Policy Brief:
Analyzing the Biden Administration’s Failure to Utilize Existing Statutory Authority to Newly Designate TPS for Cameroon (and other African Countries)

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I. About the Catholic Legal Immigration Network, Inc. (CLINIC) and Temporary Protected Status Deferred Enforced Departure Administrative Advocacy Coalition (TPS-DED AAC)

CLINIC is the nation’s largest network of nonprofit immigration legal services providers and founding member of the Temporary Protected Status Deferred Enforced Departure Administrative Advocacy Coalition (TPS-DED AAC). The TPS-DED AAC1 is a national coalition which advocates for the bold and broad use of TPS for all qualifying countries to protect human life. Over the course of dozens of in-depth country campaigns since 2017, the 100+ member coalition has unique expertise on TPS policy and decision-making process generally, for specific countries, and implementation of TPS decisions at USCIS.

II. Temporary Protected Status2

TPS was established by Congress through the Immigration Act of 1990. TPS is intended to protect foreign nationals in the United States from being returned to their home country if returning would put them at risk of violence, disease, or death. Critically, Congress explicitly did not set a numerical cap on the number of people who could benefit from TPS under a designation or the number of countries that may be designated at any one time. Under the law, the Secretary of the U.S. Department of Homeland Security, or DHS, may designate a foreign country for TPS when it satisfies at least one of three scenarios:

A. Ongoing armed conflict (such as a civil war) poses a serious threat to the personal safety of nationals of the affected country;
B. An environmental disaster (such as an earthquake or hurricane) or an epidemic occurs, and the affected country is temporarily unable to handle the return of its citizens and has requested TPS for its nationals; or
C. Other extraordinary and temporary conditions prevent people from the country from safely returning home, as long as it is not against the national interest of the United States to allow them to remain.

TPS may be designated or extended in 6-, 12-, or 18-month increments. Importantly, under existing statute, TPS may be extended and redesignated (which moves up the cutoff date) as many times as necessary, as long as the dangerous country conditions continue or new conditions arise. TPS does not provide a pathway to permanent residency or citizenship.

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1 TPS-DED AAC, https://www.tpsdedaac.org/.
III. Intersection of TPS and Systemic Anti-Black Racism

TPS plays a unique and crucial role in the U.S. humanitarian immigration system as a blanket protection for all qualifying nationals of a country. As a blanket protection—as opposed to individualized determinations like under U.S. asylum and refugee law—TPS can act as a safety net, able to catch people who slip through other cracks of the system, including due to the systemic racism inherent in our nation’s immigration laws. Accordingly, TPS designations for Black majority countries are particularly impactful in providing life-saving protection especially given disproportionate criminalization, detention, and deportation of Black immigrants in the United States.

IV. The Biden Administration’s TPS Policy in the 2022 Landscape

When the Biden administration assumed office, only 10 countries had current TPS designations. Given the previous administration’s anti-TPS policies, there was a “backlog” of countries that warranted new TPS designations. During the Biden administration’s transition and early days of the administration, the TPS-DED AAC presented legal and policy recommendations for new TPS designations for countries in the “backlog,” including Cameroon. While this brief focuses on longstanding recommendations regarding TPS for Cameroon, designations for Mauritania and Ethiopia are also warranted and urgent to safeguard Black immigrants in the U.S. from return to life-threatening conditions.

In the first year of the administration, no African countries have been newly designated despite the urgent need for humanitarian protection, devolving countries conditions, and continued detention and deportation of Black nationals from these countries. This policy decision to not designate additional African countries for TPS in the first year of the administration does not exist in a vacuum. This decision stands in tandem with the Biden administration’s policies towards Black asylum seekers at the U.S.-Mexico border. That includes the administration’s misuse of Title 42, resulting in the return of thousands of Black immigrants to dangerous conditions. Examining these policy decisions as a whole calls into question how race and politics are factoring into the administration’s overall immigration agenda.

These delays and failure to use TPS, a readily available tool to provide a measure of protection and stability to vulnerable people, is also compounded by the administration’s failures to date to secure immigration relief through Congress.

V. Factors Considered in the Biden Administration’s New TPS Designations

Only three countries have been newly designated for TPS under the Biden administration at the time of this paper. These include Venezuela, Burma (Myanmar) and Haiti. Haiti was previously designated and the new designation (as opposed to an extension and redesignation) was related

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to the posture of Haiti TPS in the ongoing *Ramos* and *Saget* cases. Other countries have been extended and redesignated.

