

EXHIBIT 27

From: McCament, James W [REDACTED]@ [REDACTED]
Sent: Friday, September 1, 2017 10:08 PM
To: Hamilton, Gene [REDACTED]; Neumann, Elizabeth [REDACTED]; Wolf, Chad [REDACTED]; Maher, Joseph [REDACTED]
Cc: Nuebel Kovarik, Kathy [REDACTED]; Higgins, Jennifer B [REDACTED]
Subject: RE: Sudan
Attach: USCIS Final Sudan TPS Decision 6 Month Extension Memo.doc; USCIS Final Sudan TPS Decision Termination w Delayed Effective Memo.doc

All, following on discussion with Gene, attached is the revised memo to clearly support the AS1 decision to terminate with a delayed effective date of 12 months. For reference, I've also re-attached the renamed 6 month extension memo. Please let us know if you need further adjustments or information.

Thank you,

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED] (Deputy Director's Office)



This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.

From: McCament, James W
Sent: Friday, September 01, 2017 8:15 PM
To: Hamilton, Gene; Neumann, Elizabeth
Cc: Nuebel Kovarik, Kathy; Higgins, Jennifer B
Subject: RE: Sudan

All,

Attached is the revised Sudan decision memo with changes incorporated from review of the DOS recommendation letter. The attached decision memo reflects the 6 month extension for Sudan TPS. This can be revised, of course, pursuant to the Secretary's final decision. Standing by. Kathy, thanks to your team (Brandon and Kathryn) for staying here to help me work through the rewrite.

Please let me know if there are further questions or adjustments needed?

Thanks all,

James

James W. McCament

Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED] (Deputy Director's Office)



This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.

From: McCament, James W
Sent: Friday, September 01, 2017 6:32 PM
To: Hamilton, Gene; Neumann, Elizabeth
Cc: Nuebel Kovarik, Kathy
Subject: RE: Sudan

All, here is the full report as well as the signed letter by the Deputy Secretary. We are reviewing the Sudan memo to be prepared for any necessary modifications.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED] (Deputy Director's Office)



This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.

From: McCament, James W
Sent: Friday, September 01, 2017 5:37 PM
To: Hamilton, Gene; Neumann, Elizabeth
Cc: Nuebel Kovarik, Kathy
Subject: FW: Sudan

All, here is the electronic version. I'm reviewing now as well.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED] (Deputy Director's Office)



This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.

From: Prelogar, Brandon B
Sent: Friday, September 01, 2017 5:36 PM
To: McCament, James W
Subject: FW: Sudan

From: Hefright, Brook E
Sent: Friday, September 01, 2017 5:34:30 PM
To: Anderson, Kathryn E
Cc: Prelogar, Brandon B; Yutacom, Jessica W
Subject: RE: Sudan

Yes, the recommendation for Sudan is a sixth-month extension. Draft letter is attached FYI.

From: Anderson, Kathryn E [REDACTED]
Sent: Friday, September 01, 2017 5:29 PM
To: Hefright, Brook E
Cc: Prelogar, Brandon B
Subject: Sudan

Talking with our director now to figure out how to accept the package. Can you confirm the rec is for a 6 month extension? Secretary's office knows it's coming now and is asking for the rec.

From: Hefright, Brook E
Sent: Friday, September 01, 2017 3:51:58 PM
To: Anderson, Kathryn E
Subject: RE: TPS Review Schedule

Many thanks.

From: Anderson, Kathryn E [REDACTED]
Sent: Friday, September 01, 2017 11:58 AM
To: Hefright, Brook E
Cc: Prelogar, Brandon B
Subject: TPS Review Schedule

Brook, here's the chart that was transmitted. You'll see a few of the target dates for receipt of State's packages have been pushed back from the last we sent you.

