

# Congress of the United States

Washington, DC 20515

September 19, 2022

President Joseph R. Biden  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
Washington, DC 20528

**RECEIVED**

**By ESEC at 3:43 pm, Sep 29, 2022**

Dear Mr. President and Secretary Mayorkas,

Thank you for your support of the Haitian people. We are writing to request a redesignation of Temporary Protected Status (TPS) for the Republic of Haiti and an extension for its nationals in the United States, and a moratorium on deportations to the island.

While Congressional Democrats are working to pass legislation to create a pathway to green cards and citizenship for TPS recipients, Senate Republicans have failed to support a permanent solution to countless hardworking immigrants. Thus, the executive branch much act.

Unfortunately, the August 2021 designation, which has protected thousands of Haitian nationals living in the United States, kept mixed-status Haitian families united, provided employment eligibility, and enabled economic contributions to our nation and Haiti, is set to expire. For many decades, the country has weathered foreign interventions, extreme weather events due to climate change, including the 2010 and 2021 earthquakes that claimed roughly 300,000 lives and devastated the nation's infrastructure, and contagious diseases including cholera and COVID-19.

Furthermore, the country is faced with increased insecurity due to gang violence and the illegal flow of weapons. According to Human Rights Watch's 2021 World Report, Haiti is experiencing one of the worst outbreaks of violence in decades. Haitians of all ages face powerful gangs who rule with impunity and, in some cases. The lack of the rule of law poses additional threats to holding perpetrators liable.

A year after the assassination of former President Jovenel Moïse, the country lacks a democratically elected government, insecurity due to gangs, and the illegal flow of weapons has increased significantly. Haiti has fallen into a more profound political uncertainty since the death of President Moïse. There is still no elected president, legislators, or mayors.

The power vacuum has allowed hundreds of gangs to flourish and exert control over 60% of Haiti's capital. The government is not functioning to meet even the most basic needs of its citizens. Women and girls are more vulnerable to gender-based violence. Gang violence, including rampant sexual violence, has shuttered schools, businesses, and healthcare providers, severely restricting humanitarian relief operations.

This month, from the Miami Herald to CNN, Haiti's security, economic, and political crises have blanketed news coverage, laying bare the deteriorating conditions. It is evident that the extraordinary challenges that prompted Haiti's TPS designation persist, and we should continue to provide TPS and other forms of assistance—including for those who arrived after July 29, 2021.

Mr. President and Secretary Mayorkas, the situation in the Republic of Haiti is dire. We have a legal and moral obligation to extend and redesignate Haiti for TPS and halt deportations to Haiti. Thank you for your consideration of our requests. We look forward to hearing from you.

Sincerely,



Frederica S. Wilson  
Member of Congress



Sheila Cherfilus-McCormick  
Member of Congress



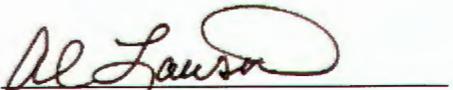
Eleanor Holmes Norton  
Member of Congress



Gwen S. Moore  
Member of Congress



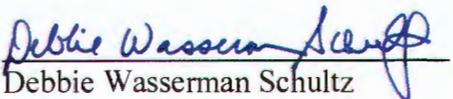
Dwight Evans  
Member of Congress



Al Lawson  
Member of Congress



Kathy Castor  
Member of Congress



Debbie Wasserman Schultz  
Member of Congress



Darren Soto  
Member of Congress



Anna G. Eshoo  
Member of Congress



U.S. Citizenship  
and Immigration  
Services

November 3, 2022

The Honorable Frederica S. Wilson  
U.S. House of Representatives  
Washington, DC 20515

Dear Representative Wilson:

Thank you for your September 19, 2022 letter to the U.S. Department of Homeland Security (DHS) requesting an extension and redesignation of Temporary Protected Status (TPS) for Haiti. U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the programs. Secretary Mayorkas asked that I respond on his behalf.

The Secretary of Homeland Security may designate a country for TPS and extend or terminate a country's existing TPS designation based upon specific statutory criteria. In order to designate a country for TPS or extend a country's TPS designation, the Secretary must find one or more of the following:

- (1) there is an ongoing armed conflict within the country that would pose a serious threat to the personal safety of the country's nationals if they were returned;
- (2) there has been an environmental disaster resulting in a substantial, but temporary, disruption of the living conditions in the area affected, the country is temporarily unable to handle adequately the return of its nationals, and the country has officially requested TPS designation; or
- (3) there exist extraordinary and temporary conditions in the country that prevent nationals from returning in safety, and the Secretary does not find that permitting the country's nationals to remain temporarily in the United States would be contrary to the national interest of the United States.<sup>1</sup>

Haiti was initially designated for TPS on January 21, 2010, on the basis of extraordinary and temporary conditions that prevented nationals of Haiti from returning in safety.<sup>2</sup> Following

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<sup>1</sup> See Immigration and Nationality Act § 244(b)(1).

