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The Honorable President Joe Biden
President of the United States
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
2801 Nebraska Avenue, NW
Washington, DC 20528

The Honorable Antony Blinken
Secretary of State
U.S. State Department
2201 C Street NW
Washington, DC 20037

November 18, 2022

Re: Extend and Redesignate Haiti for Temporary Protected Status

Dear President Biden, Secretary Blinken, and Secretary Mayorkas:

Haitian Bridge Alliance and the undersigned 331 immigration, faith-based, human rights, and civil rights organizations write to request that your Administration extend and redesignate Haiti for Temporary Protected Status (TPS) in light of Haiti's deteriorating security, governance, and humanitarian crises. Recently, sixteen U.S. senators agreed and released a letter calling for the same.¹

As U.S. Ambassador Jeffrey DeLaurentis told the United Nations Security Council in September, “We all know that security in Haiti has worsened over the past year as criminal gangs continue to ravage parts of the country, leading to many killings and kidnappings. We are concerned with the significant deterioration in the independence and operational ability of the judiciary and the apparent evidence of widespread impunity reserved for elite members of the Haitian population.”²

Armed groups, many controlled by members of the Haitian government, are terrorizing Haiti’s capital with kidnappings and other violent crimes, which have spilled into cities across the country. The country has experienced a nationwide lockdown for several weeks, with roads and businesses blocked by barricades erected by armed groups. Civilians are being threatened, injured, sexually assaulted, or killed, and homes are being looted and burned by gang violence. The UN estimates that 1.5 million people, or nearly 50 percent of the capital’s population, are directly affected by gang violence, and 4.5 million need humanitarian assistance.³ Since June 2021, more than 50,000 people have been displaced and forced to leave their homes due to violence.⁴

¹ *Joint letter from twelve senators to President Biden and Secretary of State Blinken* (Oct. 26, 2022), available at https://www.markey.senate.gov/imo/media/doc/letter_to_dhs_and_state_from_senator_markey_and_colleagues_on_haiti_tps_-_october_2022pdf.pdf

² Ambassador Jeffrey DeLaurentis, *Remarks at a UN Security Council Briefing in Haiti* (Sep. 26, 2022), available at: <https://usun.usmission.gov/remarks-at-a-un-security-council-briefing-on-haiti-3/>.

³ *IOM Response to Internally Displaced Persons in Haiti*, Office of Internal Migration (Aug. 10, 2022), available at: <https://reliefweb.int/report/haiti/iom-response-internally-displaced-persons-haiti-10-august-2022>.

⁴ *Id.*

A gang blockade at Haiti's principal fuel terminal has crippled day-to-day activity throughout the country, paralyzing the economy, interrupting movement, and restricting essential supplies of food, medicine, and fuel for over 2 months. The inflation rate is 30 percent, the value of the Gourde dropped 32 percent from January to August 2022, and the price of food and gas has doubled, and in some cases increased ten-fold on the black market. According to a recent report by the UN, 4.7 million people in Haitian Nationals are facing acute hunger, including 19,000 in catastrophic famine conditions for the first time.⁵

As the UN Security Council is considering an international intervention in Haiti to open aid corridors and resolve what the UN Secretary-General calls an "absolutely nightmarish situation," the United States and Canada sent armored vehicles and other supplies to Haiti to help police fight powerful gangs. According to the U.S. and Canadian governments, the supplies sent on military aircraft are meant to assist Haiti's National Police "in their fight against criminal actors who are fomenting violence and disrupting the flow of critically-needed humanitarian assistance," especially with the resurgence of cholera cases in the country.⁶ According to Haiti's Health Ministry, as of November 5, there are 6,072 suspected cases of cholera and 121 deaths.⁷ With a healthcare system on a dramatic decline and the population unable to access the few hospitals and clinics that are open due to shortage of gas and gang violence, the Pan American Health Organization warned that the real number of cases is likely much higher than those reported.⁸

