

Protecting families, stabilizing the region: Why Temporary Protected Status is needed for Haiti



Lisa Parisio, Jill Marie Bussey



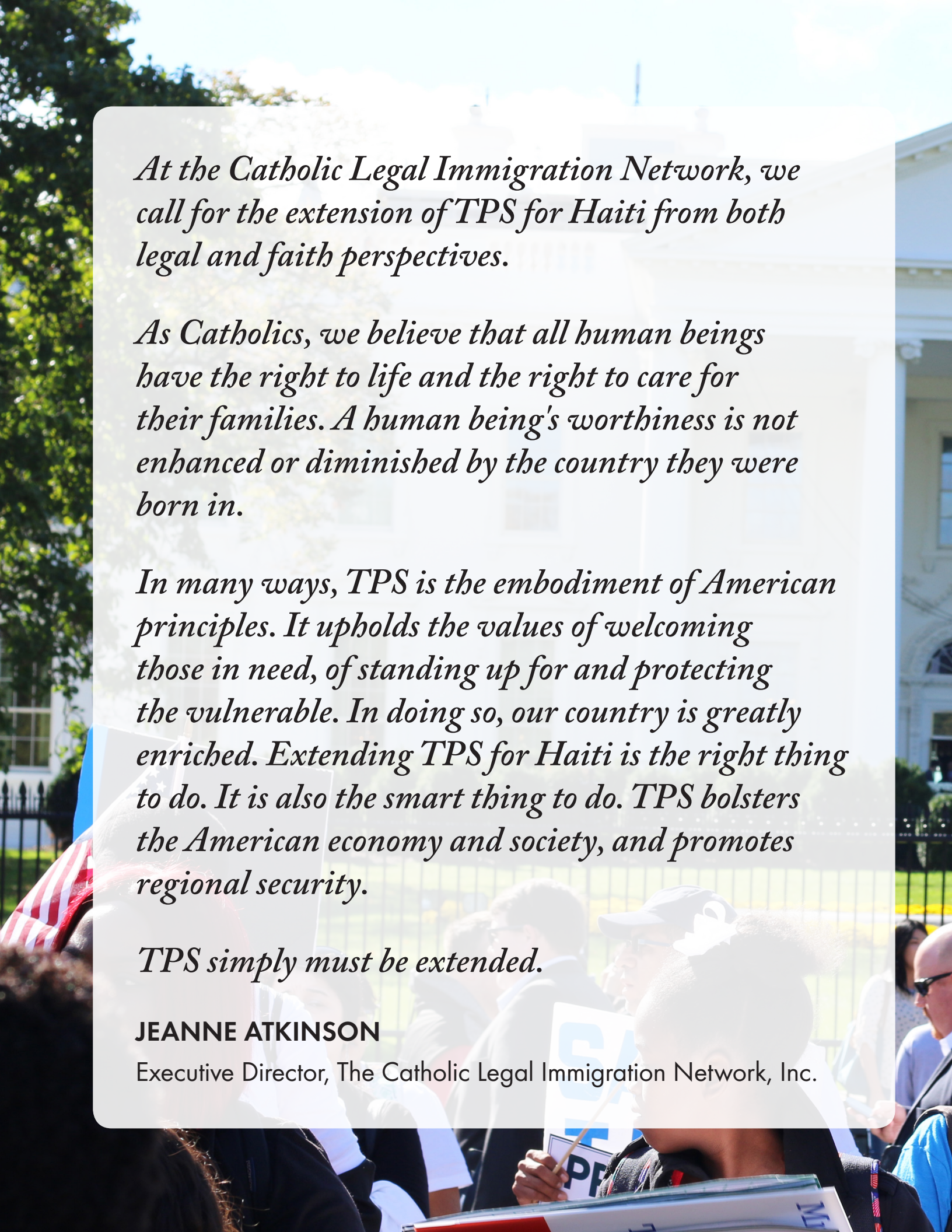
CATHOLIC LEGAL
IMMIGRATION
NETWORK, INC.

ACKNOWLEDGMENTS

Pope Francis reminds us that we are to treat those who are unable to return to their own country with special tenderness. We thank the many members of our network who, in addition to providing high-quality legal and social services to our immigrant brothers and sisters, also advocate for just and fair policies to protect human dignity and lives. We are deeply grateful to our Board of Directors and funders for their wisdom and support. Thanks to the U.S. Conference of Catholic Bishops for inviting CLINIC Executive Director Jeanne Atkinson to travel to Haiti to experience the country's rich culture and bear witness to country conditions. Finally, we wish to lift up the tireless efforts of TPS Advocacy Working Group member organizations and all advocates past and present who have sought protection for Haitians and all people displaced by disaster and war.

CONTENTS

EXECUTIVE SUMMARY	6
INTRODUCTION.....	9
TPS: An Overview of the Law	11
TPS for Haiti: Background and Context	13
Haiti in 2017: Conditions Warranting An 18-Month TPS Extension Remain	17
Food Crisis.....	17
Cholera Epidemic and Lack of Access to Clean Water	18
Loss of Housing and Infrastructure	18
Hurricanes Irma and Maria.....	20
It is in the U.S. National Interest to Extend TPS for Haiti Until it is Safe to Return	23
Economic Contributions to the U.S.	23
Family and Community Ties.....	24
Regional Security	24
<i>Samuel's Question:</i> What will I tell my son?	26
CONCLUSION	29



At the Catholic Legal Immigration Network, we call for the extension of TPS for Haiti from both legal and faith perspectives.

As Catholics, we believe that all human beings have the right to life and the right to care for their families. A human being's worthiness is not enhanced or diminished by the country they were born in.

In many ways, TPS is the embodiment of American principles. It upholds the values of welcoming those in need, of standing up for and protecting the vulnerable. In doing so, our country is greatly enriched. Extending TPS for Haiti is the right thing to do. It is also the smart thing to do. TPS bolsters the American economy and society, and promotes regional security.

TPS simply must be extended.

JEANNE ATKINSON

Executive Director, The Catholic Legal Immigration Network, Inc.



Moses
Mary

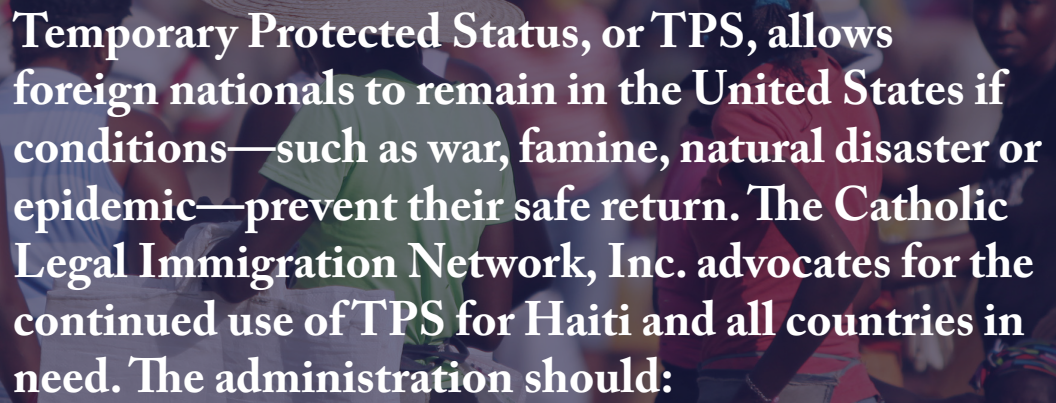
EXECUTIVE SUMMARY

This report documents the critical need for the United States to continue to extend Temporary Protected Status, or TPS, for Haiti until the country sufficiently recovers from a series of deadly natural disasters and is able to safely reabsorb TPS holders. Without TPS, the progress Haiti has made in recovery will be, at the least, seriously compromised.