<sup>2</sup> See Designation of Haiti for Temporary Protected Status, 75 FR 3476 (Jan. 21, 2010). Following the initial designation, TPS for Haiti was extended and newly designated once from July 23, 2011 through January 22, 2013 based on extraordinary and temporary conditions. See Extension and Redesignation of Haiti for Temporary Protected Status, 76 FR 29000 (May 19, 2011). Thereafter, TPS for Haiti was extended four times based on extraordinary and temporary conditions: (1) from January 23, 2013 through July 22, 2014 (See Extension of the

the initial designation, TPS for Haiti was extended and newly designated once from July 23, 2011, through January 22, 2013, based on extraordinary and temporary conditions.<sup>3</sup> Thereafter, TPS for Haiti was extended four times: (1) from January 23, 2013 through July 22, 2014, based on extraordinary and temporary conditions;<sup>4</sup> (2) from July 23, 2014 through January 22, 2016, based on extraordinary and temporary conditions;<sup>5</sup> (3) from January 23, 2016 through July 22, 2017, based on extraordinary and temporary conditions;<sup>6</sup> (4) from July 23, 2017 through January 22, 2018, based on extraordinary and temporary conditions.<sup>7</sup> Subsequently, then Secretary Nielsen announced the termination of TPS effective July 22, 2019.<sup>8</sup> The termination of Haiti's TPS designation is being challenged in several separate lawsuits, and court injunctions require DHS to continue TPS for Haiti temporarily pending further court order.<sup>9</sup> Most recently, Secretary Mayorkas newly designated Haiti on the basis of extraordinary and temporary conditions effective August 3, 2021, through February 3, 2023.<sup>10</sup>

At least 60 days before the expiration of a TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the country conditions to determine whether they continue to meet the conditions for the TPS designation.<sup>11</sup> If the Secretary determines that conditions for TPS designation continue to exist, the designation will be extended for an additional period of 6 months or, in the Secretary's discretion, 12 or 18 months.<sup>12</sup>

In addition to TPS, USCIS also offers support that may be available upon request to assist eligible Haitian nationals, and other individuals who last habitually resided in Haiti affected by special situations, including the following:

- Change or extension of nonimmigrant status for noncitizens currently in the United States, even if the request is filed after the authorized period of admission has expired;
- Expedited processing of requests for advance parole documents;

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Designation of Haiti for Temporary Protected Status, 77 FR 59943 (Oct. 1, 2012)); (2) from July 23, 2014 through January 22, 2016 (*See Extension of the Designation of Haiti for Temporary Protected Status*, 79 FR 11808 (Mar. 3, 2014)); (3) from January 23, 2016 through July 22, 2017 (*See Extension of the Designation of Haiti for Temporary Protected Status*, 80 FR 51582 (Aug. 25, 2015)); and (4) from July 23, 2017 through January 22, 2018 (*See Extension of the Designation of Haiti for Temporary Protected Status*, 82 FR 23830 (May 24, 2017)).

<sup>3</sup> *See Extension and Redesignation of Haiti for Temporary Protected Status*, 76 FR 29000 (May 19, 2011).

<sup>4</sup> *See Extension of the Designation of Haiti for Temporary Protected Status*, 77 FR 59943 (Oct. 1, 2012).

<sup>5</sup> *See Extension of the Designation of Haiti for Temporary Protected Status*, 79 FR 11808 (Mar. 3, 2014).

<sup>6</sup> *See Extension of the Designation of Haiti for Temporary Protected Status*, 80 FR 51582 (Aug. 25, 2015).

<sup>7</sup> *See Extension of the Designation of Haiti for Temporary Protected Status*, 82 FR 23830 (May 24, 2017).

<sup>8</sup> *See Termination of the Designation of Haiti for Temporary Protected Status*, 83 FR 2648 (Jan. 18, 2018).

<sup>9</sup> *See Ramos v. Wolf*, 975 F.3d 872 (9th Cir. 2020), *petition for en banc rehearing* filed Nov. 30, 2020 (No. 18-16981)(district court's preliminary injunction against termination of six countries' TPS, including TPS for Haiti, remains in effect pending 9th Circuit consideration of plaintiffs' request for *en banc* rehearing of appellate panel decision to vacate the district court injunction); *Saget v. Trump*, No. 1:18-cv-1599 (E.D.N.Y. 2019) (injunction issued, but dismissed as moot, Oct. 15, 2021); *NAACP v. DHS*, No. 18-cv-00239 (D. Md.); and *Centro Presente v. Trump*, No. 18-cv-10340 (D. Mass.).

<sup>10</sup> *See Designation of Haiti for Temporary Protected Status*, 86 FR 41863 (Aug. 3, 2021).

<sup>11</sup> *See* INA § 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A)

<sup>12</sup> *See* INA § 244(b)(3)(A), (C), 8 U.S.C. 1254a(b)(3)(A), (C)

- Expedited adjudication of requests for off-campus employment authorization for F-1 students experiencing severe economic hardship;
- Expedited adjudication of employment authorization applications, where appropriate;
- Assistance if applicants received a Request for Evidence or a Notice of Intent to Deny and were unable to appear for an interview, submit evidence, or respond in a timely manner because of the special situation; and
- Replacement of lost or damaged immigration or travel documents issued by USCIS, such as a Permanent Resident Card (Green Card).

More information is available at <https://www.uscis.gov/humanitarian/special-situations>.

I appreciate you expressing your concern regarding the situation in Haiti. Thank you for the information you have provided, and please be assured that DHS continues to actively monitor in-country conditions. DHS will make any decision to designate TPS after consultation with interagency partners and careful consideration of the individual country's circumstances.

Thank you for your letter and interest in this important issue. The cosigners of your letter will receive a separate, identical response. Should you require any additional assistance, please have your staff contact the USCIS Office of Legislative Affairs at (240) 721-3801.

Respectfully,

A handwritten signature in black ink, appearing to read "Ur M. Jaddou", followed by a horizontal line extending to the right.

Ur M. Jaddou  
Director