



BURMA RESEARCH INSTITUTE

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Analysis of the DHS's Termination of TPS for Burma ***Why the Trump Administration Should Reinstate Temporary Protected Status for Burma*** ***(Myanmar) Nationals***

Temporary Protected Status Reversal Contradicts US Burma Policy

TPS for nationals of Burma was first designated in 2021 in the immediate aftermath of the coup as the military escalated violence against civilians and undertook mass arrests. In March 2024, the Department of Homeland Security (DHS) [extended and redesignated TPS for Burma for 18 months](#), explicitly acknowledging that ongoing armed conflict, widespread human-rights abuses, and humanitarian emergencies made return unsafe. On November 25, 2025, DHS announcement that it would terminate TPS for nationals of Burma, effective January 26, 2026.

This reversal marks a sharp and troubling shift that contradicts broader US policy on Burma. The decision stands in tension with the Trump administration's continuation of the national emergency, the State Department's highest-level travel warning, congressional findings, and the recommendations of USCIRF and other agencies.

- On February 4, 2025, President Trump formally [continued the national emergency](#) first declared after the February 1, 2021 coup, noting that the coup, the military's detention of political and religious leaders, and ongoing attacks on civilians continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States.
- In May, the [Treasury Department](#) expanded sanctions on junta-linked cronies and online scam syndicates operating from Burma and neighboring territories in recognition of the deterioration of the rule of law.
- In July, Congress [progressed three bipartisan bills](#) to support the pro-democracy movement in Burma and pursue accountability for on-going junta atrocities.
- On November 19, a [bipartisan congressional hearing](#) described Burma as a failing state and a hub for organized crime and cyber scams, with millions displaced and more than half the population living in poverty.

- On November 26, [SFRC leadership issued a bipartisan statement](#) calling “on Trump Administration to speak out against sham elections in Burma”.
- In early December, [HFAC advanced a new bill](#) to crack down on foreign scam centers and the transnational criminal enterprises that run them, many of which are operated by militias within the [junta’s military chain of command](#).
- On December 3, HFAC East Asia Subcommittee [Chairwoman Young Kim](#) (R-CA) said the US should oppose the Myanmar military which “terrorizes civilians, holds sham elections, and serves as a proxy for China and Russia”, echoing long-standing Republican support for freedom in Burma.
- In a [joint statement on December 8th](#), Congressman Bill Huizenga (R-MI) and Congresswoman Betty McCollum (D-MN) announced opposition to the TPS termination, saying, “The situation in Burma is not safe – our own State Department cited a deteriorating situation intensified by junta-led air strikes against civilians and civilian infrastructure in their latest Human Rights Report in August. Burma is in no condition to receive those who’ve fled the violence. The Trump Administration should reverse its decision ending Temporary Protective Status based on governance and stability for Burma and continue to deploy sanctions on the junta and its supporters.”

The termination of TPS also contradicts the findings of independent organizations. In late October, USCIRF issued a public statement [urging the United States to extend TPS](#) for Burma, describing it as a lifeline for persecuted people of faith who cannot safely return home.

Members of Congress from both parties, Burmese-Americans, and religious freedom organizations have consistently supported TPS for Burma as a modest, targeted protection that aligns U.S. immigration policy with its strategic priorities and human rights commitments, including the protection of Christian minorities.

Who is Affected?

Roughly [four thousand nationals of Burma](#) currently benefit from TPS. They are students, health-care workers, small-business owners, and church leaders. A significant portion of TPS holders are people of deep religious conviction and public engagement, including Christian pastors who minister to American congregations and would face [egregious religious persecution](#) if forced to return to Burma. [The State Department rightly acknowledged](#) in its letter to BRI on March 27, 2025 that, “Burma’s military regime committed atrocities against members of ethnic and religious minority groups across Burma for decades, and impunity has fueled more violations in the aftermath of the 2021 coup. Others are civil-society activists, journalists, and human-rights defenders who have spoken publicly against the junta’s crimes, supported the National Unity Government, or documented atrocities.

If TPS is allowed to expire on January 26, 2026, those who are compelled to return to Burma will face an immediate threat to their lives. The State Department currently maintains a [“Do Not Travel” advisory](#) for Burma, citing civil unrest, armed conflict, and the risk of arbitrary detention. Of course, nationals from Burma who have spoken out against the junta, participated in diaspora advocacy, or are simply known to be from communities associated with the resistance would face an even greater risk if they were forced to return. They could be interrogated, monitored, detained, forcibly conscripted, disappeared or killed.

In early 2024, the junta began enforcing a military conscription law under which men and women of fighting age have been rounded up and forced into military service. Numerous [credible reports](#) indicate that individuals from Burma who were deported from Thailand have been forcibly conscripted into the Myanmar military. Students and young professionals forced to return to Burma would be arriving at a time when the junta is desperately seeking to replenish its ranks. Deportation under these conditions could amount to delivering TPS holders into the hands of the very forces they fled.

DHS’s Faulty Rationale

DHS’s public explanation for terminating TPS for Burma rests on a set of assertions that do not [withstand scrutiny](#). The department points to the announced elections as evidence of political normalization, suggests that governance and security have improved after the lifting of the formal state of emergency, notes a ceasefire brokered with Chinese mediation, and invokes a supposed process of reconciliation. Each of these claims contradicts the assessments of U.S. officials, Congress, UN bodies, and independent human-rights organizations.

(1) *The elections will be neither free nor fair.* The junta has outlawed the National League for Democracy and many other opposition parties, detained or exiled leading politicians, and redrawn constituency boundaries to favor military-backed parties. The junta-approved parties competing in the polls have virtually no political support, having [won less than 7% of the seats](#) in the 2020 elections – a political constituency that has surely shrunk since it conducted a coup and committed widespread atrocities. Voting will only take place in areas the military partially controls, excluding large swathes of the country where ethnic resistance organizations and the National Unity Government hold sway.