In addition to explaining why extending TPS for Haiti protects human life and American families and promotes regional security, the report outlines specific recommendations for the administration. These recommendations provide the best path forward for both Haiti and the U.S. They include a call for the administration to honor the Haitian government's request for an 18-month extension and to consult with key experts in both the U.S. and Haiti to determine the most up-to-date country conditions.

Unequivocally, CLINIC urges the administration to protect the lives of our Haitian brothers and sisters.

RECOMMENDATIONS FOR THE ADMINISTRATION REGARDING TEMPORARY PROTECTED STATUS FOR HAITI



Temporary Protected Status, or TPS, allows foreign nationals to remain in the United States if conditions—such as war, famine, natural disaster or epidemic—prevent their safe return. The Catholic Legal Immigration Network, Inc. advocates for the continued use of TPS for Haiti and all countries in need. The administration should:

1

Continue to extend TPS for Haiti in 18-month increments as long as extraordinary and temporary conditions continue to exist that prevent Haitian TPS holders from safely returning to the country.

2

Honor the Haitian government's request to extend the current TPS designation for Haiti for 18 months, consider re-designation and accept the Haitian government's invitation to visit the country and survey conditions prior to making the determination.

3

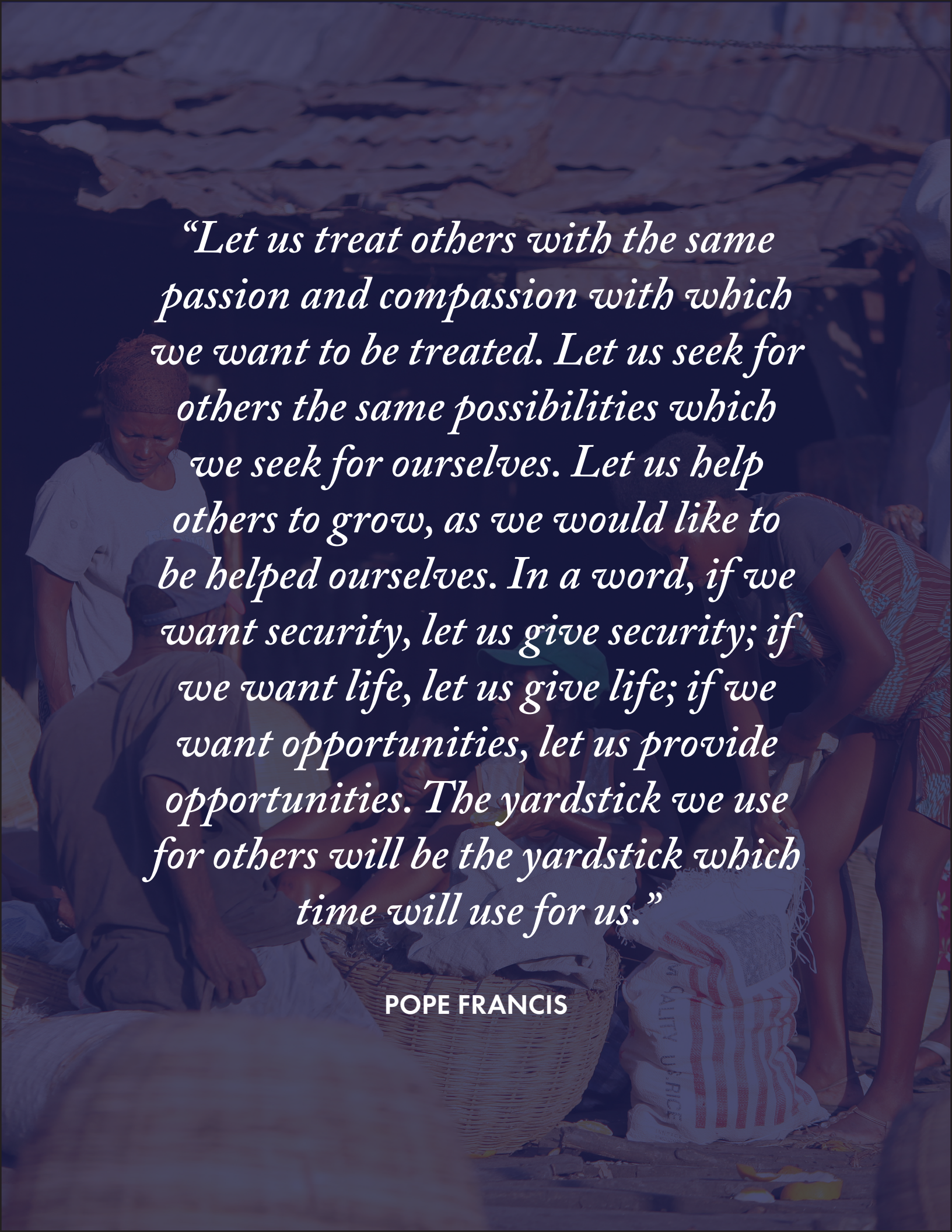
Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of notices and extending TPS when conditions continue to warrant it.

4

Engage and consult with experts in civil society in the U.S. and in Haiti to better understand the conditions in Haiti, including a review of the consequences of Hurricanes Irma and Maria, which struck in September 2017.

5

Encourage Congress to create a permanent solution for Haitian and other TPS holders who have been in the U.S. for many years because their countries have remained unsafe.



“Let us treat others with the same passion and compassion with which we want to be treated. Let us seek for others the same possibilities which we seek for ourselves. Let us help others to grow, as we would like to be helped ourselves. In a word, if we want security, let us give security; if we want life, let us give life; if we want opportunities, let us provide opportunities. The yardstick we use for others will be the yardstick which time will use for us.”

POPE FRANCIS

INTRODUCTION

Temporary Protected Status, or TPS, is a life-saving humanitarian immigration program grounded in the international concept of *nonrefoulement*, meaning that a country will not return a person to the hands of their persecutor or to conditions that threaten life or freedom. As a signatory of the United Nations Protocol Relating to the Status of Refugees, the U.S. has committed to honoring this principle and Congress has codified it through the laws regarding TPS, asylum and refugees.¹

More than 50,000 Haitians have been safeguarded in the United States through TPS since 2010, when a 7.0 magnitude earthquake struck Haiti, immediately affecting a third of the country's entire population. The earthquake and its aftershocks were followed by a cholera epidemic, inadvertently introduced by United Nations peacekeepers, which has killed nearly 10,000 people.

In 2016, Category 4 Hurricane Matthew made landfall, leaving a new path of destruction and catastrophic flooding. In 2017, crops and livestock already gravely affected by the ongoing El Niño drought were further devastated by Hurricanes Irma and Maria.

In May 2017, then-Homeland Security Secretary John Kelly announced that Haitian TPS holders should prepare to go home as early as January 2018, creating a new migration crisis. Following the announcement, 8,000 Haitians fled from the U.S. to Canada to seek asylum.² Many of them expressed fear of being deported to life-threatening conditions and losing the ability to send life-sustaining funds home to family and friends in Haiti.

Today, and for the foreseeable future, the country remains unable to safely reabsorb tens of thousands of TPS holders and their families, many of whom are U.S. citizens.