All of the conditions leading to the Biden administration's original TPS redesignation on May 22, 2021, the assassination of President Jovenel Moïse on July 7, 2021, the August 14, 2021 earthquake and subsequent tropical storm, and the deteriorating crises as described herein, make a safe return to Haiti completely impossible. On November 3, UN High Commissioner for Human Rights Volker Türk echoed this sentiment and warned, "In this context, it is clear that the systematic violations of rights in Haiti do not currently allow for the safe, dignified and sustainable return of Haitians to the country."⁹ In response to these catastrophic events, we ask the Administration urgently consider the following actions:

Extend and redesignate TPS for Haiti

The current TPS designation for Haiti will expire on February 3, 2023. By statute, the Secretary of Homeland Security must decide by December 5, 2022, if conditions meet requirements that prevent safe return and pose a serious threat to the personal safety of nationals of that country.

Given the deteriorating security and humanitarian crises as described herein that present extraordinary and temporary conditions that make a safe return to Haiti impossible, the Administration should extend and redesignate Haiti for TPS. This will allow protection against removal and eligibility for work authorization to all eligible Haitians currently in the United States. Most Haitians who have entered the United States since the TPS eligibility date of July 29, 2021, crossed through as many as eleven countries on a dangerous and

⁵ Lederer, Edith, *New report: A record 4.7 million Haitians face acute hunger*; The Washington Post (Oct, 14, 2022), available at https://www.washingtonpost.com/world/new-report-a-record-47-million-haitians-face-acute-hunger/2022/10/14/57940446-4c16-11ed-8153-96ee97b218d2_story.html.

⁶ U.S. Department of State, *Joint Statement: United States and Canada Coordinate Delivery of Haitian National Police (HNP) Equipment* (Oct. 15, 2022), available at <https://www.state.gov/joint-statement-united-states-and-canada-coordinate-delivery-of-haitian-national-police-hnp-equipment/>.

⁷ *Epidemiological Situation of Cholera*, Haitian Ministry of Public Health and Population (Nov. 5, 2022), available at https://www.mspp.gouv.ht/wp-content/uploads/Sitrep-cholera_05_Novembre-2022.pdf.

⁸ *Cholera in Hispaniola, Situation Report #4*, Pan American Health Organization (Nov. 3, 2022), available at <https://www.paho.org/en/file/119106/download?token=73jAtEkh>.

⁹ *Haiti: International community must act now to avoid tragedy - Türk*, Press Release from UN Office of High Commissioner (Nov. 3, 2022), available at <https://www.ohchr.org/en/press-releases/2022/11/haiti-international-community-must-act-now-avert-tragedy-turk>.

traumatic voyage in search of safety and security for their family. The current TPS recipients from Haiti in the United States, many of whom have been here for decades and have children who are U.S. citizens, have also become essential to our economy and our morale as a country.

For example, Rose Tilus, a Nurse Practitioner born in Haiti who has worked in nursing homes on the frontlines of the COVID-19 pandemic and has herself contracted COVID-19, is providing essential services to our nation during this pandemic. In her testimony before the Senate Judiciary Subcommittee on Immigration, Citizenship, and Border Security in May 2021, she stated, “In these difficult times, immigrants have shown their support and their devotion to this country. We have stood as frontline workers knowing that there was a possibility of death. Despite this, I live in constant fear of deportation and/or discontinuation of my Temporary Protected Status.”¹⁰

We request that the Biden administration redesignate Haiti for TPS, provide a minimum 180-day registration period for both current TPS holders and new beneficiaries under redesignation, and lead a public education campaign in English and Haitian Creole to inform impacted community members.

Swift release of the Federal Register Notice and timely adjudication of TPS applications

The Department of Homeland Security (DHS) last redesignated TPS for Haiti on May 22, 2021, but the FRN, which enables prospective beneficiaries to apply, was issued on August 3, 2021. For this new designation, to avoid disruption of employment eligibility, U.S. Citizenship and Immigration Services (USCIS) must issue a new Federal Register Notice extending TPS work authorization for current TPS holders well *before* February 3, 2023. We urge for a swift publication of a Federal Register Notice (FRN) extending TPS for Haitians.