In a [joint statement on December 8th](#), Congressman Bill Huizenga (R-MI) and Congresswoman Betty McCollum (D-MN) said, “The notion that there will be free and fair elections under the military junta in Burma is preposterous”. The [leadership of the HFAC Subcommittees on East Asia and South and Central Asia](#) issued a bipartisan statement saying, “To support a peaceful and democratic future for Burma, we urge the Administration to publicly condemn the junta’s upcoming sham elections and appoint a Special Representative and Policy Coordinator for Burma to lead U.S. efforts to address the crisis”. [Congresswoman Young Kim](#) (R-CA) and [US Ambassador to Thailand, Sean O’Neill](#) both

called the polls a “sham”. Virtually all international partners concur with this assessment, including ASEAN which agreed that the election “will not solve any problems, but instead [will worsen conditions](#)”.

(2) *There has been no meaningful improvement in governance or stability.* While the junta has formally allowed the nationwide state of emergency to lapse, it has simultaneously imposed martial law across dozens of townships, increased airstrikes, and enabled the expansion of drug production and scam operations. It is clear from the data that conditions have worsened in 2025.

- *Airstrikes:* 640 airstrikes in all of 2024 vs. [1,134 airstrikes just from January and May 2025](#).
- *Displacement:* 4.8M IDPs and refugees in 2024 vs. [5.15M IDPs and refugees](#) as of July 2025.
- *Narcotics:* [Opium poppy cultivation grew by 17%](#) in one year, from 45,200 ha in 2024 to 53,100 ha in 2025, the highest level in a decade. Burma remains the [world’s largest methamphetamine producer](#), with regional trafficking routes expanding rather than shrinking.
- *Scam Centers:* The [UN reported a major spike in cyberscams in 2025](#), noting a “global expansion of East and Southeast Asian organized crime groups”, many of which are headquartered in Burma. This expansion in 2025 motivated the [Treasury Department](#), the [US House](#) and the [US Senate](#) to take urgent action. Signaling further deterioration of the rule of law in Burma, scam centers have become more complex, bigger, more profitable and more global in 2025.
- *Financial Crimes:* Myanmar is ranked as the [highest-risk jurisdiction in the world for money laundering](#) and related financial crimes. The country’s risk scored increased since 2024.
- *Instability:* In 2024, IEP rated [Burma as the 148th most peaceful country in the world with a score of 2.943](#). In 2025, [Burma dropped to 153 with a worse score of 3.045](#), the lowest in Asia. The worsening conditions were reportedly driven by a “deterioration on the safety and security domain”. This could deteriorate further, [according to ACLED](#), as “Election-related violence is likely to escalate as the military pushes ahead despite widespread opposition from both civilians and resistance groups”.
- *Systematic violation of religious freedom:* [USCIRF’s 2025 report](#) found no improvement in religious freedom. On the contrary, it says, “Burma’s religious freedom conditions have deteriorated”. The report says that, in 2025, “The Burmese military blocked aid, destroyed religious sites, and killed clergy and civilians with airstrikes and arson. Attacks on churches, mosques, and monasteries persisted...At

least 128 religious leaders are still detained.” [Christian Solidarity Worldwide](#) also issued a report condemning the “Myanmar military junta's increasing and systematic attacks on the right to freedom of religion or belief”.

(3) *Chinese-brokered ceasefires have done little to quell violence* and are [designed principally to protect Chinese strategic interests](#). [According to the UN](#), conflict has intensified in 2025. It is unclear why DHS would praise Chinese-brokered ceasefires that primarily serve China’s interests, enabling it to tighten its stranglehold on Burma.

(4) *There is no genuine reconciliation under way*. Burma’s legitimate elected leaders, including State Counsellor Aung San Suu Kyi and President Win Myint, remain imprisoned on politically motivated charges. As of early December, [22,685 political prisoners](#) remain behind bars. The junta has banned most political parties, criminalized contact with the [widely-supported](#) National Unity Government and ethnic organizations, and continues to pursue a strategy that treats large segments of the population as enemies.

Reinstate TPS

In light of these realities, ending TPS for Burma is not a technical adjustment but a substantive policy mistake. In a letter dated June 16, 2025 Secretary Noem indicates that her decision on continuing or terminating TPS for Burma would be based on “consultation with other appropriate U.S. government agencies and in accordance with statutes [section 244 of Immigration & Nationalities Act]”. As outlined above, the policy reversal on November 25 appears to contradict statements and legislation by US government agencies. It contradicts the administration’s own decision to continue the national emergency, the State Department’s highest-level travel warning, and the clear messages coming from Congress, USCIRF, and leading human-rights organizations that Burma remains profoundly unsafe.

Reinstating TPS for Burma would correct this error. It would preserve protection for students, Christian leaders, journalists and human-rights defenders who would face persecution, detention, torture, forced conscription or death if returned. It would align US immigration policy with policy on religious freedom by ensuring that the United States does not deport vulnerable people into the hands of a regime it continues to sanction and condemn. And it would reinforce the bipartisan consensus that the United States should stand with the people of Burma in their struggle for a federal democratic union that protects religious freedom and human rights, rather than with the junta that oppresses them.

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The Burma Research Institute (BRI) is a 501(c)(3) nonprofit organization in the United States that conducts research and advocacy. BRI primarily focuses on freedom of religion or belief, human rights, and protection and assistance of refugees and internally displaced people in Burma. Formerly known as the Chin Association of Maryland, BRI also empowers the local Chin community in Maryland and across the United States to successfully integrate into American society. (www.burmari.org).