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<th>Country</th>
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| **Venezuela**  | • At the time of designation, DHS found that Venezuela “has been in the midst of a severe political and economic crisis for several years.”  
• Summary of key factors leading to designation include: “Economic contraction; inflation and hyperinflation; deepening poverty; high levels of unemployment; reduced access to and shortages of food and medicine; a severely weakened medical system; the reappearance or increased incidence of certain communicable diseases; a collapse in basic services; water, electricity, and fuel shortages; political polarization; institutional and political tensions; human rights abuses and repression; crime and violence; corruption; increased human mobility and displacement (including internal migration, emigration, and return); and the impact of the COVID-19 pandemic, among other factors.”  
• Number of people eligible for TPS: “USCIS estimates that approximately 323,000 individuals are eligible to file applications for TPS under the designation of Venezuela.” |
| **Burma**      | • Summary of key factors leading to designation include: “On February 1, 2021, the Burmese military perpetrated a coup, deposing the democratically elected government and declaring a temporary one-year state of emergency, after which it has said it will hold elections. The military is responding with increasing oppression and violence to demonstrations and protests, resulting in large-scale human rights abuses, including arbitrary detentions and deadly force against unarmed individuals. The coup has triggered a humanitarian crisis, including the disruption of communications and limited access to medical care. The Burmese military has a clear and well-documented history of committing atrocities against the people of Burma, and again, the military is committing brutal violence against the Burmese people, including young children.”  
• Other factors considered by DHS included:  
  o Coup/political crisis  
  o Arbitrary arrest, suppression of peaceful protests  
  o Massacres and killing of civilians, including children  
  o Particular threats to vulnerable groups including “serious threats lay ahead for activists, journalists, ethnic minorities and others who have long been targets of the military’s oppressive campaigns”  
  o Decreased access to medicine, food, fuel  
  o Internally displaced persons (DHS reported there were over 330,000 internally displaced persons in need of humanitarian assistance, including people who were continually displaced since |

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| **Haiti**<sup>10</sup> | **Conditions similar to the factors leading to the new TPS designations above (as well as other current TPS designations) exist in Cameroon as have been presented to the Biden administration by TPS law and policy experts, directly impacted communities, and Members of Congress.**

**Well reported and documented factors warranting an immediate designation of TPS for Cameroon include:**

- **Multiple armed conflicts,** arbitrary arrest and torture of civilians (including targeting of ethnic minorities, political protestors, journalists), and kidnapings.<sup>11</sup> Civilian massacres have been documented by HRW and other international NGOs.<sup>12</sup> |

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• **Mass internal displacement.** Displacement doubled in Cameroon between 2019 and 2020 and according to the Internal Displacement Monitoring Centre, there are currently 1 million known people displaced inside Cameroon’s borders.13

• **Humanitarian crisis of food and water shortages**, including due to climate shocks. According to USAID, “Approximately 2.6 million people in Cameroon are currently facing Crisis (Phase 3) or worse levels of acute food insecurity [as of 2020] and are in need of food assistance—an increase of nearly 1.7 million people from the same period in 2019.”14 The World Food Programme finds that 4.4 million people are in need of humanitarian assistance.15

• **Lack of access to and weaponization of health care.** According to research conducted by RFK Human Rights: “The Cameroonian government has been criticized for its lack of transparency on the misuse of millions of dollars in pandemic relief funds.16 Medical workers report that hospitals have seen no additional aid or construction for new facilities, resulting in a lack of personal protective equipment, limited bed space, and an inability to treat patients.17 Some attempts to distribute masks, hand sanitizer, and other protective materials by non-governmental groups have even been politicized and prevented by the ruling party.”18

The conditions in Cameroon today echo the conditions that spurred designations for Venezuela, Burma and Haiti. Economic and political crises, food and medicine shortages, human rights abuses by government forces, arbitrary detention, suppression of protest and free speech, escalating violence against particularly vulnerable populations, massive displacement, and food insecurity are all common threads through the conditions of these four countries. The Biden administration made the correct and moral decision under the law to newly designate these three countries, and it should do the same for Cameroon.

**VII. Human Consequences of the Failure to Designate TPS for Cameroon**

As documented by Human Rights Watch, deportations from the United States to Cameroon in recent years have resulted in Cameroonians being returned “to face persecution, torture, and other serious harm.”19 Experts characterize these deportations as a violation of “the principle of *nonrefoulement*, a cornerstone of international refugee and human rights law.”20 Like the U.S. refugee and asylum systems, Congress created TPS to ensure that the United States would not return people to countries where their lives or freedom would be at risk.

The failure to designate TPS for Cameroon results in prolonged detention of Cameroonian immigrants in the U.S. immigrant detention system, the separation of families, and other compounding immediate and generational consequences.

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18 Id.


20 Id.
VIII. Conclusion and Recommendations

The Biden administration should use TPS as Congress intended—a readily available tool to protect people in the United States from forced return to life-threatening conditions and to provide a measure of stability through employment authorization. Given the dire and devolving country conditions in Cameroon and urgent need for Cameroonian immigrants in the United States to be freed from detention and protected, the Biden administration should immediately designate TPS for Cameroon (and all countries that meet the statutory requirements for protection).21