Kathryn Anderson
Deputy Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

U.S. Department of Homeland Security
U.S. Citizenship and Immigration Services
Office of the Director (MS 2000)
Washington, DC 20529-2000



U.S. Citizenship
and Immigration
Services

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: James W. McCament
Acting Director

SUBJECT: **Sudan's Designation for Temporary Protected Status**

Purpose: Sudan's existing designation for Temporary Protected Status (TPS) will expire on November 2, 2017. At least 60 days before a TPS designation expires (i.e., by September 1, 2017, for Sudan), the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the designated foreign country to determine whether the conditions for such designation continue to be met. If the Secretary determines that the foreign country no longer continues to meet the statutory conditions for designation, she shall terminate the designation. If the Secretary finds, however, that the conditions for designation continue to be met, the TPS designation must be extended for 6, 12, or 18 months.¹

U.S. Citizenship and Immigration Services (USCIS) has completed a review of the conditions in Sudan and is presenting options for your consideration. As part of the review process, USCIS has consulted with the Department of State (DOS). DOS assesses that the statutory conditions supporting Sudan's TPS designation continue to be met. Accordingly, Deputy Secretary Sullivan recommends a 6-month extension of Sudan's designation for TPS.

Background: On November 4, 1997, the Attorney General designated Sudan for TPS due to ongoing armed conflict and extraordinary and temporary conditions in Sudan.² Sudan's

¹ See Immigration and Nationality Act (INA) § 244(b)(3)(A-C), 8 U.S.C. § 1254a(b)(3)(A-C); see also Attachment A: Temporary Protected Status Legal Authority.

² See Designation of Sudan Under Temporary Protected Status, 62 FR 59737 (Nov. 4, 1997). See also INA § 244(b)(1)(A), (C).

INTERNAL PRE-DECISIONAL RECOMMENDATION

designation has been continuously extended on these same grounds since the initial designation in 1997. Sudan has also been redesignated for TPS three times—in 1999, 2004, and 2013—modifying the eligibility requirements and permitting additional individuals to register for TPS.³ To be eligible for TPS under Sudan's designation, along with meeting the other eligibility requirements, Sudanese nationals must have continuously resided in the United States since January 9, 2013, and have been continuously physically present in the United States since May 3, 2013.

Demographic Information on Sudanese TPS Beneficiaries

There are currently 1,039 Sudanese TPS beneficiaries,⁴ 31 percent female and 69 percent male. They range in age at the time of approval from 3-79 years of age, with most in their 20s, 30s, or 40s. Fifty-three were 18 years of age or younger at the time of approval. Sudanese TPS beneficiaries live in nearly every state across the country, with New York, Texas, and Virginia hosting the largest populations with one hundred or more Sudanese TPS beneficiaries each. The most commonly self-reported immigration statuses at the time of initial TPS application included visitors (113), students (178), and “unknowns” (460). Five reported their status as entering without inspection.⁵

Country Conditions

USCIS and DOS have each conducted a thorough review of conditions in Sudan. The country condition reports, upon which this recommendation is based, can be found in Attachments B and C. In summary, the ongoing armed conflict and extraordinary and temporary conditions that supported Sudan's designation for TPS persist.

Since the last extension, armed conflict between government forces and opposition groups in certain parts of Sudan has continued, resulting in an ongoing lack of security and safety for civilians in those conflict-affected regions. Sudan's human rights record remains extremely poor, with instances of extrajudicial killings, disappearances, arbitrary arrest and detention, forced population movements, rape, slavery, and severely restricted freedoms of religion and assembly with violent suppression of protests. In 2016, the government of

³ See Extension and Redesignation of Sudan under the Temporary Protected Status Program, 64 FR 61128 (Nov. 9, 1999); Extension and Redesignation of Temporary Protected Status for Sudan, 69 FR 60168 (Oct. 7, 2004); Extension and Redesignation of Sudan for Temporary Protected Status, 78 FR 1872 (Jan. 9, 2013).

⁴ The total number of beneficiaries represents all individuals who have been granted TPS since Sudan's designation in 1997 and have not had their TPS withdrawn. Not all of these individuals continue to re-register because they have adjusted to another valid immigration status, have left the United States, are no longer eligible for TPS, or have failed to re-register for other reasons. As a result, the number of beneficiaries that USCIS expects to re-register for TPS is lower than the total number of beneficiaries. Based on statistics from the last re-registration period, USCIS estimates that approximately 370 re-registration applications will be filed if Sudan's designation for TPS is extended.

