



Temporary Protected Status for Haiti

The current six-month grant of Temporary Protected Status, or TPS, for approximately 50,000 Haitians will expire on Jan. 22, 2018¹ unless extended by the Secretary of the Department of Homeland Security. By law, the secretary must decide by Nov. 23, 2017 whether conditions warrant extending TPS.²

What is TPS?

Temporary Protected Status, or TPS, was established by Congress through the Immigration Act of 1990. TPS is intended 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 U.S. and would put them at risk of violence, disease or death. Under the law, the secretary of Homeland Security may designate a foreign country for TPS in three scenarios:

- (1) Ongoing armed conflict (such as a civil war)
- (2) An environmental disaster (such as earthquake or hurricane), or an epidemic; or

- (3) Other extraordinary and temporary conditions that prevent people from the country from safely returning home.³

The country's designation can last from six months, at a minimum, to a maximum of 18 months. Sixty days prior to the end of an initial designation or re-designation period, the secretary must review the conditions of the foreign country to determine if the unsafe conditions continue to exist. If conditions continue, the secretary may designate TPS for another six-, 12- or 18-month period. This may be repeated indefinitely.⁴

Nationals of a TPS-designated country and people without nationality who last resided in a TPS-designated country, who were physically present in the U.S. when the designation was made and meet certain requirements may be eligible for TPS. If granted, such applicants are protected from deportation and receive work authorization to support themselves while they remain in the U.S. TPS does not provide a direct path to lawful permanent resident status or citizenship.⁵

¹ Extension of the Designation of Haiti for Temporary Protected Status, 82 Fed. Reg. 23830 (May 24, 2017)

² 8 U.S.C. §1254a

³ *Id.*

⁴ *Id.*

⁵ USCIS information about Temporary Protected Status, *available at* www.uscis.gov/humanitarian/temporary-protected-status

Why was Haiti designated for TPS?

Haiti was devastated by a 7.0 magnitude earthquake on Jan. 12, 2010. It was the most violent earthquake in the country in 200 years.⁶ Much of the capital city of Port-au-Prince was destroyed. One and a half million people were displaced.⁷ Within days, DHS granted TPS to eligible Haitians who had been in the U.S. on or before the date of the earthquake⁸. In 2011, eligibility was extended to people who came to the U.S. for humanitarian reasons in the year following the earthquake.⁹

Haitian TPS has continued to be renewed for 18-month increments since the initial designation period (with the exception of the most recent six-month extension), as the country remains unstable and unsafe. In addition to the devastating earthquake of 2010, the country has been struck by two additional catastrophes: a cholera epidemic inadvertently introduced by UN peacekeepers in October 2010 and Hurricane Matthew, a category 4 hurricane which hit in October 2016 and affected 2 million Haitians.

Why should TPS for Haiti be extended?

Haiti remains unstable and unsafe as a result of the

lingering effects of three separate crises over the past seven years:

- (1) **The 2010 earthquake:** The earthquake cost Haiti, one of the poorest countries in the world, 120% of its GDP.¹⁰ 300,000 buildings were destroyed in the capital city.¹¹ Seven years later, 60,000 survivors remain homeless and are living in camps.¹²
- (2) **Cholera epidemic:** In October 2010, unsanitary practices by UN peacekeepers led to a cholera epidemic which has killed at least 9,500 and sickened 900,000 people.¹³ The disease leads to severe dehydration, blood sugar shock, and organ failure. Cholera can kill in a matter of hours.¹⁴

The Centers for Disease Control and Prevention called it the “worst [cholera outbreak] in recent history.”¹⁵ The UN has only raised \$2 million of the \$400 million estimated need to begin addressing the crisis it inadvertently caused.¹⁶ Thousands of people continue to be sickened every year.¹⁷
- (3) **Hurricane Matthew:** Haiti was devastated by Hurricane Matthew on Oct. 4, 2016, the first Category 4 hurricane to hit the Caribbean island nation in 52 years.¹⁸ Matthew affected

6 Ker Than, *Haiti Earthquake “Strange,” Strongest in 200 Years*, National Geographic News, Jan. 14, 2010, available at news.nationalgeographic.com/news/2010/01/100113-haiti-earthquake-red-cross/

