

EXHIBIT 8

From: Prelogar, Brandon B [REDACTED]
Sent: Friday, September 22, 2017 5:37 PM
To: Nuebel Kovarik, Kathy [REDACTED]; Anderson, Kathryn E
[REDACTED]
Subject: RE: State requested changes to Sudan TPS -- bottom line -- RE: Questions on Sudan FRN Notice - State Has Corrections

That's certainly how we read it.

From: Nuebel Kovarik, Kathy
Sent: Friday, September 22, 2017 5:01:31 PM
To: Anderson, Kathryn E; Prelogar, Brandon B
Subject: FW: State requested changes to Sudan TPS -- bottom line -- RE: Questions on Sudan FRN Notice - State Has Corrections

So, this is okay with State?

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

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From: Zimmer, Mark V [mailto:ZimmerMV@state.gov]
Sent: Friday, September 22, 2017 4:21 PM
To: Nuebel Kovarik, Kathy; Sutphin, Paul R; Ashe, Christopher C; McCament, James W
Cc: Shukan, Brian W; Sullivan, R Chance; Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F; Burnett, Andrew B; Trimiew, Rubani I; Prelogar, Brandon B; Anderson, Kathryn E; Crampton, Stuart M
Subject: RE: State requested changes to Sudan TPS -- bottom line -- RE: Questions on Sudan FRN Notice - State Has Corrections

Kathy-

Paul is offline, but please see his reply below.

Thanks,
Mark

Dear Kathy:

Thanks for working with us to make these important changes to ensure that the justification and messaging behind the TPS change are more consistent with conditions on the ground, and to minimize any impact on our broader policy goals toward Sudan. As we saw even today, and recalling our original recommendation, the potential for deadly conflict in Darfur continues regarding IDPs.

Regards,
Paul

Mark V. Zimmer

Senior Sudan Desk Officer
Office of the U.S. Special Envoy for Sudan & South Sudan
U.S. Department of State
Tel: [REDACTED]

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From: Nuebel Kovarik, Kathy [REDACTED]
Sent: Friday, September 22, 2017 12:56 PM
To: Sutphin, Paul R; Ashe, Christopher C; McCament, James W
Cc: Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F; Burnett, Andrew B; Trimiew, Rubani I; Zimmer, Mark V; Prelogar, Brandon B; Anderson, Kathryn E
Subject: RE: State requested changes to Sudan TPS -- bottom line -- RE: Questions on Sudan FRN Notice - State Has Corrections

Paul,

USCS has revised the FRN for Sudan to accommodate State's suggested edits. I'm pasting below but also attaching the redlined version of the FRN. We have internally cleared with DHS and are ready to resubmit this. Please let us know by COB if you have any questions. - Kathy

REVISED SECTION:

Why is the Secretary terminating the TPS designation for Sudan as of November 2, 2018?

DHS and the Department of State (DOS) have reviewed the conditions in Sudan. Based on this review and consultation, the Secretary has determined that conditions in Sudan have sufficiently improved for TPS purposes. Termination of the TPS designation of Sudan is required because it no longer meets the statutory conditions for designation. ~~There is no longer an ongoing armed conflict no longer that prevents the return of nationals of Sudan to all regions of Sudan without posing a serious threat to their personal safety.~~ Further, extraordinary and temporary conditions within Sudan no longer prevent nationals from returning in safety to all regions of Sudan. To provide for an orderly transition, this termination is effective November 2, 2018, twelve months following the end of the current designation.

Conflict in Sudan is limited to Darfur and the Two Areas (South Kordofan and Blue Nile states). As a result of the continuing armed conflict in these regions, hundreds of thousands of Sudanese have fled to neighboring countries. However, in Darfur, toward the end of 2016 and through the first half of 2017, parties to the conflict renewed a series of time-limited unilateral cessation of hostilities declarations, resulting in a reduction in violence and violent rhetoric from the parties to the conflict. ~~Any~~ The remaining conflict is limited and does not prevent the return of nationals of Sudan to all regions of Sudan without posing a serious threat to their personal safety.

