

# **EXHIBIT 43**

**From:** Nuebel Kovarik, Kathy [REDACTED]  
**Sent:** Tuesday, August 29, 2017 4:20 PM  
**To:** McDonald, Christina [REDACTED]  
**Subject:** FW: Addendum to TPS options paper  
**Attach:** TPS-additional USCIS Input on S. Sudan and Sudan TPS.docx

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This is the email that was sent to James, copying Nealon. This was not the final version of the addendum, but he was in the loop.

**Kathy Nuebel Kovarik**  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Direct: [REDACTED]  
Cell: [REDACTED]

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**From:** Nuebel Kovarik, Kathy  
**Sent:** Wednesday, August 23, 2017 3:27 PM  
**To:** McCament, James W  
**Cc:** Symons, Craig M; Nealon, James  
**Subject:** Addendum to TPS options paper

**Deliberative and Pre-Decisional**

James – here is additional information to consider on TPS, with my recommendations below. I’m copying Ambassador Nealon in the event that DHS POLICY has additional information to add. Let me know how you’d like to proceed and whether you or I should send to OGC.

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**Addendum to ASI Options Memo**  
**Temporary Protected Status (TPS) for Sudan and South Sudan**  
**August 23, 2017**

**BACKGROUND:**

- South Sudan’s and Sudan’s existing designations for Temporary Protected Status (TPS) will expire on November 2, 2017.
- Per statute, at least 60 days before a TPS designation expires (i.e., by September 1, 2017, for South Sudan and Sudan), the Secretary 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.
- On August 17, 2017, U.S. Citizenship and Immigration Services (USCIS) Acting Director James McCament signed memoranda for the Secretary assessing the country conditions in South Sudan and Sudan

and setting out three options for the Secretary's consideration as she conducts her review of the existing TPS designations for these two countries. The three options set forth in each decision memorandum are as follows:

- 1) Extend the country's designation for TPS for a period of 6, 12, or 18 months;
- 2) Extend the country's designation for TPS for a period of 6, 12, or 18 months and simultaneously redesignate the country for TPS; or
- 3) Terminate the country's designation for TPS.

<b>South Sudan</b>	10/13/2011	Initial Designation	1
	1/9/2013	Redesignation	6
	9/2/2014	Redesignation	24
	1/25/2016	Redesignation	43
<b>South Sudan Total</b>			<b>74</b>
<b>Sudan</b>	11/4/1997	Initial Designation	53
	11/3/1998	Extension	33
	11/9/1999	Redesignation	80
	11/9/2000	Extension	3
	8/31/2001	Extension	2
	8/7/2004	Redesignation	13
	9/2/2005	Extension	212
	5/3/2007	Extension	7
	8/14/2008	Extension	17
	12/31/2009	Extension	65
	10/13/2011	Extension	41
	1/9/2013	Redesignation	80
	9/2/2014	Extension	81
1/25/2016	Extension	362	
<b>Sudan Total</b>			<b>1,049</b>

## **RECOMMENDATIONS**

After further reflection, the agency provides the following recommendations to the Acting Secretary:

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**South Sudan:** 12-month extension of the existing designation and no redesignation.

- Secretary Tillerson recommends an 18 month extension, along with a redesignation.
- The conditions related to its designation continue to be met – there is ongoing conflict in South Sudan.
- There continues to be civil war, a financial crisis, and humanitarian challenges.
- Given that conditions are not likely to change soon, we recommend a designation longer than 6 months. Extending for 12 months allows the agency to reassess conditions.

**Sudan:** termination, but delay the effective date of the termination by 12 months to provide for an orderly transition.

- Secretary Tillerson did not make a recommendation for Sudan.

- There is ongoing conflict in some regions, but not the entire country.
- There were unilateral ceasefires in October 2016 which led to a reduction in violence and rhetoric from the conflict parties.
- President Obama, in an Executive Order just before leaving office, lifted sanctions on Sudan for six months. In this EO, he recognized Sudan's positive steps to improve (see EO from January 2017- <https://www.treasury.gov/resource-center/sanctions/Programs/Documents/13761.pdf>). President Trump issued another EO to give them 3 additional months, citing improved counterterrorism efforts and other progress to promote regional stability. See also State Dept release: <https://www.state.gov/r/pa/prs/ps/2017/07/272539.htm>
- The UK does not completely ban travel to Sudan. <https://www.gov.uk/foreign-travel-advice/sudan>
- Many refugees from South Sudan have arrived in Sudan and are being supported. Nearly 152,000 refugees have arrived this year. <https://www.unocha.org/story/hope-south-sudanese-refugees-arriving-darfur>
- Humanitarian assistance has improved:  
[http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan\\_Humanitarian\\_Dashboard\\_A4\\_%28Jan - Dec 2016%29.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Sudan_Humanitarian_Dashboard_A4_%28Jan%20-%20Dec%202016%29.pdf)
- Unemployment rate has decreased; GDP growth rate is up.  
[https://theodora.com/wfbcurrent/sudan/sudan\\_economy.html](https://theodora.com/wfbcurrent/sudan/sudan_economy.html)
- According 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.

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