¹ Carla Argueta, *Temporary Protected Status: Current Immigration Policies and Issues*, CONGRESSIONAL RESEARCH SERVICE (Jan. 17, 2017), fas.org/sgp/crs/homsec/RS20844.pdf

² Brian MacQuarrie, *Fearing Deportation, Haitians living in US seek refuge in Canada*, THE BOSTON GLOBE (Sept. 2, 2017), www.bostonglobe.com/metro/2017/09/02/fearing-deportation-haitians-living-seek-refuge-canada/DJbIoZNjgeryFU74ZxZsYL/story.html

Although some measurable improvement has been made to recover from the 2010 earthquake, the numerous deadly disasters that have followed have impeded progress and forced the Haitian government to redirect limited resources numerous times. Today, and for the foreseeable future, the country remains unable to safely reabsorb tens of thousands of TPS holders and their families, many of whom are U.S. citizens.

Prematurely terminating TPS before Haiti can achieve stability would ignore the long-standing principles and American values that compelled Congress to ensure the United States remains a safe haven for all who cannot safely return home to their countries. It also contradicts faith teachings and U.S. moral values. CLINIC's mission, which embraces the Gospel value of welcoming the stranger in order to protect the rights of immigrants, compels us to advocate for an 18-month TPS extension for Haiti. This will avoid dire consequences for Haitian and U.S. citizens, including needlessly tearing apart families and undermining security of the region and at the U.S. border.

Catholic social teaching on migration instructs us that people have a right to cross borders to save their lives and the lives of their families.³ As U.S. government leaders consider TPS for Haiti, we pray that they will remember that all human life has value and all people deserve the chance to live, regardless of the country or circumstances into which they were born.

Our recommendations for the administration on Temporary Protected Status for Haiti include:

1. Continue to extend TPS for Haiti in 18-month increments as long as extraordinary and temporary conditions continue to exist that prevent Haitian TPS holders from safely returning to the country.
2. Honor the Haitian government's request to extend the current TPS designation for Haiti for 18 months, consider re-designation and accept the Haitian government's invitation to visit the country and survey conditions prior to making the determination.⁴
3. Follow the process for making TPS extension determinations according to the law, which requires consultation with appropriate government agencies such as the State Department, timely publication of notices and extending TPS when conditions continue to warrant it.
4. Engage and consult with experts in civil society in the U.S. and in Haiti to better understand the conditions in Haiti, including a review of the consequences of Hurricanes Irma and Maria, which struck in September 2017.
5. Encourage Congress to create a permanent solution for Haitian and other TPS holders who have been in the U.S. for many years because their countries have remained unsafe.

³ *Catholic Social Teaching on immigration and the movement of peoples*, U.S. CONFERENCE OF CATHOLIC BISHOPS, www.usccb.org/issues-and-action/human-life-and-dignity/immigration/catholic-teaching-on-immigration-and-the-movement-of-peoples.cfm

⁴ Jacqueline Charles, *Haiti requests 18-month TPS extension from Trump administration*, THE MIAMI HERALD (Oct. 9, 2017), www.miamiherald.com/news/nation-world/world/americas/article177922561.html



Men look for survivors in a collapsed building after the 2010 earthquake.

TPS: AN OVERVIEW OF THE LAW

Congress established TPS through the Immigration Act of 1990 to protect foreign nationals in the U.S. from being returned to their home country if it became unsafe during the time they were in the United States.⁵ Under the law, the secretary of the Department of Homeland Security, or DHS, may designate a country for TPS in three scenarios:⁶

- A. Ongoing armed conflict (such as a civil war) that would pose serious threat to the personal safety of nationals;⁷
- B. An environmental disaster (such as earthquake or hurricane), or an epidemic that renders the foreign state temporarily unable to adequately handle the return of nationals and the foreign government has requested TPS for its nationals;⁸ or
- C. Other extraordinary and temporary conditions that 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.⁹

⁵ INA §244

⁶ INA §244 (b)

⁷ INA §244 (b)(1)(A)

⁸ INA §244 (b)(1)(B)

⁹ INA §244 (b)(1)(C)



Haiti was first designated for TPS in 2010 following a devastating 7.0 magnitude earthquake.

TPS may be designated or extended in six, 12 or 18-month increments.¹⁰ At least 60 days before the end of a designation period, the secretary of Homeland Security must review country conditions in consultation with appropriate agencies of the government, for example the State Department, and determine whether conditions warrant extension.¹¹ The decision must be published on a timely basis in the Federal Register.¹² Under the law, TPS may be extended as many times as necessary, so long as the dangerous country conditions exist.¹³ TPS can also be re-designated for a country if necessary.¹⁴

Nationals of a TPS-designated country and people without nationality who last resided in a TPS-designated country and who were physically present in the United States when the designation was made and meet certain requirements may be eligible for TPS.¹⁵ If granted, applicants are temporarily protected from deportation and receive work authorization to support themselves while they remain in the U.S.¹⁶ In certain, limited circumstances, TPS holders may apply for authorization to travel abroad.¹⁷ TPS does not provide a path to lawful permanent resident status or citizenship.¹⁸

¹⁰ INA §244 (b)(2)(B)

¹¹ INA §244 (b)(3)(A)

¹² *Id.*

¹³ *See generally* INA §244

¹⁴ *Id.*

¹⁵ INA §244 (a)(1)

¹⁶ INA §244 (a)(1)(A); INA §244 (a)(B)

¹⁷ INA §244 (c)(4)(B)

¹⁸ *See generally* INA §244

TPS FOR HAITI: BACKGROUND AND CONTEXT

Haiti's TPS designation is under the section of the Immigration and Nationality Act that permits designation due to extraordinary and temporary conditions within the country that prevent nationals from returning to the country in safety, unless the secretary finds that permitting the aliens to remain temporarily in the U.S. is contrary to the national interest.¹⁹ The secretary is to use this standard when considering whether to extend TPS for Haiti.²⁰ The secretary should also review conditions in Haiti to determine whether re-designation is warranted.

Haiti was first designated for TPS in 2010 following a devastating 7.0 magnitude earthquake.²¹ The earthquake's epicenter was a mere 10.5 miles from the country's capital city, Port-au-Prince, where three million people—one third of Haiti's entire population—lived.²² It was the most violent earthquake to strike the country in 200 years.²³ Hundreds of thousands of people were killed; the Haitian government reported the death toll ranging from 230,000 to 316,000.²⁴ In addition to the staggering loss of life, 1.5 million people were left homeless.²⁵ With such widespread destruction, people were forced into huge tent cities.²⁶

By designating TPS for Haiti in 2010, DHS helped to preserve the lives of Haitians who were in the United States at the time of the earthquake.²⁷ The following year, DHS re-designated and extended TPS, allowing Haitians who arrived in the U.S. in the year following the earthquake to apply for TPS and avail themselves of work authorization and temporary protection from deportation.²⁸

The 2010 earthquake was first in a series of catastrophic events that have crippled Haiti over the past decade. In 2010, United Nations peacekeepers inadvertently introduced cholera, which quickly became an epidemic as result of the lack of access to clean water, health care and sanitation, greatly exacerbated by the earthquake.²⁹ At least 800,000 people have been sickened by water-borne cholera, and approximately 10,000 people have died.³⁰

An El Niño drought began to plague Haiti in the early 2010s, resulting in the widespread loss of crops

19 See 75 Fed. Reg. 3476 (Jan. 21, 2010); see also INA §244(b)(1)(C)

20 INA §244 (b)(3)(A)

21 75 Fed. Reg. 3476 (Jan. 21, 2010)