Above-average harvests have moderately improved food security across much of Sudan. While populations in conflict-affected areas continue to experience acute levels of food insecurity, there has also been some improvement in access for humanitarian actors to provide much-needed humanitarian aid.

Although Sudan's human rights record remains extremely poor in general, conditions on the ground no longer prevent all Sudanese nationals from returning in safety.

Taking into account the geographically limited scope of the conflict, the renewed series of unilateral cessation of hostilities declarations and concomitant reduction in violence and violent rhetoric from the parties to the conflict, and improvements in access for humanitarian actors to provide aid, the Secretary has determined that the ongoing armed conflict and extraordinary and temporary conditions that served as the basis for Sudan's most recent designation have sufficiently improved such that they no longer prevent nationals of Sudan from returning in safety to all regions of Sudan. Based on this determination, the Secretary has concluded that termination of the TPS designation of Sudan is required because Sudan no longer meets the statutory conditions for designation. To provide for an orderly transition, this termination is effective November 2, 2018, twelve months following the end of the current designation. DHS estimates that there are approximately 1,040 nationals of Sudan (and aliens having no nationality who last habitually resided in Sudan) who currently receive TPS benefits.

Kathy Nuebel Kovarik

Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

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From: Sutphin, Paul R [REDACTED]
Sent: Wednesday, September 20, 2017 11:40 AM
To: Ashe, Christopher C; McCament, James W
Cc: Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F; Nuebel Kovarik, Kathy; Burnett, Andrew B; Trimiew, Rubani I; Zimmer, Mark V
Subject: State requested changes to Sudan TPS -- bottom line -- RE: Questions on Sudan FRN Notice - State Has Corrections
Importance: High

Director/Kathy/USCIS Colleagues:

Below, per discussion between Taryn F from our S/P shop and Kathy, are our bottom line requested changes.

- We are concerned that the FRN that DHS published on its website on 9/19 is **not consistent with the draft** that was agreed between State and DHS on 9/8.
- More importantly, as a result of the discrepancies between those two versions (and the omission of some of State's edits that we had understood USCIS/DHS had accepted), **the few -- but significant -- inaccuracies in the FRN on DHS' website risk sending an incorrect signal to Sudan about USG views on Sudan's internal conflicts, or possibly encouraging the Sudanese Government to take actions that could exacerbate the ongoing armed**

conflicts in Sudan.

- In particular, we believe it is likely that the **Sudanese Government could view the current language and inaccuracies in the FRN as a green light from the USG to force the return of internally displaced persons (persons who fled fighting but are in camps within Sudan, principally Darfur) to deadly conflict-affected areas.**
- If we publish the FRN as it currently stands, the Sudanese Government is more likely to try to use the justification for the termination of TPS as an excuse to push shutting down IDP camps and humanitarian operations benefitting internally displaced persons, and increase interference with humanitarian actors.
- The proposed changes in the language give us the ability to make a clear case to Sudan that our concerns about its unresolved internal conflict remain, and the continuing need to expand humanitarian access and protect of IDPs remain clear.