⁵ The TPS statute does not require individuals to have lawful status in order to qualify for TPS. The TPS application form does request the applicant's status at the time of application, and this information is recorded in USCIS systems. However, the information is self-reported and not all applicants provide this information on the form in a standard or recordable fashion.

Sudan undertook an aerial bombardment campaign that resulted in civilian casualties and leveled numerous villages. In May 2017, Sudanese officials demolished two Sudanese Church of Christ churches, which were the first on a list of 27 that authorities had earmarked for demolition in February.

While ongoing armed conflict does not persist throughout the entire country, there is conflict in Darfur and the Two Areas (South Kordofan and Blue Nile states). As a result, hundreds of thousands of Sudanese have fled to neighboring countries. The majority of those displaced in previous years – currently around 2 million in Darfur and 230,000 in the Two Areas – have not yet been able to return to those areas of the country due to persistent insecurity. Over 100,000 Sudanese have been newly displaced since 2016.

The number of people currently in need of humanitarian assistance in Sudan is 4,800,000 (over 10 percent of the total population of 39.58 million as of 2016). Above-average harvests have moderately improved food security across much of Sudan. However, populations in conflict-affected areas continue to experience acute levels of food insecurity, with nearly 2,773,000 children suffering from acute or severe acute malnutrition. In addition to food insecurity, access to clean drinking water remains a challenge in Sudan, and, in August 2016, a cholera outbreak began that is currently affecting several states. At least 15,000 to 23,000 people have been infected, with an estimated 280 to 820 deaths. Despite some improvement in access for humanitarian actors to provide much-needed humanitarian aid, they remain unable to fully and consistently provide timely and impartial humanitarian access.

Women and children have been particularly affected by the conflict. Particularly in Darfur, sexual and gender-based violence remains a grave concern, and there are many documented incidents of children being killed and maimed. Children also face recruitment by both the government and armed groups.

Sudan has faced significant economic instability since the secession of South Sudan in 2011, characterized by much reduced economic growth and high inflation (estimated at 16.5 percent in July 2016). The labor market is underdeveloped, and much of the labor force is employed in the informal sector.

Options

Your options include the following actions:

- 1) *Extend Sudan's Designation for TPS*

Under the TPS statute, if you determine that the statutory conditions supporting a country's designation for TPS continue to exist, the TPS designation will be extended for an

INTERNAL PRE-DECISIONAL RECOMMENDATION

Sudan's Designation for Temporary Protected Status
Page 4

additional period of 6 months, or in your discretion, 12 or 18 months. The review of conditions in Sudan indicates that it remains unsafe for individuals to return to Sudan and that the statutory requirements to designate a country for TPS under *Immigration and Nationality Act* § 244(b)(1)(A) (ongoing armed conflict) and under § 244(b)(1)(C) (extraordinary and temporary conditions) continue to be met. DOS also assesses that the statutory bases for Sudan's TPS designation continue to be met. Accordingly, Deputy Secretary Sullivan recommends a 6-month extension of Sudan's designation for TPS.

From an operational perspective, extension periods of less than 18 months for large numbers of aliens are challenging given the significant workload and timeframes involved in receiving and adjudicating re-registration applications and issuing new employment authorization documents. Here, the number of individuals is relatively small. That said, the deliberative review process to support TPS decision making, including consultation with DOS, typically begins ten months before the expiration date of a country's current designation. Accordingly, a 12-month extension would generally be needed to provide sufficient time to restart and complete this deliberative review process. A 12-month extension of Sudan's designation for TPS would permit current Sudanese TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through November 2, 2018. A 6-month extension of Sudan's designation for TPS would, however, permit current Sudanese TPS beneficiaries to re-register for TPS and remain in the United States with work authorization through May 2, 2018.

2) *Redesignate Sudan for TPS*

If you determine the conditions for a designation extension have been met, you may also, in your discretion, redesignate Sudan for TPS. Historically, the act of redesignation of a country for TPS is used sparingly, usually in association with a significant deterioration of conditions since the most recent designation.