The delays in publishing the FRN have grave consequences for beneficiaries and their families since their TPS-related documents are only valid for a limited duration through certain expiration dates. Further, any delay in processing and approving TPS applications after the issuance of the FRN leaves thousands at risk of deportation and without authorization to work. These delays, which can last more than the period for which TPS is granted, can make the TPS designations meaningless. There are still tens of thousands of TPS applications pending for Haitian Nationals from the last redesignation. The top two countries with the highest number of pending applications in Q3 were Venezuela (135,452) and Haiti (90,943), which made up 90 percent of the total backlog.¹¹

Given this issue, it is important that the applications of those currently pending be transferred to the new redesignation date. This policy will enable these applicants to be released from the burden of paying an additional application fee as they continue to wait for a decision, but will also help USCIS appropriately close out cases without adding more applications to the backlog. In the case of South Sudan earlier this year, we were glad to see the issuance of the FRN on the same day as the designation. Similarly, the FRN for Venezuela in March 2021 and for Burma in September 2022 was published within one day of the TPS announcements. We hope that this time frame becomes the norm and not the exception.

Indefinitely halt deportations to Haiti, release detained Haitians, and support administrative closure of removal cases

¹⁰ *Testimony of Rose Michelle Tilus Before the Senate Subcommittee on Immigration, Citizenship and Border Safety* (May 12, 2021), available at <https://www.judiciary.senate.gov/imo/media/doc/Rose%20Tilus%20TPS%20Essential%20Worker%20Testimony.pdf>.

¹¹ *Number of Form I-821, Application for Temporary Protected Status By Country of Designation, Quarter, and Case Status October 1, 2021 - June 30, 2022*, USCIS [last viewed on Nov. 7, 2022], https://www.uscis.gov/sites/default/files/document/data/I821_RADP_FY22_Q3.pdf.

Starting on January 13, 2010, the day after the devastating 7.0 earthquake, the U.S. government halted all deportations to Haiti for about eleven months.¹² Removals were temporarily halted again in October 2016 after Hurricane Matthew's devastation.¹³ Following the assassination of Jovenel Moïse in July 2021, 134 human rights, humanitarian, immigration, and women's rights organizations wrote requesting your government halt deportation and expulsion flights.¹⁴ Again, following the 7.2 magnitude earthquake in August 2021, 334 organizations wrote another letter requesting the same.¹⁵ Even though the Haitian government has been unable to safely receive and reintegrate its citizens, there have been over 240 deportation and expulsion flights to Haiti since September 19, 2021. Most of these estimated 25,000 individuals removed to Haiti were blocked from seeking asylum and other protection by Title 42 policies. These removals severely undermine the Administration's promise to build a fairer and more inclusive immigration and asylum system for all. We request a halt of any deportations and expulsion flights to the already-overburdened country.

Furthermore, consistent with Sec. 241 of the Immigration and Nationality Act and the accompanying regulations at 8 CFR Sec. 241,¹⁶ Haitians with final removal orders should be released from immigration detention if they pose no threat to public safety or national security because there is no significant likelihood of their removal in the reasonably foreseeable future. Attorney General Garland restored the authority of immigration judges and the Board of Immigration Appeals to administratively close deportation proceedings nationwide.¹⁷ Immigration and Customs Enforcement (ICE) attorneys should be instructed to join motions to administratively close the cases of Haitians in removal proceedings since they cannot be safely removed under current conditions.

Conclusion

Thank you for considering these urgent requests to protect individuals like Rose Tilus, one of the thousands of Haitian TPS beneficiaries contributing to U.S. society. We strongly urge the Biden administration to (1) extend and redesignate Haiti for TPS, (2) swiftly release the Federal Register Notice, (3) provide a minimum 180-day registration period for both current TPS holders and new beneficiaries under redesignation, (4) release all Haitians currently in immigration detention centers, and (5) halt deportation and expulsion flights to Haiti. We look forward to working with you on this issue over the coming days and weeks.

