



May 26, 2021

The Honorable Alejandro Mayorkas
Secretary
U.S. Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Acting Director Tracy Renaud
U.S. Citizenship and Immigration Services
111 Massachusetts Avenue NW
Washington, D.C. 20001

RE: Implementation of Haiti Temporary Protected Status redesignation

Secretary Mayorkas and Acting Director Renaud:

The undersigned 130 members of the Temporary Protected Status and Deferred Enforced Departure Administrative Advocacy Coalition (TPS-DED AAC), as well as other local, state, and national organizations serving and advocating for Haitian immigrants in the United States, respectfully submit urgent recommendations regarding the implementation of the Department of Homeland Security's May 22, 2021 announcement to redesignate Haiti Temporary Protected Status (TPS).¹

As we commend the decision to redesignate Haiti for TPS, we wish to make clear that a strategic, well-resourced, successful implementation is essential to ensure that this decision actually provides protection from deportation and the opportunity for work permits for the 150,000 eligible people.

Recommendations:

- 1. Immediately publish the Federal Register Notice:** An immediate publication of the Federal Register Notice (FRN) officially opening up the registration period is necessary in order to free Haitians who are currently incarcerated in immigration detention, subject to requests for detainers or notification, or otherwise subject to enforcement and continue to be at risk of return to a country that through this announcement, has been deemed too life-threatening to return to. In addition, delayed FRNs create an environment in which those engaged in the unauthorized practice of immigration law can thrive and take advantage of the confusion of a TPS announcement without immediate implementation. This issue is particularly salient in the case of Haiti, where litigation, previous automatic extensions of work authorization, and language barriers

¹ Secretary Mayorkas Designates Haiti for Temporary Protected Status for 18 Months (May 22, 2021), www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months.

have created a variety of confusion and uncertainty.

- 2. Put in place a policy to ensure Haitians who previously remained in third countries and may have difficulty proving Haitian nationality are able to receive TPS protection:** Prior to coming to the U.S., some Haitians in need of TPS protection from the crisis currently unfolding in Haiti remained in third countries prior to entering the U.S. but can no longer return there. These circumstances could lead to issues with people in need of TPS protection being able to provide proof of Haitian nationality. USCIS must put in place a policy that ensures that Haitians who face these issues are able to receive TPS protection.
- 3. Take immediate steps to provide protection for Haitians at the border who would have qualified for TPS but for Title 42, metering, and other policies:** We urge the administration to consider adjusting dates in the Federal Register Notice and taking other steps to provide immediate protection to Haitians currently at the U.S.-Mexico border and/or subjected to Title 42. But for being forced to remain in Mexico due to metering policy and/or Title 42, many of these individuals would have been eligible for this TPS protection. We also call on the administration to establish a return after deportation program to reunite Haitian families and broaden protection.
- 4. Ensure that re-registration requirements for current Haitian TPS holders are explicit:** The FRN must make clear whether current Haitian TPS holders need to re-register now in order to keep their TPS post the resolution of the *Ramos* and *Saget* litigation.
- 5. Put in place 365-day registration and re-registration period:** The law requires a minimum of a 180-day registration period for new TPS designation registration periods and no maximum on how long a registration or re-registration period can be.² Given COVID-19 and language barriers within the Haitian community, this time period should be a full year to ensure people are given more time to find qualified legal assistance and the other resources they may need to register or re-register. This registration period should apply to both newly registering individuals **and** current Haitian TPS holders re-registering.
- 6. Waive \$50 registration fee:** The law does not require any fee be charged to newly register for TPS and any fee must not exceed \$50.³ In order to promote accessibility and in the spirit that TPS is a life-saving protection, USCIS should not implement a fee for new registrants. This is particularly critical in light of the ongoing economic recession as a result of COVID-19, with many individuals depleting their savings or being unable to secure and maintain employment.
- 7. Ensure the SAVE system is properly updated and publish data on the accuracy of E-VERIFY:** USCIS should put in place systems to receive feedback about the accuracy of the

² INA § 244 (c)(1)(A)(iv).

³ INA § 244 (c)(1)(B)) (“The Attorney General *may* require payment of a reasonable fee” (emphasis added)).

SAVE system and its impact on Haitian and other TPS holders. USCIS should dedicate necessary resources to ensuring the system is up to date and accurate. Failures in the SAVE system affect TPS holders' ability to drive which can affect their employment/income and the overall well-being of their families. DHS should also release quarterly data on the E-VERIFY denials of work-authorized Haitian TPS holders, including number of Tentative Non-Confirmations, Final Non-Confirmations, and other related data.