The act of redesignation would allow you to advance the continuous residence date to match the publication date of the *Federal Register* notice announcing the redesignation, expanding TPS eligibility to include Sudanese nationals who began residing in the United States after the current continuous residence date of January 9, 2013. The USCIS review of the country conditions indicates no new or significant deterioration since Sudan's last designation in 2013, with modest improvements in some areas.

3) *Terminate Sudan's Designation for TPS*

If you determine that Sudan no longer continues to meet the statutory requirements for its TPS designation, you must terminate TPS for Sudan. Termination would end TPS benefits for existing Sudanese TPS beneficiaries. Upon the termination of TPS benefits, former

INTERNAL PRE-DECISIONAL RECOMMENDATION

beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States.

If you decide to terminate Sudan's designation, you may determine the appropriate effective date of the termination. The effective date could be delayed to a time period subsequent to the date of the decision in order to provide for an orderly transition period (e.g., 6, 12, or 18 months), following which the TPS documentation will expire.

Delaying the effective date would provide those beneficiaries without any other immigration status a reasonable amount of time following the announcement of termination of the designation to plan and prepare for their departure from the United States. *See* INA § 244(b)(3)(B), (d)(3) and 8 C.F.R. § 244.19. Note: the effective date of termination may not be earlier than 60 days after the date the *Federal Register* notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

Timeliness: You are required to provide timely notice of whether existing TPS designations will be extended or terminated through publication in the *Federal Register*.⁶ Your earliest decision will facilitate publication of notice in the *Federal Register* sufficiently in advance of the November 2, 2017 expiration of Sudan's designation, providing predictability and clarity to beneficiaries and their employers. By statute, if you do not make a decision at least 60 days before the expiration of the current designation (i.e., by September 1, 2017), then Sudan's designation will automatically be extended for a minimum of 6 months.⁷

Recommendation: USCIS recommends a 6-month extension of the existing designation with no redesignation. This recommendation is made with the following factors in mind:

1. Deputy Secretary Sullivan recommends a 6-month extension to allow for a timely review should conditions change given ongoing efforts by the United States to improve relations with, and conditions in, Sudan.
2. USCIS is supportive of the DOS recommendation for the 6-month extension.
3. USCIS assesses the conditions related to the most recent designation continue to be met.
4. Specifically, there is ongoing armed conflict limited to certain parts of Sudan and extraordinary and temporary conditions continue to exist preventing nationals from returning in safety.

⁶ *See* INA § 244(b)(3)(A).

⁷ *See* INA § 244(b)(3)(A), (C).

Sudan's Designation for Temporary Protected Status

Page 6

- 5. With respect to establishing a 6-month extension, versus a 12-month or 18-month extension, USCIS notes there were unilateral ceasefires in October 2016 which led to a reduction in violence and rhetoric from the conflict parties.
- 6. Access for humanitarian actors to provide humanitarian assistance has improved.
- 7. According to the African Development Bank Group, the economy is projected to improve: Economic growth slowed in 2016 to an estimated 3% as a result of the decline in oil production and macroeconomic imbalances and is projected at 3.4% in 2017 and 3.6% in 2018 on the back of improved performance in the non-oil sector and temporary lifting of US sanctions.

Decision: You may choose to extend, extend and redesignate, or terminate Sudan's TPS designation.

1. Extend: *Extend Sudan's designation for TPS for (circle one):*

6 months *12 months* *18 months*

Approve/date _____

2. Extend and Redesignate: *Extend Sudan's designation for TPS and simultaneously redesignate Sudan for TPS for (circle one):*

6 months *12 months* *18 months*

Approve/date _____

3. Terminate: *Terminate Sudan's designation for TPS with an orderly transition period of (circle one):*

6 months *12 months* *18 months* *Other* _____

Approve/date _____

INTERNAL PRE-DECISIONAL RECOMMENDATION

Sudan's Designation for Temporary Protected Status

Page 7

Attachments:

Attachment A: Temporary Protected Status Legal Authority

Attachment B: March 2017 USCIS RAIO Research Unit Report on Conditions in Sudan

Attachment C: Department of State Recommendation Regarding Extension of Temporary Protected Status for Sudan

Attachment D: Demographic Data

INTERNAL PRE-DECISIONAL RECOMMENDATION