22 *Id.*

23 Ker Than, *Haiti Earthquake 'Strange,' Strongest in 200 Years*, NATIONAL GEOGRAPHIC NEWS (Jan. 14, 2010), news.nationalgeographic.com/news/2010/01/100113-haiti-earthquake-red-cross

24 82 Fed. Reg. 23830 (May 24, 2017)

25 76 Fed. Reg. 29000 (May 19, 2011)

26 *Id.*

27 75 Fed. Reg. 3476 (Jan. 21, 2010)

28 76 Fed. Reg. 29000 (May 19, 2011)

29 Camila Domonoske, *U.N. Admits Role In Haiti Cholera Outbreak That Has Killed Thousands*, NPR NEWS (Aug. 18, 2016), www.npr.org/sections/thetwo-way/2016/08/18/490468640/u-n-admits-role-in-haiti-cholera-outbreak-that-has-killed-thousands

30 82 Fed. Reg. 23830 (May 24, 2017)

and livestock and a massive food emergency across the country.³¹ The drought reached a new level of crisis in 2015 and 2016, when 70 percent of Haiti's crops were lost.³²

In October 2016, Haiti received a direct hit from Category 4 Hurricane Matthew.³³ It was the strongest hurricane to hit Haiti in more than half a century, bringing 145 mph winds.³⁴ According to the Haitian government, the hurricane killed 546 people and left 175,000 homeless.³⁵ The hurricane resulted in an estimated \$2.7 billion worth of damage to Haiti, 32 percent of the country's gross domestic product.³⁶ In addition to the loss of life and destruction of infrastructure in Haiti, the hurricane destroyed huge swaths of crops and livestock and spread cholera, impacting the entire country.³⁷

These compounding disasters have left the U.S.' neighbor in an unprecedented and on-going state of humanitarian crisis, a crisis that *can* be addressed over time through comprehensive foreign and domestic policy. Such policy includes using TPS, a tool that has been established by Congress under U.S. law to protect people from harm and prevent countries and regions from further destabilization following catastrophe.

The TPS extension determination for Haiti in May 2017 marked a sharp turn from the longstanding American values embodied in the law and procedure that requires DHS to extend TPS based upon facts and country conditions—not politics and prejudice.

The TPS extension determination for Haiti in May 2017 marked a sharp turn from the longstanding American values embodied in the law and procedure that requires DHS to extend TPS based upon facts and country conditions—not politics and prejudice. In December 2016 the U.S. Citizenship and Immigration Services, or USCIS, and then-Secretary of State John Kerry recommended an extension of TPS for Haiti based on country conditions that prevent Haitian TPS holders' safe return home.³⁸ Just a few months later and in a strange turn of events, it was reported that USCIS was taking an opposite position on country conditions *without receiving updated recommendations from the State Department.*³⁹

³¹ *El Niño drought blamed as severe food insecurity doubles in Haiti in 6 months*, WORLD FOOD PROGRAMME NEWS (Feb. 9, 2016), www.wfp.org/news/news-release/el-nino-drought-blamed-severe-food-insecurity-doubles-6-months-haiti

³² *Caribbean Drought, 2015 - 2017*, RELIEFWEB, <https://reliefweb.int/disaster/dr-2015-000091-hti>

³³ 82 Fed. Reg. 23830 (May 24, 2017)

³⁴ Jeff Masters, *Matthew Hits Haiti, Their Strongest Hurricane in 52 Years*, WEATHER UNDERGROUND (Oct. 4, 2016), www.wunderground.com/blog/JeffMasters/matthew-hits-haiti-their-strongest-hurricane-in-52-years.html

³⁵ *Id.*

³⁶ *UN calls for support to recovery plan as Haiti loses \$2.7 billion in Hurricane Matthew*, UN NEWS CENTRE (March 6, 2017), www.un.org/apps/news/story.asp?NewsID=56294#.WdUuoiMrJQJ

³⁷ 82 Fed. Reg. 23830 (May 24, 2017)

³⁸ Alan Gomez, *Trump immigration agency wants to kick 50,000 Haitians out of the USA*, USA TODAY (April 22, 2017), www.usatoday.com/story/news/world/2017/04/20/trump-agency-temporary-protection-haitians-united-states/100709428/

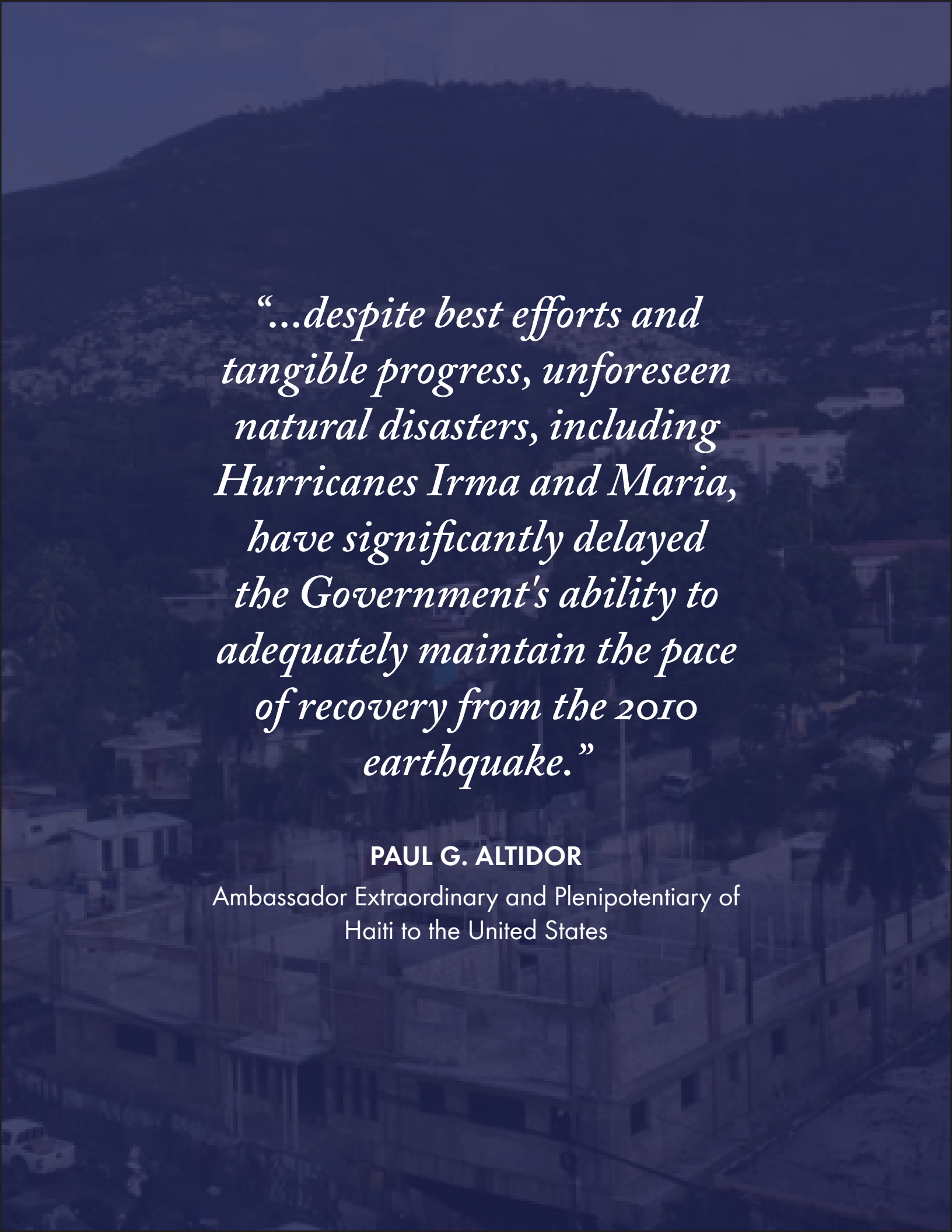
³⁹ *Id.*

Additionally, reports released in May 2017 showed that there were attempts by officials at DHS and USCIS to malign Haitian TPS holders by ordering investigations of supposed criminal acts and public benefits fraud.⁴⁰ Such incidents failed to materialize.⁴¹

