



January 30, 2023

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 20024

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

RECEIVED

By ESEC at 11:07 am, Jan 31, 2024

RE: REQUEST FOR AN IMMEDIATE HUMANITARIAN PAROLE PATHWAY FOR SUDANESE NATIONALS

Dear President Biden, Secretary Mayorkas, and Secretary Blinken:

I am writing on behalf of African Communities Together (ACT) to formally request the administration to establish a designated humanitarian parole pathway for the people of Sudan who are at risk and seeking to reunite with their families. Our organization is deeply concerned about the deteriorating conditions in Sudan, particularly in the Darfur region, and we believe that the United States has a crucial role to play in offering relief to those facing hardship and danger.

The conflict in Sudan has taken a new harrowing turn. On December 19, 2023, Sudan's paramilitary group, the Rapid Support Forces, seized control of the second-largest city, Wad Madani, a refuge for thousands of Sudanese displaced due to fighting in the country. At least 300,000 civilians have fled the besieged state since.¹ An estimated 17.7 million individuals in Sudan are expected to experience Crisis—IPC 3—or more severe levels of acute food insecurity from October 2023 to February 2024, as hunger spreads like famine conditions.² Since April 15, 2023, the ongoing conflict in Sudan has resulted in 12,501 deaths.³ "The continued escalation of violence in Sudan is devastating for the country and the region."⁴ In light of the extreme rise in the severity of conditions and the urgent need for humanitarian assistance, African Communities Together calls on the Department of Homeland Security to use its authority to establish a blanket humanitarian parole program to protect Sudanese individuals vulnerable to life-threatening conditions.

¹ ReliefWeb. "Sudan: Complex Emergency Fact Sheet #6 Fiscal Year (FY) 2024." ReliefWeb. <https://reliefweb.int/report/sudan/sudan-complex-emergency-fact-sheet-6-fiscal-year-fy-2024>.

² Id.

³ Id.

⁴ United Nations. "DR Congo mission extended, Sudan displacement deepens, warzone death toll for journalists spikes." UN News, December 19, 2023. <https://news.un.org/en/story/2023/12/1144952>.

I. Humanitarian Parole for Sudanese Nationals

According to the Immigration and Nationality Act (INA), the Secretary of Homeland Security has the discretion to parole any noncitizen applying for admission into the United States temporarily for urgent humanitarian reasons or significant public benefit (INA section 212(d)(5)).⁵ Humanitarian parole is typically reserved for cases where there is a compelling need, such as protecting individuals from targeted harm or addressing urgent humanitarian crises.

Historically, the United States has implemented various humanitarian parole programs to provide relief in response to humanitarian crises in other countries. Immigration parole served as the primary method for admitting individuals prior to the implementation of the Refugee Act, with people from Cuba, Indochina, Eastern Europe, and other regions being paroled into the United States from the late 1950s through the 1970s.⁶ This practice continued after the enactment of the Refugee Act when the U.S. granted parole to Cubans and Haitians who had arrived in the United States by boat in 1980.⁷ The United States has offered a safe haven through parole for wartime evacuees, such as after the Vietnam war, for those fleeing violence and in need of resettlement.⁸

In most recent conflicts, we have seen the United States offer exemptions to entry for civilians fleeing Ukraine and Afghanistan. The "Uniting for Ukraine" parole program offers humanitarian parole to Ukrainians fleeing the Russian invasion, granting them legal residence and work authorization in the U.S. for up to two years.⁹ Through "Operation Allies Welcome," the U.S. created a pathway to bring Afghan evacuees to the United States and support their resettlement, through humanitarian parole for a period of two years and the Afghan Placement and Assistance Program (APA).¹⁰ Within the first year, the parole programs brought safety to over 39,000 Ukrainians and over 70,000 Afghans in the United States.¹¹ On the other hand, the U.S. Refugee Admissions program provided relief for a shockingly low number, with only 1,610 Ukrainians and 1,618 Afghan refugees admitted in 2022.¹² The Biden administration has also recently launched a new humanitarian parole program aimed at migrants from Cuba, Haiti, Nicaragua,

⁵ "Humanitarian or Significant public Benefit Parole for Individuals outside the United States" USCIS, https://www.uscis.gov/humanitarian/humanitarian_parole; Parole Requests, Fiscal Year 2022, DHS, 2023, https://www.dhs.gov/sites/default/files/2023-08/23_0712_cbp_fy22_parole_requests.pdf

⁶ Congressional Research Service. "Immigration Parole." [R46570], <https://crsreports.congress.gov/product/pdf/R/R46570>.