¹² Julia Preston, *In Quake Aftermath, U.S. Suspends Deportations to Haiti*, The New York Times (Jan. 13, 2010), available at <https://www.nytimes.com/2010/01/14/world/americas/14deport.html>.

¹³ *U.S. resumes deportation flights to Haiti*, The Associated Press (Nov. 23, 2016), available at <https://apnews.com/article/a74f0b451e5a45e19c996843f79b9e7d>

¹⁴ *Joint Letter to President Biden, DHS, DPC, NSA and DOS on Immediate Protection of Haitians Inside the U.S. and at the Southern Border After Assassination of President Moïse* (Jul, 8, 2021), available at <https://docs.google.com/document/d/15apii6x05RCoTZJKvMxPz0xS55CP1frA0NyKfM1MHupY/edit>.

¹⁵ *Joint Letter to White House, Halting Deportation Flights to Haiti* (Aug. 30, 2021), available at https://docs.google.com/document/d/1Q8j-fwG8rG91k89zedChlRQH3yvlpGv_hGhSHC1LE8/edit.

¹⁶ INA § 241(b)(3).

¹⁷ 28 I&N Dec. 326 (A.G. 2021).

Sincerely,

1. ACCESS Community
2. Access Living / Cambiando Vidas
3. Adhikaar
4. ADL (Anti-Defamation League)
5. Adrian Dominican Sisters
6. African Bureau of Immigration & Social Affairs
7. African Communities Together
8. African Human Rights Coalition
9. African Services Committee
10. Al Otro Lado
11. Alabama Coalition for Immigrant Justice (ACIJ)
12. Alabama Latino AIDS Coalition
13. Aldea - The People's Justice Center
14. Alianza Americas
15. Alternative Chance - Chans Alternativ
16. America's Voice
17. American Federation of Teachers (AFT)
18. American Friends Service Committee (AFSC)
19. American Immigration Lawyers Association
20. Amnesty International USA
21. Arkansas United
22. Armadillos Ni un Migrante Menos
23. Asian American Federation
24. Asian Americans Advancing Justice | AAJC
25. Asian Counseling and Referral Service
26. ASISTA Immigration Assistance
27. Asociación de Guatemaltecos Sin Fronteras
28. Association of Haitian Women, Inc. (AFAB)
29. Asylum Seeker Advocacy Project (ASAP)
30. Ayuda
31. Beyond Borders
32. Black Alliance for Just Immigration
33. Black LGBTQIA+ Migrant Project (BLMP)
34. Black Women Organizing For Power
35. Blessed Trinity
36. Border Organizing Project
37. Boston Immigrant Justice Accompaniment Network
38. Boukan News
39. Brazilian Women's Group
40. Brothers of Holy Cross, Notre Dame, Ind.

41. Buen Vecino
42. Cameroon Advocacy Network
43. Capital Area Immigrants' Rights Coalition
44. Caribbean American Diaspora Alliance
45. CARECEN
46. CASA
47. Casa de la Cultura El Salvador
48. Casa Generalizia della Societa del Sacro Cuore
49. Casa Mariposa Detention Visitation Program
50. Casa Mary Johanna
51. Casa Yurumein
52. Catholic Archdiocese of Los Angeles
53. Catholic Charities of SW Kansas
54. Catholic Legal Immigration Network, Inc. (CLINIC)
55. Catholic Legal Services, Archdiocese of Miami, Inc
56. Cayae.net
57. Center for Constitutional Rights
58. Center for Economic and Policy Research
59. Center for Gender & Refugee Studies
60. Center for Immigrant Progress
61. Center for Law and Social Policy
62. Center for New Americans
63. Central American Black Organization
64. Central American Resource Center (CARECEN-LA)
65. Central American Resource Center of Northern CA - CARECEN SF
66. Central American Resource Center of Washington DC
67. Central Florida Jobs With Justice
68. Centro Comunitario CEUS
69. Centro Presente
70. Centro Romero
71. Centro San Bonifacio
72. Chacon Center for Immigrant Justice at Maryland Carey Law
73. Charnette Frederic Civic Association
74. Chicago Religious Leadership Network on Latin America-CRLN
75. ChicagoCRED
76. Children of Haitian Immigrants, Inc.
77. Church of the Ascension, NYC
78. Church Women United in New York State
79. Church World Service
80. Churches United For Fair Housing - CUFFH
81. CIELO- Comunidades Indígenas en liderazgo (CIELO)
82. City of Maple Heights
83. City of Somerville, Mayor
84. Coalición de Derechos Humanos