Ultimately, DHS issued a six-month extension of TPS for Haiti in May 2017, with stern warnings that further extensions may not be granted, and advising Haitian TPS holders to prepare to return to Haiti. This, combined with inadequate public education and outreach by USCIS, caused tremendous anxiety and fear in the Haitian community setting in motion a migration crisis at the U.S.-Canada border. The next decision on the status of TPS for Haiti is expected on Nov. 23, 2017. At the time of this writing, it is unclear whether the administration will continue on the course set by then-Secretary Kelly or will return to following the procedure set forth in the law. What is clear is that TPS has protected human life and prevented Haiti's weakened economy and infrastructure from having to support an additional 50,000 people, who in turn have been able to send life-saving money, or remittances, home to family and friends in Haiti. It is our hope that the administration will consider these facts when making this next determination.

⁴⁰ Alicia A. Caldwell, *AP Exclusive: US digs for evidence of Haiti immigrant crimes*, ASSOCIATED PRESS (May 9, 2017), apnews.com/740ed5b40ce84bb398c82c48884be616

⁴¹ *Id.*



“...despite best efforts and tangible progress, unforeseen natural disasters, including Hurricanes Irma and Maria, have significantly delayed the Government's ability to adequately maintain the pace of recovery from the 2010 earthquake.”

PAUL G. ALTIDOR

Ambassador Extraordinary and Plenipotentiary of
Haiti to the United States

HAITI IN 2017: CONDITIONS CONTINUE TO WARRANT AN 18-MONTH TPS EXTENSION

The Haitian government is working to rebuild from the earthquake. In many respects has made considerable progress. Nevertheless, extraordinary and temporary conditions continue, preventing the safe return of Haitian TPS holders from the United States in the near future. The administration should acknowledge that Haiti's progress in recovering from the earthquake has been impeded by subsequent natural disasters and it should continue to extend TPS for Haiti in 18-month increments until the country is stable and safe.

FOOD CRISIS

According to the Food Security Information Network's March 2017 report, there are at least 1.5 million food insecure people in Haiti.⁴² There are 806,600 people in need of urgent assistance.⁴³ Food security has steadily worsened since 2013 because of the El Niño-triggered drought, flooding, landslides and Hurricane Matthew in 2016.⁴⁴ In addition to these emergency situations, the World Food Programme reports that 50 percent of Haitians are undernourished.⁴⁵ In the areas where Hurricane Matthew hit hardest, crops and livestock⁴⁶ were almost completely wiped out, diminishing the food supply for two million people.⁴⁷ The U.S. Agency for International Development predicts that Haiti will be unable to achieve national stability until the food crisis is properly addressed.⁴⁸

⁴² *Global Report on Food Crises 2017*, FOOD SECURITY INFORMATION NETWORK (March 2017), www.fao.org/3/a-br323e.pdf

⁴³ *Id.*

⁴⁴ *Id.*

⁴⁵ *Haiti*, WORLD FOOD PROGRAMME, www1.wfp.org/countries/haiti

⁴⁶ *UN admits involvement in bringing cholera epidemic to Haiti*, NEWSWEEK (March 19, 2017), www.newsweek.com/un-admits-bringing-cholera-haiti-epidemic-earthquake-legal-challenge-491756

⁴⁷ *Haiti*, WORLD FOOD PROGRAMME, www1.wfp.org/countries/haiti

⁴⁸ *Agriculture and Food Security*, USAID (August 1, 2017), www.usaid.gov/haiti/agriculture-and-food-security

CHOLERA EPIDEMIC AND LACK OF ACCESS TO CLEAN WATER

In 2010, U.N. workers in Haiti inadvertently introduced a devastating cholera epidemic.⁴⁹ Cholera had not been documented in Haiti for 100 years.⁵⁰ The disease is capable of killing in a matter of hours, causing severe dehydration, blood sugar shock and organ failure.⁵¹ Since the outbreak began, more than 800,000 people have been sickened and nearly 10,000 killed.⁵² Some estimates show the totals may be much higher.⁵³

Although significant progress has been made in ridding the country of cholera, the threat still remains, with over 10,500 new cases documented in 2017 as of September 23.⁵⁴ Factors preventing further progress include loss of infrastructure due to natural disasters, resulting in lack of access to clean water and lack of access to health care.⁵⁵ The southern areas of Haiti, which were most heavily affected by Hurricane Matthew, have seen 50 percent increases in cholera rates since October 2016.⁵⁶ Additionally, the response remains underfunded, with only \$4.8 million of the \$34.7 million in funds requested from the United Nations provided by June 2017.⁵⁷

An August 2017 report from the World Bank on access to water and health care said access to clean water in Haiti continues to decline.⁵⁸ Only 7 percent of households have on-premises access to improved water, which are sources that are protected from outside contamination.⁵⁹

LOSS OF HOUSING AND INFRASTRUCTURE

The 2010 earthquake resulted in \$7.8 billion in damage to Haiti.⁶⁰ More than 1.5 million people were

49 *UN admits involvement in bringing cholera epidemic to Haiti*, NEWSWEEK (March 19, 2017), www.newsweek.com/un-admits-bringing-cholera-haiti-epidemic-earthquake-legal-challenge-491756

50 Rory Carroll, *Haiti's first cholera epidemic in a century kills scores*, THE GUARDIAN (Oct. 22, 2010) www.theguardian.com/world/2010/oct/22/haiti-cholera-epidemic

51 *Cholera symptoms and causes*, MAYO CLINIC, www.mayoclinic.org/diseases-conditions/cholera/symptoms-causes/dxc-20311185

52 *Haiti cholera figures (as of June 2017)*, UNITED NATIONS OFFICE OF COORDINATION OF HUMANITARIAN AFFAIRS (June 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_cholera_figures_june_2017_en.pdf

53 Rick Gladstone, *Cholera Deaths in Haiti Could Far Exceed Official Count*, THE NEW YORK TIMES (March 18, 2016), www.nytimes.com/2016/03/19/world/americas/cholera-deaths-in-haiti-could-far-exceed-official-count.html?_r=0

54 *Haiti: Humanitarian Situation Report - October 2017*, U.N. CHILDREN'S FUND (Oct. 12, 2017), reliefweb.int/report/haiti/haiti-humanitarian-situation-report-october-2017

55 *Id.*

56 *Haiti Hurricane Matthew 2016*, WORLD HEALTH ORGANIZATION, www.who.int/emergencies/haiti/en/

57 *Haiti cholera figures (as of June 2017)*, UNITED NATIONS OFFICE OF COORDINATION OF HUMANITARIAN AFFAIRS (June 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_cholera_figures_june_2017_en.pdf

58 *Millions Around the World Held Back by Poor Sanitation and Lack of Access to Clean Water*, THE WORLD BANK (Aug. 28, 2017), www.worldbank.org/en/news/press-release/2017/08/28/millions-around-the-world-held-back-by-poor-sanitation-and-lack-of-access-to-clean-water