⁷ Id.

⁸ U.S. Government Accountability Office. "Refugee Program: The Orderly Departure Program for Vietnam." <https://www.gao.gov/assets/nsiad-90-137.pdf>.

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<https://www.federalregister.gov/documents/2022/04/27/2022-09087/implementation-of-the-uniting-or-ukraine-parole-process> "Uniting for Ukraine", USCIS, <https://www.uscis.gov/ukraine>

¹⁰ U.S. Department of Homeland Security. "Allies Welcome: Guide to Welcoming Refugees." <https://www.dhs.gov/allieswelcome>.

¹¹ Migration Policy Institute. "Welcoming Afghans and Ukrainians to the United States: A Case in Similarities and Contrasts," July 13, 2022.

<https://www.migrationpolicy.org/article/afghan-ukrainian-us-arrivals-parole#:~:text=U.S.-Ukrainian%20parole%20is%20a%20temporary>

¹² Id; Refugees International. "Supplementary Protection Pathways to the United States: Lessons from the Past for Today's Humanitarian Parole Policies," November 10, 2022.

<https://www.refugeesinternational.org/reports-briefs/supplementary-protection-pathways-to-the-united-states-lessons-from-the-past-for-todays-humanitarian-parole-policies/>; U.S. Department of Homeland Security. "Department of Homeland Security Operation Allies Welcome Afghan Evacuee Report."

<https://www.dhs.gov/sites/default/files/rn>

and Venezuela who are facing dangerous conditions, violence, or severe economic hardship in their home countries.¹³

Earlier this year, the United Nations High Commissioner for Refugees (UNHCR) addressed international states to open pathways for humanitarian entry for Sudanese fleeing the conflict and in need of refuge.¹⁴ UNHCR further recommended the suspension of negative determinations in asylum proceedings.¹⁵ In FY 2021, only 513 Sudanese were admitted to the United States, and as of July 2023, the adjudication of asylum for Sudanese nationals stood at an 11 percent denial rate.¹⁶ In September of this year, the U.S. envoy to the United Nations committed to "do everything in our power to prevent and respond to mass atrocities" in Sudan's war.¹⁷ While the much-needed redesignation of Sudan for Temporary Protected Status is welcome, it is categorically insufficient for the needs of those who must find a way to be present in the U.S. The designation of a special parole program, such as the Uniting for Ukraine program, reflects the Department of Homeland Security's authority to use its discretion for urgent humanitarian reasons or significant public benefit to grant blanket parole relief for communities in conflict zones. In light of these existing programs, we strongly urge your administration to extend similar relief to Sudan. The circumstances warrant the immediate availability of humanitarian pathways for Sudanese fleeing, and a delay in addressing this need contradicts the equitable treatment this administration has pledged for African immigrants, who face increasingly limited pathways to entry.

II. Conditions that warrant Sudan Parole Program

The conflict in Sudan, which began in April, has claimed the lives of over 12,000 people and caused injuries to thousands more.¹⁸ Health workers in Sudan suspect that the actual toll is significantly higher.¹⁹ The crisis has resulted in the internal displacement of 5.4 million people within Sudan and forced over 1.4 million individuals to seek refuge in neighboring countries.²⁰ The situation has reached a critical point, particularly in the volatile Darfur region, where the ongoing fighting between rival armed groups and rising intercommunal tensions have resulted in the deaths of dozens of civilians and the displacement of thousands. The United Nations' humanitarian agency has reported thousands of individuals have been forced to flee their homes

¹³ "Processes for Cubans, Haitians, Nicaraguans, and Venezuelans", USCIS, <https://www.uscis.gov/CHNV>

¹⁴ UNHCR. "UNHCR Urges States to Keep Borders Open for Sudanese and Suspend Negative Asylum Decisions," May 5, 2023.

<https://www.unhcr.org/us/news/briefing-notes/unhcr-urges-states-keep-borders-open-sudanese-suspended-negative-asylum-decisions>.

¹⁵ Id.

