

# Forced Migration

## Class 19: beyond asylum

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Complementary/Subsidiary Protection

External Protection

Temporary Protection

# Complementary/Subsidiary Protection

ECHR

## **Art. 3:**

No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

# External Protection

## Safe Havens



Žepa, 13 June 1998. Photo: John Palmer

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# Temporary Protection

Inter-Agency Task Force

## MEMORANDUM

**TO:** Attorney General  
Secretary of Homeland Security  
Secretary of State  
Secretary of Labor  
Secretary of Health and Human Services  
National Security Advisor  
Director for Congressional Relations (Executive Office of the President)  
Director of the Office of Intergovernmental Relations (Executive Office of the President)

**FROM:** White House Chief of Staff

**RE:** Possible temporary protection for refugees who are not fleeing from persecution on one of the grounds that qualify under current refugee and asylum law

# Temporary Protection

## Inter-Agency Task Force

President requests inter-agency task force to consider whether Administration should recommend new legislation to provide temporary protection for people who flee other nations but do not qualify for asylum because they do meet the refugee definition.

This would be a response to criticism that TPS is too limited because it (1) only affects countries designated by Secretary of Homeland Security, and (2) only covers people already in U.S. at time of designation.

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## Inter-Agency Task Force

If working level meeting reaches consensus on proposing new legislation, it should address:

- ▶ who would qualify for status?
- ▶ should the new legislation apply only to people from North America and the Caribbean?
- ▶ what procedures should be used to decide qualification?
- ▶ what rights should the beneficiaries enjoy?
- ▶ should beneficiaries be denied right to also seek asylum under INA § 208?
- ▶ under what conditions and through what procedures should beneficiaries be returned involuntarily when the U.S. deems their countries safe for return?