59 *Id.*

60 *Haiti Earthquake 2010: Economic Impact of the Earthquake*, UNIVERSITY OF NORTH CAROLINA AND CHAPEL HILL, haitiearthquake.web.unc.edu/economic-impact-of-the-earthquake/



United Nations representatives distribute food to Haitians after the 2010 earthquake.

instantly left homeless.⁶¹ Nine hundred and sixty-four schools were greatly damaged.⁶² Twenty-eight of 29 government ministry buildings were destroyed, as were the headquarters of the Haitian national police, courts, and correctional facilities.⁶³ Nearly 38,000 people are still displaced and living in 27 camps—seven years after the earthquake.⁶⁴ The camps are notorious for lack of access to safe drinking water and sanitation, although these problems exist beyond the camps as well.⁶⁵

Although the number of people living in camps has decreased since the earthquake, the data can be deceiving and do not accurately reflect conditions in Haiti. For example, the Haitian government has at times declared that a camp is a settlement or town, which, on paper, effectively “closes a camp.”⁶⁶ Many Haitians who were living in camps on private land have been evicted. Many on public lands were given small subsidies to abandon their tents.⁶⁷ There is no conclusive information as to whether declaring camps to be “towns” or evicting people from camps has, in fact, led to more stability and less homelessness.⁶⁸

61 82 Fed. Reg. 23830 (May 24, 2017)

62 *Id.*

63 *Id.*

64 *Haiti: Humanitarian Snapshot*, RELIEFWEB (Aug. 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_humanitarian_snapshot_august2017-en_o.pdf

65 *Id.*

66 Marc Cohen, *Five places Secretary Kelly should have seen on his trip to Haiti*, OXFAM: THE POLITICS OF POVERTY (JUNE 1, 2017), politicsofpoverty.oxfamamerica.org/2017/06/five-places-secretary-kelly-should-have-seen-on-his-trip-to-haiti/

67 *Id.*

68 *Id.*

HURRICANES IRMA AND MARIA

Category 5 Hurricane Irma struck Haiti on Sept. 7, 2017. The storm severely damaged 2,646 houses, destroyed 466 more and flooded 4,903 residences.⁶⁹ Just two weeks later, Hurricane Maria hit Haiti as a Category 3 hurricane, adding more flooding and destruction. In total, thousands were displaced with 7,000 houses flooded or destroyed, 5 people were killed, and nearly 20 injured.⁷⁰ There was also extensive damage to already stressed livestock and crops.⁷¹ The long-term effects of these hurricanes will worsen the already severe food crisis⁷²

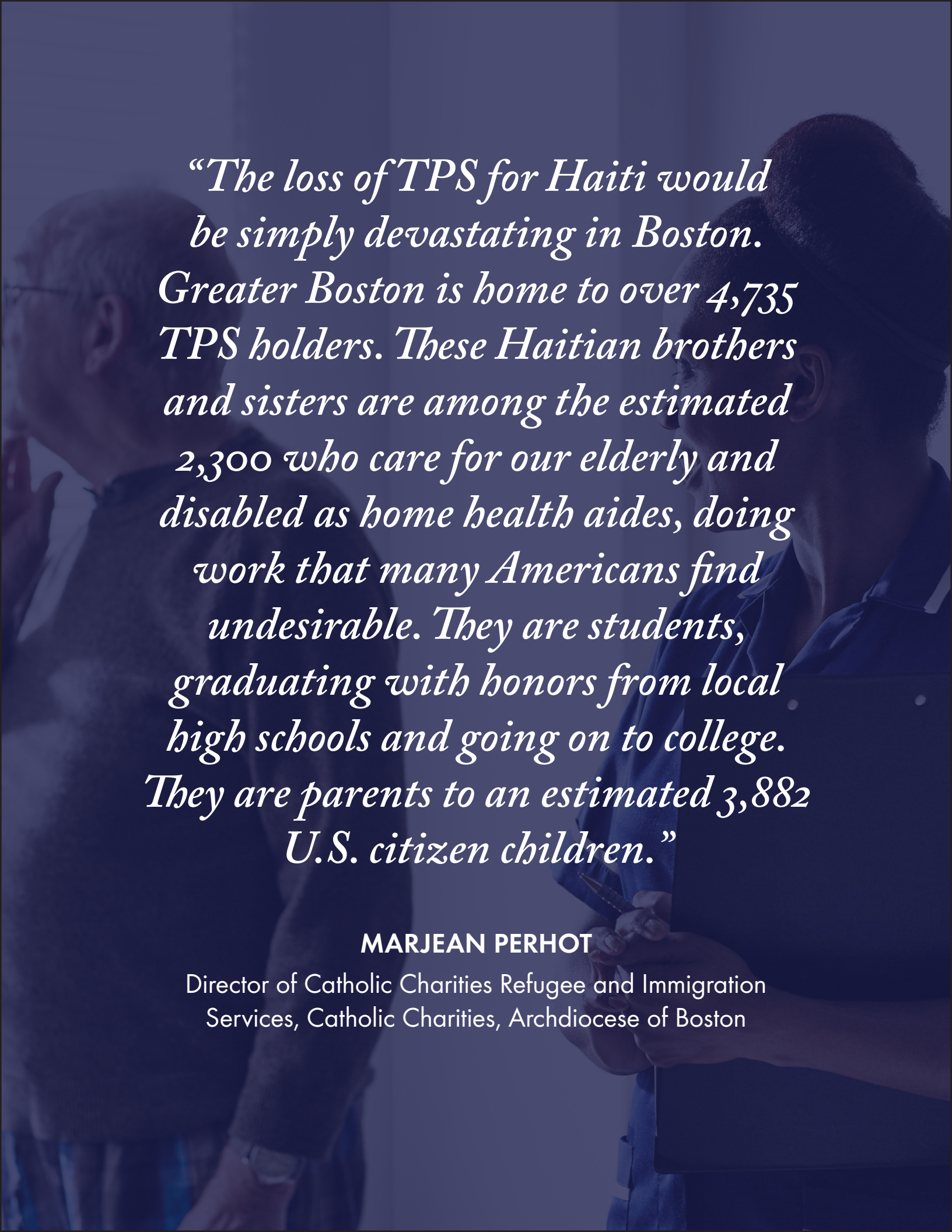
69 *Haiti Hurricane Irma Humanitarian Snapshot*, RELIEFWEB (Sept. 11, 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_irma_snapshot_20170911_en.pdf

70 *Haiti: Humanitarian Situation Report - October 2017*, U.N. CHILDREN'S FUND (Oct. 12, 2017), reliefweb.int/report/haiti/haiti-humanitarian-situation-report-october-2017

71 *After the Hurricane – an overview of the damage Irma and Maria left behind*, RELIEFWEB (Sept. 22, 2017), reliefweb.int/report/antigua-and-barbuda/after-hurricane-overview-damage-irma-and-maria-left-behind

72 *Haiti Hurricane Irma Humanitarian Snapshot*, RELIEFWEB (Sept. 11, 2017), reliefweb.int/sites/reliefweb.int/files/resources/hti_irma_snapshot_20170911_en.pdf





“The loss of TPS for Haiti would be simply devastating in Boston. Greater Boston is home to over 4,735 TPS holders. These Haitian brothers and sisters are among the estimated 2,300 who care for our elderly and disabled as home health aides, doing work that many Americans find undesirable. They are students, graduating with honors from local high schools and going on to college. They are parents to an estimated 3,882 U.S. citizen children.”