¹⁶ U.S. Department of State. "Report to Congress on Proposed Refugee Admissions for Fiscal Year 2023." <https://www.state.gov/report-to-congress-on-proposed-refugee-admissions-for-fiscal-year-2023/>; U.S. Department of Justice, Executive Office for Immigration Review, Asylum Decision Rates by Nationality, July 2023. <https://www.justice.gov/eoir/page/file/1107366/download>.

¹⁷ Reuters. "U.S. Envoy to Chad Spotlights Sudan Atrocities, She Calls Reminiscent of Darfur (2004)." <https://www.reuters.com/world/africa/us-envoy-chad-spotlight-sudan-atrocities-she-calls-reminiscent-darfur-2004-2023-09-06/>.

¹⁸ UN Office for the Coordination of Humanitarian Affairs (OCHA). "Sudan Reports." <https://reports.unocha.org/en/country/sudan/>

¹⁹ Andres Schipani, "Sudan War Escalated as Paramilitary Forces Aim for Complete Control of Darfur." Financial Times, November 12, 2023, <https://www.ft.com/content/8855cfed-fo2e-4e26-abba-12de5e84117a>.

²⁰ Al-Monitor. "Sudan's Displaced Forced to Flee Again as Safe Zones Shrink." December 20, 2023. <https://www.al-monitor.com/originals/2023/12/sudans-displaced-forced-flee-again-safe-zones-shrink>.

in search of safety, and civilian property has been damaged or destroyed.²¹ Witnesses and local activists have revealed that over a thousand members of the Masalit community were killed in just over two days during major attacks by the Rapid Support Forces (RSF) and its affiliated militias in Ardamta, West Darfur. Witnesses reported that bodies of people in military uniforms littered the streets of Omdourman, near the Sudanese capital, amid clashes in Khartoum and Darfur.²² These reported abuses include civilian deaths, arbitrary arrests, widespread rape, detention of medical personnel, and looting of health facilities. The situation is described as catastrophic, posing a significant danger to hundreds of thousands of civilians and displaced people in El Fasher, according to Toby Harward, deputy humanitarian coordinator for Darfur for the UN's refugee agency UNHCR.²³

Despite a new round of negotiations and U.S. urging for a ceasefire, there is still no agreement on a ceasefire as the war enters its eighth month.²⁴ The U.S. Department of State has recognized the dangerous fighting in Sudan between the Sudanese Armed Forces and the Rapid Support Forces as a threat to the security and safety of Sudanese civilians.²⁵ This fighting also hinders efforts to restore Sudan's democratic transition. The United States has strongly condemned the reported mass killings and human rights abuses by RSF in Darfur, expressing deep concern and calling for an immediate end to the violence.²⁶ We call upon the U.S. government to implement a humanitarian parole program for Sudan and extend relief to Sudanese in dire need of safety.

IV. Conclusion

Given the severity of the situation in Sudan, with ongoing conflict and catastrophic violence against civilians, we believe that the conditions in Sudan warrant humanitarian parole under the

²¹ "Sudan: UNHCR Warns of Increasing Violence and Human Rights Violations against Civilians in Darfur." UNHCR U.S.A., 10 November 2023, <https://www.unhcr.org/us/news/press-releases/sudan-unhcr-warns-increasing-violence-and-human-rights-violations-against-civilians>.

²² Mat Nashed, "'Corpses on streets': Sudan's RSF kills 1,300 in Darfur, monitors say" November 10, 2023, <https://www.aljazeera.com/news/2023/11/10/corpses-on-streets-sudans-rsf-kills-1300-in-darfur-monitors-say>; <https://www.africanews.com/2023/11/10/sudan-corpses-in-the-streets-of-omdourman-violent-fighting-in-darfur/#:~:text=Bodies%20of%20people%20in%20military.between%20the%20army%20and%20paramilitaries>.

²³ James Shimanyula, and Mimi Mefo Takambou, "Sudan's humanitarian crisis reaches breaking point" DW, October 11, 2023, <https://www.dw.com/en/sudans-humanitarian-crisis-reaches-breaking-point>.