8. Put in place a robust, culturally competent outreach plan including:

- Immediately coordinating with ICE and CBP to ensure that eligible Haitians currently incarcerated in immigrant detention have access to legal services and are immediately able to apply for TPS. We recommend extensive partnerships with community-based organizations to ensure access to services.
- Identifying culturally competent channels to deliver essential information to Haitians who will be newly eligible or re-registering for TPS. This should include exploring funding/grants to NGOs to assist in resourcing outreach programs.
- Individually contacting all current Haitian TPS holders with information about how to re-register through physical mailed notices, texts, and phone calls.
- Extensive education and outreach to combat notario fraud, especially while the FRN is pending.
- Stakeholder engagement within one week of published FRN and ongoing engagements throughout the registration/re-registration period.
- USCIS Community Relations Officers (CROs) holding at least biweekly events in areas with high Haitian populations throughout the duration of the registration/re-registration period. To ensure that newly eligible Haitians have information and apply for TPS protection, CROs should conduct outreach to local governments, community-based organizations, religious institutions, and more. CROs should also reach out to departments of motor vehicles and major employers to help navigate and troubleshoot issues that may arise for current TPS holders re-registering.
- Regular coordination with the Department of Justice Immigrant and Employee Rights Section as well as Congressional inquiry services at offices in districts with large Haitian populations to receive feedback on issues that Haitians are facing with their TPS at work, departments of motor vehicles, and elsewhere.

9. Address USCIS processing issues: Ensuring that TPS holders receive new work permits as soon as possible will minimize confusion and issues at work and departments of motor vehicles. For applicants who already have biometric information on file, USCIS should, especially in light of COVID-19, waive biometrics appointments – a standard set by USCIS in the past year.

10. Regularly publish data on status of new registrations and re-registrations: USCIS should publish data on at least a monthly basis to show how many Haitians have newly registered and re-registered to assist the field in filling in gaps in outreach, education,

and legal services needs. USCIS should also provide data on the number of accepted, denied, pending, and rejected applications; for denials, USCIS should publish the grounds for denial.

Thank you for your consideration of our recommendations. Please contact Guerline Jozef, Co-Founder and Executive Director, Haitian Bridge Alliance at gjozef@haitianbridge.org; Nicole Phillips, Legal Director, Haitian Bridge Alliance at nmp.law@gmail.com; Marleine Bastien, Executive Director, Family Action Network Movement at mbastien@fanm.org; Patrice Lawrence, Co-Director, Undocublack Network at patrice@undocublack.org; Haddy Gassama, Policy and Advocacy Coordinator at UndocuBlack Network; Lisa Parisio, Director of Advocacy, Catholic Legal Immigration Network, at lparisio@cliniclegal.org; and Jose Magaña-Salgado, TPS-DED Administrative Advocacy Campaign Coordinator, at jose@masadc.com with any questions or to arrange engagement.

Sincerely,

Adhikaar

AEDAP -Association of Exchange and Development of Activities and Partnership

AFL-CIO

African Communities Together

Aldea - The People's Justice Center

Alianza Americas

American Friends Service Committee

American Immigration Lawyers Association

American-Arab Anti-Discrimination Committee (ADC)

Americans for Immigrant Justice

Asian Americans Advancing Justice | AAJC

ASISTA

Asylum Seeker Advocacy Project (ASAP)

Black Alliance for Just Immigration

Black Immigrant Collective

Brooklyn Community Bail Fund (BCBF)

Brooklyn Defender Services

CASA

CASA YURUMEIN

Catholic Legal Services, Archdiocese of Miami

Catholic Legal Immigration Network, Inc.

Center for American Progress

Center for Gender & Refugee Studies

Central American Black Organization (CABO)

Central American Resource Center

Central American Resource Center (CARECEN-LA)

