sudan

Sudan and South Sudan must be redesignated as Temporary Protected Status ("TPS") states be redesignated and extended. Sudan has been designated a TPS state since November 1997. South Sudan has been designated a TPS state since September 2014. Both countries had their TPS status extended in January 2016 through to November 2, 2017. The ADC requests that Sudan and South Sudan have their TPS designation extended past November 2, 2017, because both states face extraordinarily unstable environments that make returning individuals to those states extremely unsafe.

Legal Basis for Temporary Protected Status Designations

TPS is available to aliens who are nationals of a foreign state designated to fall within parameter of 8 U.S.C. §1254a(b). TPS allows an alien's removal from the United States ("U.S.") to be temporarily suspended and allows the alien to acquire "employment authorization" in the U.S.

The Attorney General, "after consulting with appropriate agencies of the Government," is vested with the authority to identify states whose nationals qualify for TPS. The Attorney General's authority to designate states is limited to a determination that the state at issue: (1) is in an ongoing armed conflict that poses a "serious threat" to the safety of an alien if he/she were returned to that state; (2)has recently been or is currently afflicted by an "earthquake, flood, drought, epidemic, or other environmental disaster" that results in a substantial disruption of living conditions in the state, the state is unable to handle adequately the return to the state of aliens that are nationals of the state, and the state has requested designation under the law; and/or (3) is under extraordinary and temporary conditions that prevent aliens from returning safely to the state.

Both Sudan and South Sudan fit within almost all the parameters of 8 U.S.C. §1254a(b)(1) and therefore that their status as TPS states should be extended past November 2, 2017.

State Conditions

Sudan and South Sudan are states that remain particularly unstable today due to continued armed conflict and extreme food security issues. This instability has created an atmosphere in both Sudan and South Sudan that falls well within the parameters set by 8 U.S.C. §1254a(b)(1). Therefore, both Sudan and South Sudan should remain designated as TPS states.

Sudan

Sudan gained independence from British/Egyptian rule in 1956. By its independence, however, Sudan had already been gripped by the First Sudanese Civil War, which was characterized by military coups and armed conflict between the northern and southern provinces of Sudan. The war killed as many as 1.3 million people and displaced as many as 5 million. The war technically ended in 1972 when the southern provinces of Sudan, under the Addis Ababa Agreement, were given large amounts of independence within the larger government of the state of Sudan.

Sudan faced its second civil war in 1985 after President Gaafar Nimeiry abrogated many of the provisions of the Addis Ababa Agreement. This conflict, like the first, also revolved around fighting between the northern provinces of Sudan and its southern, now partially autonomous, provinces. The Second Sudanese Civil War was disastrous due to northern Sudan's use of ethnic militias in the conflict. Many of these ethnic militias practiced "scorched earth" methods of warfare, destroying all aspects of the villages they raided. The militias' tactics lead to equally as brutal reprisal campaigns from southern Sudanese rebel groups. In the midst of this brutal conflict, famine gripped the southern provinces of Sudan, causing even more disaster. By the technical end of the conflict in 2005, estimates are that 2.5 million people had been killed either by direct conflict, famine or other consequences of the war.

In the early 2000's, in addition to the north-south conflict in Sudan, ethnic conflict broke out in Sudan's western Darfur province. The conflict in Darfur began in early 2003 when two Darfur-based rebel groups launched an insurgency against the Sudanese government due to its alleged oppression against black Africans in the province. Similar to its practice in the south, Sudan's government supported Darfur-based ethnic militia groups in campaigns against the black African rebels and villages that supported them. Also similar to the conflict in the south, government-backed militias in Darfur practiced razing policies in which they would completely destroy those that apposed them, killing all men, using rape as a weapon and setting fire to all the structures and crops in the villages the raided. By 2010, it was estimated that the conflict in Darfur had displaced 2.7 million and killed around 300,000.

The Second Sudanese Civil War officially ended in 2005 with a peace agreement that lead to South Sudan's succession from the north in July of 2011; however, armed conflict between populations along the Sudan-South Sudan border never completely ceased. Ethnic and resource driven violent skirmishes between groups from South Sudan and the Sudanese government, along with its mercenary militias, have continued to this day. This fighting has proven disastrous to civilians living in the South Kordofan and Blue Nile provinces. In addition to active conflict in these border areas, famine has recently spread into the region, threatening the lives of hundreds of thousands of displaced persons who have fled the conflicts throughout the two states.

Darfur remains equally, if not more, unstable than southern Sudan. In 2016 alone, as many as 190,000 new individuals were displaced by fighting in Darfur. This in addition to the 2.6 million people that remain displaced in the region from the early 2000's. Village raids resulting in extensive civilian deaths also remain a common occurrence throughout Darfur. It was even reported that the Sudanese government, in September 2016, used chemical weapons on civilians in the Darfur region.

Clearly, Sudan remains in the midst of long-running conflicts that do not have any clear end in sight. Sudan's southern provinces and Darfur remain as fragile today as they have been in the past. Natural disaster and conflict threaten the lives of millions across huge swaths of land and ultimately lead to an extraordinarily unstable environment throughout the state.

South Sudan

As stated above, South Sudan has been semi-autonomous since 1972; however, it only gained its full independence in 2011 after the bloody Second Sudanese Civil War and the signing of the Comprehensive Peace Agreement of 2005. In addition to South Sudan's widespread history of violence and humanitarian disaster due to its turbulent relationship with Sudan outlined above, the state has seen extreme and brutal instances of internal conflict on its own since its 2011 independence.

In addition to endless conflict along the South Sudan-Sudan border, South Sudan first faced its own internal strife within a month of its creation, in August 2011, when at least 600 people were killed in ethnic clashes in the state's Jonglei province. The conflict in Jonglie continued well into 2012, concurrently with increased violence along the South Sudan-Sudan border. During the Summer and Fall of 2013, South Sudan saw intense political disputes within its power-sharing government. These disputes unraveled into an all-out civil war in December 2013.

Despite numerous attempts at peace, the South Sudan Civil War has not ceased to date. Worse still, the war that was once political in nature has become an ethnic dispute.

In December 2016, the head of the United Nations Commission on Human Rights in South Sudan stated that South Sudan is on the brink of "an all-out ethnic conflict" that could evolve into a "Rwanda-like" genocide. It has been reported that over 50,000 individuals have been killed due to the conflict in South Sudan since 2013. Additionally, there have been reports that as many as 3.5 million individuals have been displaced throughout state. These numbers are probably on the rise as South Sudan remains extremely unstable on all fronts today.

In addition to the ever present civil war, South Sudan is facing a famine and extensive food insecurity. In February 2017, it was reported that 100,000 people were facing immediate starvation while one million individuals were on the "brink of famine" throughout South Sudan.

South Sudan's famine is the first to be declared worldwide since 2011 when famine in Somalia killed as many as 250,000 people.

South Sudan lacks any meaningful route to peace and is unable to combat the humanitarian disaster that is resulting from the impending famine because of extreme corruption within its government. Last year, the Enough Project, wrote an extensive report based on two years of investigation that describes how South Sudan's top politicians have made millions as the country has been absorbed by conflict. This corruption has perpetuated South Sudan's extreme poverty and inability to address and solve its internal problems.

Today, South Sudan remains in a state of active conflict as it faces an enormous food crisis. South Sudan's government is in no position to combat the chaos that is devastating the state. Thus, there is no clear end in sight to the excess of dangers that face the people of South Sudan.