²⁴ U.S. Department of State. "Developments in Wad Medani and El Fasher, Sudan." <https://www.state.gov/developments-in-wad-medani-and-el-fasher-sudan/>; Matthew Miller, "The United States, the Kingdom of Saudi Arabia, and the Intergovernmental Authority on Development, together with the African Union, Relaunch Humanitarian and Ceasefire Talks Between the Sudanese Armed Forces and the Rapid Support Forces" U.S. Department of State, October 29, 2023, <https://www.state.gov/the-united-states-the-kingdom-of-saudi-arabia-and-the-intergovernmental-authority-on-development-together-with-the-african-union-relaunch-humanitarian-and-ceasefire-talks-between-the-sudanese-army/>; <https://www.africanews.com/2023/11/10/sudan-corpses-in-the-streets-of-omdourman-violent-fighting-in-darfur/>.

²⁵ Anthony J Blinken, "Update of the Situation in Sudan" U.S. Department of State, April 15, 2023, <https://www.state.gov/statement-by-secretary-antony-j-blinken-2/>

²⁶ Matthew Miller, "Condemning atrocities in Darfur", U.S. Department of State, June 15, 2023, <https://www.state.gov/condemning-atrocities-in-darfur/>; Anthony J Blinken, "The United States Calls for an Immediate Cessation of Attacks in El Fasher, North Darfur, Sudan", U.S. Department of State, November 2, 2023, <https://www.state.gov/the-united-states-calls-for-an-immediate-cessation-of-attacks-in-el-fasher-north-darfur-sudan/>.

principles of the United States' special parole program. Urgent humanitarian parole for Sudanese individuals would not only offer them a safe refuge but it also is in the interest of U.S. foreign relations and in line with its commitments to the region. We kindly request an engagement with DHS to further discuss and address this urgent matter. Please feel free to contact me at diana@africans.us with any questions or for additional information. Thank you for your attention to this critical issue.

Sincerely,

Diana A. Konaté
Policy Director
African Communities Together



February 20, 2024

Diana A. Konaté
Policy Director
African Communities Together
700 Pennsylvania Ave SE, Floor 2
Washington, DC 20003-2493
diana@africans.us

Dear Ms. Konaté:

Thank you for your letter dated January 30, 2023 to the Department of Homeland Security (DHS). I am responding on behalf of the Department.

DHS recognizes the seriousness of the situation in Sudan. In response to the conditions in Sudan, as noted in your letter, on August 21, 2023, Secretary Mayorkas announced the extension and redesignation of Sudan for Temporary Protected Status for 18 months, from October 20, 2023, through April 19, 2025.

Furthermore, thousands of Sudanese nationals have entered the U.S. through the U.S. Refugee Admission Program over the years. In fiscal year 2023, 1,635 Sudanese were admitted as refugees and over 500 have already been admitted as refugees between October and January 31 of this fiscal year. For further information on access to the U.S. Refugee Admissions Program, individuals may visit the Department of State Refugee Admissions website at <https://www.state.gov/refugee-admissions/>. Noncitizens outside of the United States who believe they are in need of protection due to persecution or fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion should contact the UN Refugee Agency (UNHCR) to determine whether resettlement is the best option for them or their families. More information can be found at <https://www.unhcr.org/us/>.

We acknowledge your request that DHS consider establishing a dedicated parole pathway for Sudanese nationals affected by the ongoing violence in Sudan. We appreciate the specific needs and concerns detailed in your letter. At this time, DHS continues to evaluate the circumstances in countries for which there may be urgent humanitarian or significant public benefit reasons for establishing parole processes. The concerns you raise in your letter regarding current conditions in Sudan will be considered as part of this process.

While noncitizens, who are outside of the United States, including Sudanese, may request parole into the United States for urgent humanitarian reasons or significant public benefit by filing Form I-131, Application for Travel Document (with all required supporting documentation), we note parole is not intended to be used solely to replace established refugee processing channels or to avoid normal visa processing. Parole is also not intended to provide protection to individuals at generalized risk of harm. It is also important to be aware that U.S. Citizenship and Immigration Services (USCIS) is currently receiving an extremely high number of requests for parole. While USCIS will try to process all requests for parole quickly and efficiently, Form I-131 petitioners should expect processing delays given high demand.

Thank you again for your letter and interest in this important issue. Should you require any additional assistance or have any questions, please write to public.engagement@uscis.dhs.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou". A horizontal line is drawn through the signature.

Ur M. Jaddou
Director