7 Haiti Earthquake Fast Facts, CNN, Dec. 28, 2016, available at www.cnn.com/2013/12/12/world/haiti-earthquake-fast-facts

8 See Designation of Haiti for Temporary Protected Status, 75 Fed. Reg. 3476 (Jan. 21, 2010).

9 18-Month Extension and Re-designation of Haiti for Temporary Protected Status Update, May 19, 2011, available at www.uscis.gov/news/18-month-extension-and-re-designation-haiti-temporary-protected-status-update

10 UN calls for support to recovery plan as Haiti loses \$2.7 billion in Hurricane Matthew, U.N. News Centre, Mar. 7, 2017, available at www.un.org/apps/news/story.asp?NewsID=56294#.WNsqwZArLrd

11 *Haiti earthquake victims still homeless, struggling to rebuild six years after disaster*, ABC News, Jan. 12, 2016, available at www.abc.net.au/news/2016-01-13/haiti-struggles-to-rebuild-6-years-after-earthquake/7085174

12 *Id.*

13 Rick Gladstone, *Cholera Deaths in Haiti Could Far Exceed Official Count*, NY Times, Mar. 18, 2016, available at www.nytimes.com/2016/03/19/world/americas/cholera-deaths-in-haiti-could-far-exceed-official-count.html?_r=0

14 *Cholera*, available at www.mayoclinic.org/diseases-conditions/cholera/symptoms-causes/dxc-20311185

15 *Cholera in Haiti*, Centers for Disease Control and Prevention, available at www.cdc.gov/cholera/haiti/index.html

16 Rick Gladstone, *After Bringing Cholera to Haiti, U.N. Can't Raise Money to Fight It*, NY Times, Mar. 19, 2017, available at www.nytimes.com/2017/03/19/world/americas/cholera-haiti-united-nations.html

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

18 Brian McNoldy, Angela Fritz and Jason Samenow, *Hurricane warning in Florida after Matthew strikes Haiti as strongest hurricane*

more than 2 million Haitians¹⁹, claiming 1,000 lives.²⁰ At least 1.4 million people were left in immediate need of emergency aid—including 800,000 children.²¹ 800,000 people were left without food or “food insecure,”²² and 1,250,000 Haitians—including a half million children—are without safe water²³. The storm surge, flooding, and winds wiped out livestock and crops,²⁴ damaged or destroyed at least 716 schools, interrupted the education of an estimated 490,000 children,²⁵ and further spread the cholera epidemic.²⁶ According to a March 2017 UN Report, the hurricane cost Haiti \$2.7 billion, or 32 percent of its GDP.²⁷

than 81 percent.²⁸ Haitian TPS-holders make substantial contributions in food service, education, construction, and health care sectors, among others.²⁹

- Each year, Haitian TPS holders contribute nearly \$280 million to the gross domestic product. Over the course of 10 years, those contributions add up to nearly \$2.8 billion in GDP.³⁰
- Ending TPS for Haitians without a transition plan would reduce Social Security and Medicare contributions by \$42 million per year and create nearly \$60 million in employee turnover costs.³¹

What is the impact of TPS for Haitians on U.S. society and its economy?

- TPS provides work authorization for Haitians who are contributing to the U.S. labor market and economy. Overall, labor force participation of Haitian immigrants is more

What will the impact be if TPS for Haitians is not extended?

Ending TPS for Haitians living in the U.S. and forcing them to return to Haiti would put them at risk of hunger, disease, and death. It would further

in 52 years, Washington Post, Oct. 4, 2016, available at www.washingtonpost.com/news/capital-weather-gang/wp/2016/10/04/east-coast-on-high-alert-after-matthew-strikes-haiti-as-strongest-hurricane-in-52-years/?utm_term=.20ebcf019ff7

19 Gregg Zoroya, *Haiti faces humanitarian crisis after Hurricane Matthew*, USA TODAY, Oct. 5, 2016, available at www.usatoday.com/story/news/2016/10/05/haiti-hurricane-matthew-destruction/91604396/

20 Joseph Guyler Delva, *Hurricane Matthew toll in Haiti rises to 1,000, dead buried in mass graves*, Reuters, Oct. 10, 2016, available at www.reuters.com/article/us-storm-matthew-haiti-idUSKCN12A02W