85. Coalition for Humane Immigrant Rights (CHIRLA)
86. Colectivo de Desarrollo Transnacional de Michoacán
87. Colectivo de Mujeres Transnacionales
88. Colorado Jobs with Justice (COJWJ)
89. Communities Organizing Latinx Power and Action -COPAL Minnesota
90. Communities United for Status & Protection (CUSP)
91. Community Change Action
92. Congregation of Holy Cross Priests and Brothers USA
93. Congregation of Our Lady of Charity of the Good Shepherd, U.S. Provinces
94. Congregation of the Mission
95. Connecticut Shoreline Indivisible
96. Connecticut Worker Center
97. Cooperative Baptist Fellowship
98. Creative Exchanges initiative
99. CRECEN Houston
100. Daughters of Charity
101. Denver Justice and Peace Committee (DJPC)
102. Detention Watch Network
103. Diaspora Community Services
104. Diáspora Hondureña Internacional
105. Disaster Law Project
106. Dominican Development Center
107. Dominican Leadership Conference
108. Dorothy Day Catholic Worker
109. DRUM - Desis Rising Up & Moving
110. Durango Unido
111. Edmund Rice International
112. Emerald Isle Immigration Center
113. Environmental Justice Initiative for Haiti, Inc.
114. Episcopal Diocese of Milwaukee
115. Familias Unidas en Acción
116. Families Belong Together
117. Families for Freedom
118. FANM in Action
119. Farmworker Association of Florida
120. FEDECEMI - La Federación de Clubes Michoacanos en Illinois (Casa Michoacan)
121. Fellowship Southwest
122. FIRM Action
123. First Focus on Children
124. Florence Immigrant & Refugee Rights Project
125. Florida Immigrant Coalition
126. Fondasyon Mapou
127. Forum Haitien pour la paix et le développement Durable
128. Franciscan Action Network

129. Franciscans for Justice
130. Freedom for Immigrants
131. Friends of Matènwa
132. FWD.us
133. Global Cleveland
134. Global Justice Clinic, NYU School of Law
135. Groupe d'Appui au Développement et à la Démocratie (GRADE)
136. Haiti H2O
137. Haiti Justice Committee of Minnesota
138. Haiti Renewal Alliance
139. Haiti Solidarity Network of the North East
140. Haitian American Foundation for Democracy
141. Haitian Bridge Alliance
142. Haitian Women for Haitian Refugees
143. Harvard Immigration and Refugee Clinical Program
144. Heartland Workers Center
145. HIAS
146. Hispanic Federation
147. Holy Cross International Justice Office
148. Hondurans Against AIDS
149. Hondurans Against AIDS and Casa Yurumein
150. Hope For Haiti: Education
151. Houston America For All
152. Houston Coalition Against Hate
153. Houston Immigration Legal Services Collaborative
154. Human Rights First
155. Human Rights Initiative of North Texas
156. Illinois Coalition for Immigrant and Refugee Rights
157. Illinois Workers Action
158. Immaculate Heart Community Commission on Justice for Immigrants, Refugees, Indigenous Peoples
159. Immigrant Defenders Law Center
160. Immigrant Family Services Institute-USA
161. Immigrant Law Center of Minnesota
162. Immigrant Legal Advocacy Project
163. Immigrant Legal Center of Boulder County
164. Immigrant Legal Resource Center
165. Immigrant Welcome Center
166. Immigrants List Civic Action, Inc.
167. Immigration Equality
168. Immigration Hub
169. Immigration Support Services Network
170. Inland Coalition for Immigrant Justice
171. Innovation Law Lab
172. InReach