Recommended changes

1. **We recommend the deletion of the phrase (on page 7, para 2, 3rd sentence) “There is no longer an ongoing armed conflict that prevents the return of nationals to Sudan...”** And instead we ask that it be replaced with **“The ongoing conflict no longer prevents the return of nationals of Sudan to all regions of Sudan.”** Note: The addition of the phrase “to all regions” is important for consistency and accuracy. That qualification is needed to carve out an exception regarding those who still cannot return in safety to the conflict-affected areas (Darfur and the Two Areas). Otherwise the statement is not accurate and it risks harm to our foreign policy goals as noted above. In Sudan internally displaced persons and refugees can return in safety to certain regions, such as Kassala in the NE, but not to areas of Darfur in the SW where killings have spiked 300% since 2012.
2. **We recommend that the phrase “to all regions of Sudan” be inserted into three other parts of the document to ensure accuracy and prevent harm to our foreign policy goals.** That includes page 7, para 2, 4th sentence so that it reads **“..conditions within Sudan no longer prevent nationals from returning in safety to all regions of Sudan”** and into page 7 para 3, the last sentence, so that it reads **“The remaining conflict is limited and does not prevent the return of nationals of Sudan to all regions of Sudan ...”** Also, we recommend that the phrase be inserted into page 8, para3, sentence 1, so that it reads **“...they no longer prevent nationals of Sudan from returning in safety to all regions of Sudan.”** While the rest of the FRN does touch on the fact that there are limited conflicts in certain regions of Sudan, the document should be consistent throughout to ensure there is no room for Sudanese Government misinterpretation, intentional or unintentional, with possible negative impact on broader efforts/policy goals.

Paul Sutphin
Senior Adviser
Office of the Special Envoy for Sudan and South Sudan
Bureau of African Affairs
U. S. Department of State

Official - SBU
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From: Sutphin, Paul R
Sent: Tuesday, September 19, 2017 5:18 PM
To: Ashe, Christopher C; [REDACTED]
Cc: Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F; Nuebel Kovarik, Kathy
[REDACTED]; Burnett, Andrew B; Trimiew, Rubani I; Zimmer, Mark V
Subject: RE: Questions on Sudan FRN Notice - State Has Corrections

+ Kathy Nuebel Kovarik, others on S/USSESS team

Director/Colleagues:

Weighing in from the sidelines of UNGA, where we'll meet the Sudanese Foreign Minister on Thursday. Chris is very correct in that the proposed language we just saw from DHS mischaracterizes the ongoing conflicts in Sudan and has effect of downplaying the actual situation, which would definitely not be helpful (or in line with our policy) as we work through the decision going to the President in early October on sanctions lift and our follow up engagement with Sudan. The language we had worked out with the USCIS public affairs team worked, but understand that changes may have come from elsewhere in DHS.

We should if at all possible go back to the language that our teams worked out.

Thank you for your assistance,

Paul R Sutphin

Director

Office of the Special Envoy
For Sudan and South Sudan
U.S. Department of State
Tel: [REDACTED]

From: Ashe, Christopher C

Sent: Tuesday, September 19, 2017 5:00 PM

To: [REDACTED]

Cc: Sutphin, Paul R; Hefright, Brook E; Pollack, Margaret J; Frideres, Taryn F

Subject: Questions on Sudan FRN Notice - State Has Corrections

Good Afternoon Director McCament,

PRM was informed by your public affairs team that the final version of the Sudan TPS Federal Register Notice (FRN) will be published on Thursday. The Department has identified some significant mischaracterizations that are at odds with the Department's understanding of circumstances on the ground. We believe that lacking correction, the FRN could be out of step with the Administration's broader engagement on Sudan – much of which DHS is not engaged on and is likely unaware of the nuances that USCIS's changes in the language could have.

We would appreciate it if you could let us know who in USCIS or DHS we can work with to advocate for the Department's desired corrections.

Also, by way of trying to collectively fix a problem and not the blame – I just wanted to inform you that the Department was caught off guard yesterday by the sudden decision to make the TPS announcement. We literally were forced to dispatch our Foreign Affairs Officers by taxi to the Embassies with virtually no notice to inform the host governments of the imminent announcements. We had thought that we had obtained a commitment for sufficient notice to make such notifications – and we look forward to working with you and your team to develop a written, agreed upon process for State Department host-nation notifications prior to any future TPS announcements. That will allow us to work the diplomatic angle, and manage the diplomatic impact, of these announcements moving forward.

Thank you very much, and we appreciate your help,

Chris

Christopher C. Ashe
Director (Acting)
Office of International Migration
Bureau of Population, Refugees, and Migration
United States Department of State
Tel: [REDACTED]

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