21 *Haiti: Hurricane Matthew – Situation Report No. 35*, U.N. Office for the Coordination of Humanitarian Affairs, March 4, 2017, available at reliefweb.int/report/haiti/haiti-hurricane-matthew-situation-report-no-35-04-march-2017

22 *Food Security Of 800,000 Haitians Seriously Threatened After Hurricane*, World Food Programme, Oct. 24, 2016, available at www.wfp.org/news/news-release/food-security-800000-haitians-seriously-threatened-after-passage-hurricane-matthew

23 *HAITI Humanitarian Situation Report #10*, UNICEF, Oct. 18, 2016, available at www.unicef.org/appeals/files/UNICEF_Haiti_Humanitarian_SitRep_on_Hurricane_Matthew_No.10____20_October_2016.pdf

24 *Food security of 800,000 Haitians seriously threatened after passage of Hurricane Matthew*, Food and Agriculture Association of the United Nations, Oct. 24, 2016, available at www.fao.org/news/story/en/item/448035/icode/

25 *Hurricane Matthew three months on: Life for Haiti's children*, UNICEF, Jan. 9, 2017, available at www.unicef.org/wash/haiti_94377.html

26 Azam Ahmed, *Cholera Deepens Haiti's Misery After Hurricane*, NY Times, Oct. 15, 2017, available at www.nytimes.com/2016/10/15/world/americas/cholera-haiti-hurricane-matthew.html

27 *UN calls for support to recovery plan as Haiti loses \$2.7 billion in Hurricane Matthew*, U.N. News Centre, March 7, 2017, available at www.un.org/apps/news/story.asp?NewsID=56294#.WNsqwZArLrd

28 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), available at cmsny.org/publications/jmhs-tps-elsalvador-honduras-haiti/

29 *Id.*

30 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, available at www.ilrc.org/report-tps-economic-cost.

31 *Id.*

weaken and destabilize Haiti's economy, and harm U.S. citizen children.

Remittances are crucial to Haiti's economy and people.³² In 2015, remittances to Haiti from the U.S. exceeded \$1.3 billion—or about 15 percent of Haiti's GDP.³³ Haiti's new government, established in late February 2017 after years of turmoil and unrest, is saddled with major problems and only has a \$2 billion dollar operating budget.³⁴

Due to cholera and food, water and housing insecurity in Haiti, Haitian TPS-holder parents (if forced to return to Haiti) would face the excruciating decision of whether or not to bring their U.S. citizen children with them. In all likelihood, many parents would choose not to put their children in harm's way, ripping families apart and scarring a generation of Haitian Americans.

Why is TPS for Haiti in line with our shared values?

The U.S. has a long history of providing relief to victims of catastrophic events and natural disasters. TPS reflects our country's values by protecting people from unsafe conditions outside of their control.

Americans hold themselves to high standards when it comes to the humane treatment of people. U.S. immigration law, including TPS, reflects respect for the lives of people who, without protection, would be returned to hazardous, if not deadly, circumstances.

Our faith and values demand that the U.S. extend TPS to protect the lives and dignity of Haitian TPS recipients in the U.S. We must welcome, share with, and stand in solidarity with our Haitian brothers and sisters in need. Continued TPS for Haiti satisfies our moral and international obligations until greater

progress is made to ensure innocent people are not too soon returned to dangerous conditions.

TPS embodies core tenets of Catholic social teaching on immigration. People have the right to migrate to sustain their lives and the lives of their families and a country must regulate its borders with justice and mercy.³⁵

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32 Manuel Orozco, Laura Porras and Julia Yansura, *The Continued Growth of Family Remittances to Latin America and the Caribbean in 2015*, Inter-American Dialogue, Feb. 2016, available at, www.thedialogue.org/wp-content/uploads/2016/02/2015-Remittances-to-LAC-2122016.pdf

33 *Id.*

34 *After 19 hours of debate — through the night — Haiti welcomes a new government*, Miami Herald, March 21, 2017, available at www.miamiherald.com/news/nation-world/world/americas/haiti/article139805958.html

35 Catholic Social Teaching on Immigration, available at www.usccb.org/issues-and-action/human-life-and-dignity/immigration/