173. Institute for Justice & Democracy in Haiti (IJDH)
174. Institute of the Blessed Virgin Mary - Loreto Generalate
175. Interfaith Welcome Coalition - San Antonio
176. International Institute of New England
177. International Mayan League
178. International Refugee Assistance Project (IRAP)
179. International Rescue Committee
180. InterReligious Task Force on Central America and Colombia
181. Iowa Migrant Movement for Justice
182. Jemez Peacemakers
183. Jewish Voice for Peace, Atlanta chapter
184. Just Neighbors Ministry
185. Justice Action Center
186. Justice Center of Southeast MA
187. Justice for Our Neighbors El Paso
188. Justice in Motion
189. Kentucky Coalition for Immigrant and Refugee Rights
190. Kids in Need of Defense (KIND)
191. Kurzban, Kurzban, Tetzeli & Pratt, P.A.
192. La Troupe Makandal, Inc.
193. Las Americas Immigrant Advocacy Center
194. Latin American Working Group (LAWG)
195. Latinas en Poder
196. Latino Commission on AIDS
197. Latino Policy Forum
198. Latinos Progresando
199. Legal Aid Justice Center
200. LEPOCO Peace Center (Lehigh-Pocono Committee of Concern)
201. Lights for Liberty
202. Lila LGBTQ, Inc.
203. Living Hope Wheelchair Association
204. Lizandra Vidal LLC
205. Long Island Immigration Clinic/Sisters of St. Joseph
206. LSN Legal LLC
207. Lutheran Immigration and Refugee Service
208. Lutheran Social Services of the National Capital Area (LSSNCA)
209. MA Communities Action Network
210. Maine Immigrants' Rights Coalition
211. Manifest Haiti
212. Maryknoll Office for Global Concerns
213. Massachusetts Immigrant and Refugee Advocacy Coalition
214. Massachusetts Law Reform Institute
215. Miami Workers Center
216. Migrant, Immigrant & Refugee Rights Alliance (MIRR Alliance)

217.MIRA Mississippi Immigrants Rights Alliance
218.Mission Guatemala USA
219.Motivation Motivates
220.Mundo Maya Foundation
221.MVUU Contigo Immigration Justice Ministry
222.National Advocacy Center of the Sisters of the Good Shepherd
223.National Council of Churches
224.National Domestic Workers Alliance
225.National Employment Law Project
226.National Haitian American Elected Officials Network (NHAEON)
227.National Immigrant Justice Center
228.National Immigration Law Center
229.National Immigration Project (NIPNLG)
230.National Network for Arab American Communities (NNAAC)
231.National Network for Immigrant and Refugee Rights
232.National Partnership for New Americans
233.National TPS Alliance
234.Nebraska Appleseed
235.Network Lobby for Catholic Social Justice
236.New Hampshire Conference United Church of Christ, Immigrant & Refugee Support Group
237.New Jersey Forum for Human Rights
238.New York Immigration Coalition
239.New York Justice for Our Neighbors, Inc.
240.Nicaragua Center for Community Action
241.NJ State Industrial Union Council
242.NorCal TPS Coalition
243.North American Climate, Conservation and Environment
244.Northeastern University School of Law Immigrant Justice Clinic
245.Northwest Coalition for Responsible Investment
246.NouVleViv
247.O.L.A. Raza Inc.
248.Oasis Legal Services
249.Office of Latino/Latin American Studies (OLLA)
250.Ohio Immigrant Alliance
251.OneAmerica
252.ONECA/CABO
253.Opening Doors International Services
254.OPODNE--Faith in Action International
255.Oxfam America
256.Parish Twinning Program of the America
257.Partners In Health
258.Passionist Solidarity Network
259.Passionists International
260.Pax Christi USA