Central American Resource Center of Northern CA - CARECEN SF
Central Washington Justice For Our Neighbors
Centro San Bonifacio
Chesapeake Multicultural Resource Center
Chicago Religious Leadership Network on Latin America - CRLN
Church World Service
Connecticut Shoreline Indivisible
Corazon Latino
Diaspora Community Services
Disciples Refugee & Immigration Ministries
Dominican Development Center, Inc.
Durango Unido en Chicago
Environmental Justice Initiative for Haiti
Families Rights Network
Family Action Network Movement
FANM In Action
First Focus on Children
FLACSO Honduras
Florida Immigrant Coalition, Inc.
Fondasyon Mapou
Forum on Haitian Migration in the Americas
Franciscan Action Network
GA Familias Unidas
Global Justice Clinic, NYU School of Law *The Clinic's signature does not represent NYU School of Law's institutional views, if any.
Haiti Solidarity Network of the North East
Haitian Bridge Alliance
Haitian Studies Association
Haitians Unified for Development and Education
Hispanic Federation
Human Rights First
Human Rights Initiative of North Texas
ICNA Council for Social Justice
Illinois Coalition for Immigrant and Refugee Rights
Immigrant Home Foundation
Immigrant Law Center of Minnesota
Immigrant Legal Resource Center
Immigration Advocacy & Support Center
Indivisible
Indivisible Georgia Coalition
Institute for Justice & Democracy in Haiti (IJDH)
International Refugee Assistance Project (IRAP)

International Tribunal of Conscience of Peoples in Movement
Japanese American Citizens League Philadelphia Chapter
Just Futures Law
Justice Action Center
LA RED, Faith in Action
Latin America Working Group (LAWG)
Latino Racial Justice Circle
Law Office of Helen Lawrence
Lawyers for Good Government (L4GG)
Lutheran Immigration and Refugee Service
Make the Road PA
Maryknoll Office for Global Concerns
National Education Association
National Immigration Law Center
National Immigration Project of the National Lawyers Guild
National Justice for Our Neighbors
National Network for Immigrant & Refugee Rights
National Partnership for New Americans
Neighbors Immigration Clinic
Network in Solidarity with the People of Guatemala (NISGUA)
New Jersey Forum for Human Rights
New York Immigration Coalition
Ohio Immigrant Alliance
Pennsylvania Council of Churches
Pennsylvania Immigration and Citizenship Coalition
Presente.org
Project Blueprint
Quixote Center
Richmond's People's Movement Assembly
Sant La Haitian Neighborhood Center
SEIU 32BJ
Service Employees International Union (SEIU)
SIREN (Services, Immigrant Rights and Education Network)
Sisters of Mary Reparatrix
Sisters of Mercy of the Americas Justice Team
Sojourners
South Asian Americans Leading Together (SAALT)
Southern Poverty Law Center
St. Francis of Assisi Immigration Team
St. Mary of the Hills Church
St. Regis Parish Immigration Circle of Support

Strangers No Longer
STRANGERS NO LONGER (Michigan)
Strangers No Longer OMOPH Circle of Support
Stuart Center
Tennessee Immigrant & Refugee Rights Coalition
Tennessee Justice for Our Neighbors
The Association of Salvadorans of Los Angeles - ASOSAL
The Haitian Women's Collective
The Revolutionary Love Project
The United Methodist Church General Board of Church and Society
Tikkun Olam Chavurah
Tsuru For Solidarity
U.S. Committee for Refugees and Immigrants (USCRI)
UndocuBlack Network
UnidosUS
Unite Here
United We Dream
Venezuelans and Immigrants Aid, Inc.
Wind of the Spirit Immigrant Resource Center
Witness at the Border
World Relief
Yemeni American Merchants Association



U.S. Citizenship
and Immigration
Services

June 28, 2021

Lisa Parisio
Director of Advocacy
Catholic Legal Immigration Network, Inc.
8757 Georgia Avenue, Suite 850
Silver Spring, MD 20910

Dear Ms. Parisio:

Thank you for your May 26, 2021 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf.

We appreciate your suggestions for implementation of the Temporary Protected Status redesignation for Haiti. Please find responses to your recommendations in the attached document. We are committed to reducing barriers to our legal immigration system.

Thank you again for your letter and interest in this important issue. The other points of contact in your letter will receive a separate, identical response. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tracy L. Renaud".