MARJEAN PERHOT

Director of Catholic Charities Refugee and Immigration Services, Catholic Charities, Archdiocese of Boston

IT IS IN THE U.S. NATIONAL INTEREST TO EXTEND TPS FOR HAITI UNTIL IT IS SAFE TO RETURN

The law allowing a TPS designation for temporary and extraordinary circumstances—as Haiti is designated—permits the TPS designation so long as allowing nationals to remain is “not contrary” to the U.S. national interest.⁷³ The presence of 50,000 Haitian TPS holders in the U.S. is not contrary to the national interest. TPS holders make significant contributions to the U.S. economy, culture and society. Terminating TPS prematurely would needlessly remove essential workers and rip apart families.

ECONOMIC CONTRIBUTIONS TO THE U.S.

Eighty-one percent of Haitian TPS holders are in the U.S. labor force, contributing more than \$279 million to the United States GDP on an annual basis.⁷⁴ They make annual Social Security contributions of more than \$34 million and Medicare contributions of more than \$8 million.⁷⁵

Estimates show that terminating TPS for Haiti would cost U.S. employers nearly \$60 million in turnover costs to hire and train new employees.

Haitian TPS holders make the greatest contributions in the services and education sectors, in particular as workers in restaurants, grocery stores and elementary and secondary schools. Haitian TPS holders are

⁷³ INA § 244 (b)(C)

⁷⁴ Robert Warren and Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, JOURNAL ON MIGRATION AND HUMAN SECURITY, Vol. 5 No. 3 (2017), cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/

⁷⁵ Amanda Baran, Jose Magana-Salgado and Tom K. Wong, *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders*, IMMIGRANT LEGAL RESOURCE CENTER POLICY REPORT (April 2017), www.ilrc.org/report-tps-economic-cost

most heavily concentrated in Florida (32,500) and New York (5,200).⁷⁶ Estimates show that terminating TPS for Haiti would cost U.S. employers nearly \$60 million in turnover costs to hire and train new employees.⁷⁷

FAMILY AND COMMUNITY TIES

Over the seven years TPS has been available to them, Haitians have put down roots in the United States. Haitian TPS holders are parents to 27,000 U.S. citizen children.⁷⁸ Approximately 4,200 Haitian TPS holders are married to lawful permanent residents.⁷⁹ Nearly half of Haitian TPS holders have mortgages.⁸⁰

Haitian TPS holders are deeply embedded into American communities. Ninety-six percent of Haitians speak some English and 75 percent speak English well, very well or only speak English.⁸¹ Seventy-one percent of Haitian TPS holders have completed high school or more, and 37 percent have completed some college or have a college degree.⁸²

REGIONAL SECURITY

Haiti relies on its diaspora for survival. Remittances, or money sent home from abroad, are essential to the country's stability. Haiti received \$2.358 billion in remittances in 2016.⁸³ Data from 2015 shows that over half of the remittances sent back to Haiti come from the more than 675,000 Haitian immigrants who live in the U.S, including TPS holders.⁸⁴ The loss of remittances from tens of thousands of people if TPS for Haiti ends would be compounded by other lost income the country is currently experiencing as a result of Hurricanes Irma and Maria. At least 27,000 Haitians live and work across the Caribbean in countries that have been affected (and some devastated) by the hurricanes, including Turks and Caicos, Martinique, Guadeloupe, U.S. and Dutch Virgin Islands and Dominica.⁸⁵

⁷⁶ Robert Warren and Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, JOURNAL ON MIGRATION AND HUMAN SECURITY, Vol. 5 No. 3 (2017) [cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti](https://www.cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti)

⁷⁷ Amanda Baran, Jose Magana-Salgado and Tom K. Wong, *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders*, IMMIGRANT LEGAL RESOURCE CENTER POLICY REPORT (April 2017), www.ilrc.org/report-tps-economic-cost

⁷⁸ *Id.*

⁷⁹ Donald Kerwin, *Why is Another Category of Legally Present Immigrants Being Threatened With Loss of Status and Deportation?*, CENTER FOR MIGRATION STUDIES (Oct. 1, 2017), [cmsny.org/publications/kerwin-tps-loss/](https://www.cmsny.org/publications/kerwin-tps-loss/)

⁸⁰ Robert Warren and Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, JOURNAL ON MIGRATION AND HUMAN SECURITY, Vol. 5 No. 3 (2017), [cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/](https://www.cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/)

⁸¹ *Id.*

⁸² *Id.*

⁸³ *Migration and Remittances Data*, THE WORLD BANK, www.worldbank.org/en/topic/migrationremittancesdiasporaissues/brief/migration-remittances-data

⁸⁴ Jennifer Schulz and Jeanne Batalova, *Haitian Immigrants in the United States*, MIGRATION POLICY INSTITUTE (Aug. 2, 2017), www.migrationpolicy.org/article/haitian-immigrants-united-states

⁸⁵ *Immigrant and Emigrant Populations by Country of Origin and Destination*, MIGRATION POLICY INSTITUTE, www.migrationpolicy.org/programs/data-hub/charts/immigrant-and-emigrant-populations-country-origin-and-destination

Haiti and the region are also at risk of further destabilization due to deportations of Haitians from other countries. Since 2013, the Dominican Republic, Haiti's neighbor on the island of Hispaniola, has taken away the citizenship of more than 200,000 Dominicans of Haitian descent, forcing many to return to Haiti.⁸⁶ Many others have been deported.⁸⁷ These refugees often live in border camps in horrible conditions, many suffering from hunger and malnutrition.⁸⁸

Haitians have been leaving or fleeing other countries where large parts of the diaspora resided over the past few years, which also affects remittances. The Brazilian economic crisis has resulted in upwards of 40,000 Haitians leaving Brazil since 2014, many going to Chile in hopes of getting work.⁸⁹ Others have come to the U.S. border seeking safety.⁹⁰ Many Haitians have drowned trying to leave Brazil by water.⁹¹

As exemplified by the Brazilian economic downturn and loss of remittances, terminating TPS for the U.S. will lead to an increased strain on the humanitarian crisis in Haiti, including even less food security, and more Haitians seeking asylum at the U.S. border.

Termination of TPS for Haiti has implications beyond the region as well. Threats of ending TPS in the spring of 2017 led to thousands of Haitian TPS holders pouring across the border into Canada, seeking asylum.⁹² Due to the conditions in Haiti, it is likely that ending TPS for Haiti would result in more people seeking safety in Canada, contributing to the worldwide migration and refugee crisis, including increased risk of human trafficking.

86 Mario Ariza, *La Apatrida: Dominicans of Haitian Descent Are Deported and Forgotten*, MIAMI NEW TIMES (Feb. 21, 2017), www.miaminewtimes.com/news/la-apatrida-dominicans-of-haitian-descent-are-deported-and-forgotten-9153733

87 *Haiti: Stateless People Trapped in Poverty*, HUMAN RIGHTS WATCH (Nov. 29, 2016), www.hrw.org/news/2016/11/29/haiti-stateless-people-trapped-poverty

88 *Id.*

89 Kevin Hall, *Brazil, once a haven, now a dead end for many Haitians*, THE MIAMI HERALD (Sept. 24, 2016), www.miamiherald.com/news/nation-world/world/americas/haiti/article103920161.html

90 Kirk Semple, *U.S. to Step Up Deportations of Haitians Amid Surge at Border*, THE NEW YORK TIMES (Sept. 22, 2016), www.nytimes.com/2016/09/23/world/americas/haiti-migrants-earthquake.html

91 Kevin Hall, *Brazil, once a haven, now a dead end for many Haitians*, THE MIAMI HERALD (Sept. 24, 2016), www.miamiherald.com/news/nation-world/world/americas/haiti/article103920161.html

92 Mike Blanchfield, *Haitian asylum seekers flee to Canada after Trump proposes end to protected status*, THE CANADIAN PRESS (Aug. 27, 2017), globalnews.ca/news/3699160/haitian-asylum-seekers-canada-trump-end-protected-status/

SAMUEL'S QUESTION: WHAT WILL I TELL MY SON?