261. People's Response Network
262. Presbyterian Church (USA)
263. Provincial Council Clerics of St. Viator
264. Quixote Center
265. Radio Kajou
266. RAICES
267. Rainbow & Thunderbolts MultiMedia Inc.
268. RCMA - Redlands Christian Migrant Association
269. Red de Pueblos Transnacionales
270. Red Mexicana de Lideres y Organizaciones de Migrantes
271. Refugees International
272. Religious of Jesus and Mary, USA-Haiti Province
273. Robert F. Kennedy Human Rights
274. Rocky Mountain Immigrant Advocacy Network
275. Roots of Development
276. Rural Women Health Project
277. Salvadoran Association of Los Angeles (ASOSAL)
278. Sant La Haitian Neighborhood Center
279. School of the Americas Watch Educational Fund
280. School Sisters of Notre Dame, Central Pacific Province
281. Seattle Immigrant Rights Action Group
282. Seeds of Resistance
283. Sensus Fidelium
284. Service Employees International Union (SEIU)
285. Sisters of Charity Federation
286. Sisters of Charity of Nazareth Congregational Leadership
287. Sisters of Charity of Nazareth Western Province Leadership
288. Sisters of Charity of Seton Hill
289. Sisters of Holy Cross
290. Sisters of Mercy of the Americas Justice Team
291. Sisters of Notre Dame de Namur
292. Sisters of St. Francis, Clinton, Iowa
293. Sisters of St. Joseph of Boston
294. Sisters of the Holy Cross
295. Society of the Sacred Heart
296. Southeast Immigrant Rights Network (SEIRN)
297. St Augustine's Church
298. St Mark Community Education Program
299. Tahirih Justice Center
300. Telpochcalli Community Education Project
301. Texas Civil Rights Project
302. The Advocates for Human Rights
303. The Center for Undocumented Students at Saint Peter's University
304. The Haitian Legal Network, inc.

305. The Law Offices of Frandley D Julien PA
306. The Resurrection Project
307. True Alliance Center Inc./GBNCC
308. UndocuBlack Network
309. Unitarian Universalist Fellowship of Hidalgo County
310. Unitarian Universalist Service Committee
311. Unite North Metro Denver
312. Unite Oregon
313. United for a Fair Economy
314. United Front of the Haitian Diaspora
315. United Methodist Church
316. United We Dream Network
317. Unlocking Communities
318. Voice for Refuge Action Fund
319. Wallingford Indivisible
320. Wayne Action for Racial Equality
321. WeCount!
322. WESPAC Foundation, Inc.
323. Westchester Jewish Coalition for Immigration (WJCI)
324. Westover Hills Presbyterian Church, Little Rock
325. Wilco Justice Alliance (Williamson County, TX)
326. WIN! The Welcome Immigrant Network
327. Wind of the Spirit Immigrant Resource Center
328. Witness at the Border
329. Women Working Together U.S.A
330. Women's Alliance for Theology, Ethics, and Ritual (WATER)
331. Young Center for Immigrant Children's Rights (WATER)
332. Young Center for Immigrant Children's Rights

Cc:

The Honorable Kamala D. Harris, Vice President of the United States
Attorney General Garland, Department of Justice
Secretary Antony Blinken, Department of State
Advisor Jake Sullivan, National Security Council
Ambassador Susan Rice, Domestic Policy Council



U.S. Citizenship
and Immigration
Services

December 27, 2022

Amaha Kassa
Executive Director
African Communities Together
127 West 127th Street, Suite 221
New York, NY 10027

Dear Mr. Kassa:

Thank you for your November 18, 2022 letter to the U.S. Department of Homeland Security (DHS) requesting that Temporary Protected Status (TPS) for Haiti be extended and re-designated, that a new Federal Register Notice (FRN) be issued before February 2023, and that deportations of Haitians be halted indefinitely. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising Secretary Mayorkas on TPS issues, and he asked that I respond on his behalf.

I am pleased to announce that on December 5, 2022, Secretary Mayorkas announced the extension of TPS for Haiti for an additional 18 months, from February 4, 2023, through August 3, 2024, due to extraordinary and temporary conditions in Haiti. He also redesignated Haiti for TPS, allowing Haitian nationals residing in the United States as of November 6, 2022, to apply for TPS through August 3, 2024, so long as they meet all eligibility requirements.