Tracy L. Renaud
Acting Director

Enclosure

**U.S. Citizenship and Immigration Services' Response to
The Temporary Protected Status and Deferred Enforced Departure Administrative
Advisory Coalition's (TPS-DED AAC)
May 26, 2021 Letter**

1. **Immediately publish the Federal Register Notice (FRN):** As the agency that implements Temporary Protected Status (TPS) on behalf of the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) recognizes the importance of the publication of the FRN announcing TPS for Haiti, as this officially opens the registration for TPS and associated benefits. USCIS is committed to the drafting of a thorough, accurate, and clear FRN and publishing it as soon as possible. This applies to Haiti, as well as to all other countries that DHS designates for TPS.
2. **Put in place a policy to ensure Haitians who previously remained in third countries and may have difficulty proving Haitian nationality are able to receive TPS protection:** TPS is a country-specific program. Based on the Secretary's designation, USCIS may grant TPS to eligible nationals of certain countries and to eligible individuals without nationality (stateless) who last habitually resided in the designated country before residing in the United States. As such, identifying and resolving issues of nationality and citizenship are critical in TPS adjudications. USCIS Immigration Service Officers thoroughly review the totality of the evidence provided and any relevant foreign citizenship laws to make the appropriate TPS eligibility determination.
3. **Take immediate steps to provide protection for Haitians at the border who would have qualified for TPS but for Title 42, metering, and other policies:** Secretary Mayorkas announced that the new 18-month designation of Haiti TPS enables Haitian nationals (and individuals without nationality who last resided in Haiti) currently residing in the United States as of May 21, 2021, to file initial applications for TPS, so long as they meet eligibility requirements. There are currently no plans to make exceptions to the continuous residence date.
4. **Ensure that re-registration requirements for current Haitian TPS holders are explicit:** USCIS is not able to comment on ongoing litigation but is committed to ensuring close coordination and communication with all relevant parties regarding the development of registration requirements for TPS for Haiti.
5. **Put in place 365-day registration and re-registration period:** The law requires a minimum of a 180-day registration period for new TPS designation registration periods and no maximum on how long a registration or re-registration period can be.¹ USCIS is currently reviewing the registration period length and will make a determination as to whether a period longer than the statutory 180-day minimum registration period is appropriate for TPS registration for Haiti.
6. **Waive \$50 registration fee:** Pursuant to INA § 244 (c)(1)(B), the Attorney General may require payment of a reasonable fee, not to exceed \$50, from TPS registrants. Fees are an

¹ INA § 244 (c)(1)(A)(iv)

**U.S. Citizenship and Immigration Services' Response to
The Temporary Protected Status and Deferred Enforced Departure Administrative
Advisory Coalition's (TPS-DED AAC)
May 26, 2021 Letter**

important component of the TPS program. USCIS is a fee-funded agency; the fees it collects from TPS allow USCIS to continue to implement this important humanitarian benefit.

7. **Ensure the SAVE system is properly updated and publish data on the accuracy of E-VERIFY:** USCIS continues to dedicate resources to ensure that E-Verify and SAVE responses are accurate and up to date. E-Verify and SAVE ensure that they have access to updated TPS information when issuing responses on cases. Both programs also include feedback mechanisms through which TPS beneficiaries can request and obtain a review of the system response if they believe it is incorrect. SAVE also requires user agencies to provide benefit applicants an opportunity to correct their immigration records prior to a final decision regarding benefit eligibility. In addition, E-Verify publishes a quarterly performance report at <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance>.
8. **Put in place a robust, culturally competent outreach plan:** USCIS will host national stakeholder engagements on Haiti TPS, including at least one in Haitian Creole. We will disseminate written TPS guidance and materials, in English and Haitian Creole, when possible. Our outreach will contain information on notario fraud and how to avoid immigration scams. Local Community Relations Officers in areas with large Haitian populations will conduct regular outreach on TPS, in partnership with local community organizations, including legal services providers and government officials. USCIS will use social media channels as well as ethnic media to amplify messages to the impacted population. USCIS will also consider engaging with the Haitian Embassy and Consulates to identify opportunities to reach Haitian nationals in the U.S. who may be eligible for TPS. We also hope to partner with Haitian diaspora leaders and organizations, state and local governments, Congressional offices, and any others that we believe could help to strategically communicate to potentially eligible individuals about the Haiti TPS application process.
9. **Address USCIS processing issues: USCIS will process all TPS Haiti cases in accordance with the applicable TPS Haiti FRN and the established processing time for Form I-821, Application for Temporary Protected Status.** For more information on processing times, visit the [Check Case Processing Times page](#) on the USCIS website. Note that these are approximate times and that the processing time for each case may vary depending on its complexity. Additionally, for more information on the TPS application process, visit the [TPS page](#) on the USCIS website. (See the section **Application Process**.)
10. **Regularly publish data on status of new registrations and re-registrations:** USCIS currently publishes an annual report on TPS on our [website](#). USCIS will consider whether additional public reporting on the status of new registration and re-registrations is appropriate.