“It’s very hard to sleep,” says Samuel, sitting with his wife, Judeline, a Temporary Protected Status holder from Haiti. “Everyone is scared.”

Samuel and Judeline live in the vibrant Haitian community in Boston, with their 11-year old son, James. Samuel, now retired, worked as a social worker for the state. Judeline works two jobs as a caregiver for the elderly.

Samuel explains that money can be tight for the family. In addition to their own expenses, they must send money home to support relatives in Haiti. “In Haiti, there is no place to live. I have to give the little money I have to my sister [who is still in Haiti],” Samuel explains. Water and food is very scarce.

“I don’t know what I would do,” says Samuel, thinking about what would happen if Acting Secretary Elaine Duke doesn’t extend TPS and Judeline is forced to return to Haiti. “It would destroy our family.”

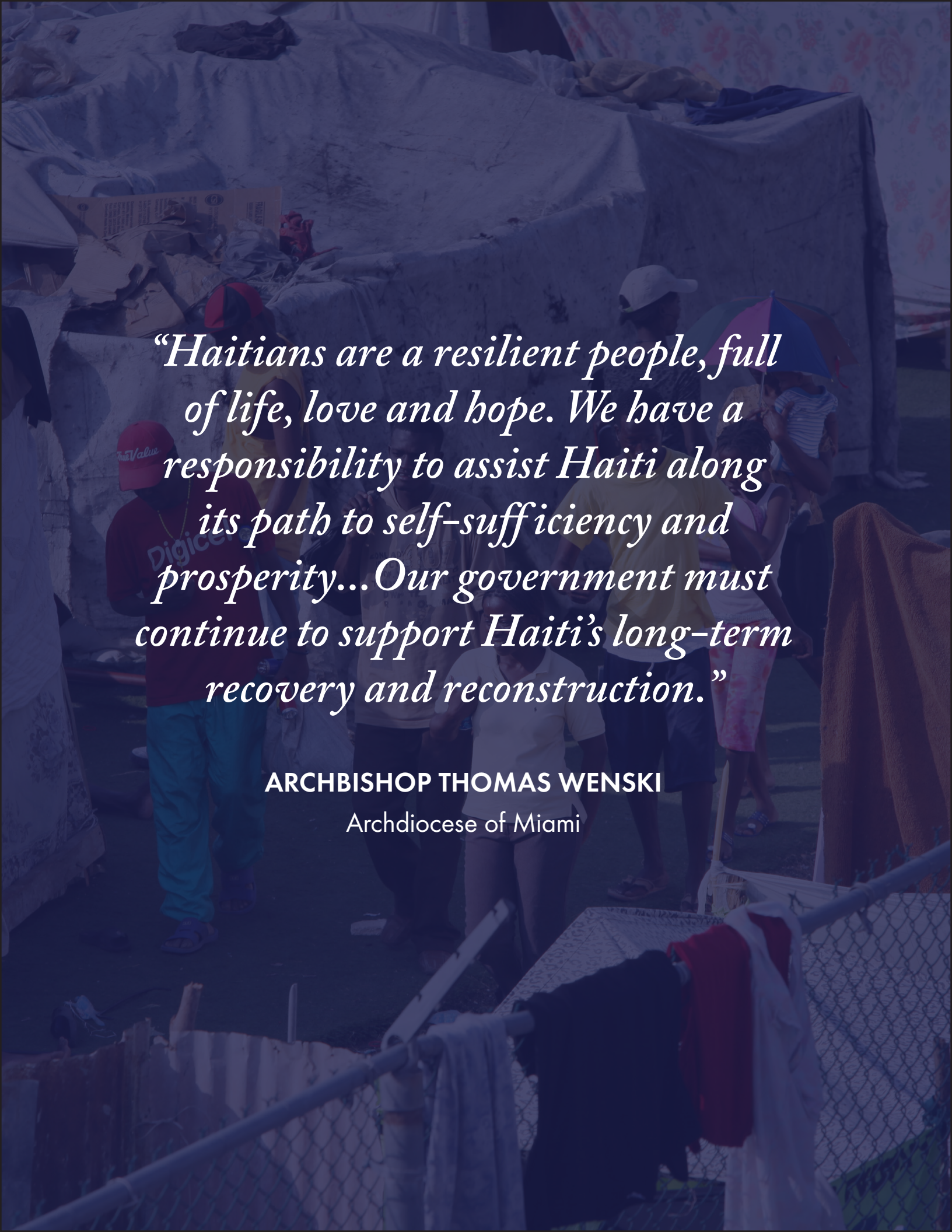
Recently, Samuel and Judeline’s young son, James, came home from school with questions about his parents’ immigration status. “He asked us, ‘You are fine, right?’ But we can’t tell him,” says Samuel. Judeline sadly agrees.

When asked what she would say to Secretary Duke if given the opportunity Judeline says, “We just want a better life. We are good people... There is no country [in Haiti]. All we ask is to just give us a chance, to survive, to help other people back home. It is not fair to destroy families.”

Samuel adds, “What will I tell my son? He is a U.S. citizen. How will my child feel to know his country treated his mother this way?”





A group of people, including children and adults, are gathered in a makeshift settlement. They are standing near a chain-link fence with laundry hanging on it. In the background, there are several tents or makeshift structures made of white fabric. The scene is set outdoors, and the overall atmosphere is one of resilience and hope.

“Haitians are a resilient people, full of life, love and hope. We have a responsibility to assist Haiti along its path to self-sufficiency and prosperity... Our government must continue to support Haiti’s long-term recovery and reconstruction.”

ARCHBISHOP THOMAS WENSKI

Archdiocese of Miami

CONCLUSION

Extending TPS for Haiti is in line with U.S. economic, societal and regional security interests, Catholic social teaching and American values. Terminating TPS before the country is sufficiently safe will result in needless human suffering in both Haiti and the U.S., deepening a life-threatening humanitarian crisis and ripping apart families. Without TPS, the progress the Haitian government has made to rebuild Haiti will be seriously compromised or altogether lost, inevitably leading to a new surge in Haitian asylum seekers at the U.S. and/or Canadian borders. To safeguard American interests and uphold our values, the U.S. administration must extend TPS for Haiti and continue to engage with the country while encouraging Congress to create long-term solutions for people who have lived in and contributed to the U.S. for many years.

“

In many ways, TPS is the embodiment of American principles. It upholds the values of welcoming those in need, of standing up for and protecting the vulnerable.

In doing so, our country is greatly enriched. Extending TPS for Haiti is the right thing to do. It is also the smart thing to do. TPS bolsters the American economy and society, and promotes regional security.

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JEANNE ATKINSON

Executive Director, The Catholic Legal Immigration Network, Inc.

ABOUT THE CATHOLIC LEGAL IMMIGRATION NETWORK, INC.

CLINIC provides vital legal resources, guidance, and support to a network of more than 330 legal, community-based and Catholic immigration programs across the country. CLINIC affiliates are in 47 states, with 1,200 attorneys and accredited representatives, who in turn assist hundreds of thousands of vulnerable and low-income immigrants each year. In addition to legal and program capacity building assistance, CLINIC conducts national-level administrative advocacy and provides state and local support to affiliates on the ground combating anti-immigrant legislation.



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