I appreciate the concerns you outlined about the well-being of Haitian asylum seekers and migrants residing or seeking to reside in the United States, noting the precarious country conditions in Haiti. Like you, DHS is concerned about the ongoing unrest in Haiti and the impacts on the lives of its citizens worldwide. We are committed to providing essential humanitarian protections and to building a better immigration system.

DHS is committed to administering its programs, including TPS, in an equitable manner, and makes decisions regarding TPS designations after consultation with interagency partners and careful consideration of the circumstances of each country, pursuant to specific statutory criteria. *See* Immigration and Nationality Act §§ 244(b)(1) and 244(b)(3). As required by statute, at least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consulting with appropriate Government agencies, must review the conditions in the foreign state to determine whether the conditions for the TPS designation continue to be met.

We appreciate that you were glad to see the issuance of the FRN within one day of the TPS announcements for South Sudan, Venezuela, and Burma, and we are receptive to your feedback that delays in publishing FRNs can disrupt the daily lives of TPS beneficiaries who rely on employment authorization and additional protections that TPS provides. DHS is also monitoring the backlog of TPS processing and has taken steps to mitigate the impacts of the backlog. For example, Employment Authorization Documents (EADs) for Haitian TPS recipients have been automatically extended through June 30, 2024 for current beneficiaries under the 2011 TPS designation whose documents, as specified, have been automatically extended by the November 2022 FRN.¹

DHS is fully on board with your suggestion of a public education campaign. In fact, USCIS has materials available in Haitian Creole (Kreyòl Ayisyen) available online at <https://www.uscis.gov/tools/multilingual-resource-center>, including a fact sheet about the aforementioned EAD extension, which can be accessed at the link above. We are also working with USCIS Community Relations Officers and the USCIS Office of Communication to ensure accessible messaging is provided to impacted communities.

Broadly, DHS has made several efforts to provide and improve available legal pathways, so that there are meaningful alternatives to irregular migration, including for Haitians. For example, on December 15, 2022, DHS and the U.S. Department of Labor jointly published a temporary final rule increasing the numerical limit (or cap) on H-2B nonimmigrant visas by up to additional 64,716 H-2B visas for FY 2023.² Of the 64,716 additional visas, 20,000 visas are set aside for nationals of Haiti, El Salvador, Guatemala, and Honduras, who are exempt from the returning worker requirement. The H-2B program permits employers to temporarily hire noncitizens to perform nonagricultural labor or services in the United States. Additionally, on June 10, 2022, DHS announced it is working with the U.S. Department of State to restart the Haitian Family Reunification Program, a process which allows the eligible Haitian family members of U.S. Citizens and Lawful Permanent Residents to reunite with their family in the United States while awaiting processing for their immigrant visa.

You write specifically about halting the removals of Haitian nationals and Title 42's impact on such removals. DHS respectfully notes that the Centers for Disease Control and Prevention's (CDC) Title 42 Order is a public health authority and not an immigration authority. As required by the Supreme Court's administrative stay order issued on December 19, 2022, the Title 42 public health order will remain in effect at this time. While this stage of the litigation proceeds, we will continue our preparations to manage the border in a safe, orderly, and humane way when the Title 42 public health order lifts. DHS will also ensure that any Haitian national who manifests fear is either referred to USCIS for a screening interview or processed under a different Title 8 immigration pathway.

¹ See Temporary Protected Status Designated Country: Haiti, available online at <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>

² See *Federal Register*, Exercise of Time-Limited Authority To Increase the Numerical Limitation for FY 2023 for the H-2B Temporary Nonagricultural Worker Program and Portability Flexibility for H-2B Workers Seeking To Change Employers, available online at <https://www.federalregister.gov/documents/2022/12/15/2022-27236/exercise-of-time-limited-authority-to-increase-the-numerical-limitation-for-fy-2023-for-the-h-2b>.

Thank you again for your letter and interest in this important issue. Please share this response with the other organizations that cosigned your letter. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a long horizontal flourish.

Ur M. Jaddou
Director