

FACT SHEET: TPS REDESIGNATION FOR HAITI



What is Temporary Protected Status (TPS)?

Temporary Protected Status (TPS) is a temporary immigrant status created by Congress that allows individuals already in the United States to remain if something catastrophic happens in their country of origin to prevent safe return. The Secretary of Homeland Security may designate a country for TPS due to ongoing conflict, an environmental disaster, or “other extraordinary and temporary conditions.”¹ TPS provides individuals temporary protection from deportation, permission to work, and permission to travel.²

To qualify for TPS, individuals must be a national of a country designated for TPS by the Department of Homeland Security (DHS) and must have lived in the United States continuously since the date of DHS’s designation. When a country is redesignated for TPS, the date of continuous presence is updated to the most recent date of designation. TPS is a temporary solution because it does not provide a pathway to citizenship, though beneficiaries may pursue initial applications for permanent residency, non-immigrant visas, or any other immigration benefit or protection for which they are eligible.

Who Has TPS?

Currently, there are 11 countries designated for TPS, benefitting approximately 325,000 people.³ Many TPS beneficiaries have resided in the United States for more than 20 years, around 68,000 of whom arrived as children under the age of 16.⁴ Approximately 273,000 U.S. citizen children have parents who are TPS beneficiaries.⁵ The vast majority of TPS recipients — 90 percent — are from three countries: El Salvador, Honduras, and Haiti.⁶ Haitian TPS beneficiaries are the parents of 27,000 U.S. citizen children.⁷

In 2017, the Trump administration sought to terminate TPS for Haitians. Two pieces of litigation — *Saget v. Trump and Ramos v. Nielsen* — have blocked the termination of TPS for Haiti and extended the country’s designation until October 4, 2021. In addition to the more than 55,000 Haitians who currently have TPS but face uncertainty as October approaches, it is estimated that around 100,000 Haitian nationals currently living in the United States would benefit from redesignating Haiti for TPS.⁸

Why redesignate Haiti for TPS immediately?

Due to multiple recent extraordinary conditions that make return to Haiti unsafe, the Biden administration should redesignate Haiti for TPS. Haiti continues to recover from past political crises and natural disasters, including the 2010 earthquake, Hurricane Matthew, and a cholera epidemic brought by United Nations

1 *Temporary Protected Status*, U.S. Citizenship and Immigration Services, <https://www.uscis.gov/humanitarian/temporary-protected-status>, (last updated Mar. 23, 2021).

2 *Id.*

3 *Id.* The countries are El Salvador, Haiti, Honduras, Nepal, Nicaragua, Somalia, Sudan, South Sudan, Syria, Venezuela, and Yemen.

4 Robert Warren & Donald Kerwin, *A Statistical and Demographic Profile of the US Temporary Protected Status Populations from El Salvador, Honduras, and Haiti*, 5 *J. on Migration & Hum. Security* 577 (2017), available at <https://journals.sagepub.com/doi/pdf/10.1177/233150241700500302>.

5 *Id.*

6 *Pulling Back the Curtain: Analysis of New Government Data on Temporary Protected Status*, *Temporary Protected Status Advocacy Working Group* (March 2021), available at <https://clinicalegal.org/resources/humanitarian-relief/temporary-protected-status-and-deferred-enforced-departure/pulling>.

7 Warren, *supra* note 4.

8 *Pulling Back the Curtain*, *supra* note 6.

peacekeepers.⁹ On top of that recovery, Human Rights Watch's 2021 World Report found that Haiti is currently experiencing one of the worst outbreaks of violence in decades.¹⁰ Haitians of all ages face powerful gangs who rule with impunity and in some cases, with government complicity.¹¹ The lack of rule of law also makes it difficult to hold those responsible for the ever-increasing violence accountable. As a result, the government is not meeting even the most basic needs of its citizens. Women and girls are particularly vulnerable to gender-based violence as increased political violence and a weak legal system foster widespread impunity.¹²

A new political crisis further jeopardizes the safety and well-being of Haitian adults, families and children. In January 2020, the mandates of all but 10 members of Parliament and all mayors terminated due to delayed elections, leaving President Jovenel Moïse to run the country without legislative oversight and in violation of the Haitian Constitution.¹³ While Constitutional scholars, the judicial oversight body, the bar associations, and hundreds of thousands of protestors in the streets contend that President Moïse's term ended on February 7, 2021, President Moïse has refused to step down.¹⁴ This has resulted in massive protests and clashes with government forces that make the political situation unstable, fragile and dangerous.¹⁵

COVID-19 has exacerbated existing humanitarian and political crises. Currently, Haiti's health infrastructure is limited and underfunded, unable to address the increasing number of COVID-19 cases.¹⁶ Additionally, the distancing requirements and economic shutdown caused by the pandemic put further strain on low-income families. UNICEF estimates that nearly 40 percent of the Haitian population is food insecure, including an estimated 167,000 children experiencing acute malnutrition.¹⁷ Additionally, an estimated 2.2 million people, including 1 million children, require emergency health care, and the pandemic has curtailed access to critical programs such as wellness visits and vaccinations.¹⁸ The pandemic has also undermined other aspects of child safety and well-being. In Haiti, as is the case around the world, children's limited access to schools, health services and recreational activities has exposed them to higher rates of abuse, exploitation and violence.¹⁹ All of these conditions make safe return impossible for Haitians, particularly children, at this time.

The U.S. government has acknowledged the current situation in Haiti. The House Foreign Affairs committee held a hearing about policy recommendations on Haiti for the Biden Administration, where both the Chairman and Ranking Member acknowledged Haiti's current fragile state.²⁰ In a subsequent letter to Secretary of State Anthony Blinken on U.S. policy toward Haiti, 69 members of the House urged the

9 *Cholera Accountability*, Institute for Justice & Democracy in Haiti, <https://www.ijdh.org/choleraaccountability/> (last visited Apr. 19, 2021).

10 *Haiti: Events of 2020*, World Report 2021, Human Rights Watch, <https://www.hrw.org/world-report/2021/country-chapters/haiti> (last visited Apr. 19, 2021).

11 Sam Bojarski, *Hearing on Human Rights Abuses, Impunity in Haiti Open to Public*, The Haitian Times (Dec. 9, 2020), <https://haitiantimes.com/2020/12/09/hearing-on-human-rights-abuses-impunity-in-haiti-open-to-public/>.

12 *Haiti: Events of 2020*, *supra* note 10.

13 *Jovenel Moïse Tries to Govern Haiti Without a Parliament*, The Economist (Jan. 18, 2020), <https://www.economist.com/the-americas/2020/01/18/jovenel-moise-tries-to-govern-haiti-without-a-parliament>.

14 Anthony Faiola, *Coups Allegations and Rival Claims to the Presidency Deepen Haiti's Crisis*, The Washington Post (February 8, 2021), https://www.washingtonpost.com/world/the_americas/haiti-moise-constitutional-crisis/2021/02/08/c7dfbf86-6a15-11eb-9f80-3d7646ce1bc0_story.html. <https://www.aljazeera.com/gallery/2021/2/11/in-pictures-haitian-police-fire-tear-gas-on-protesters>

15 <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249046215.html>

16 *Haiti: Humanitarian Situation Report*, UNICEF (January-December 2020), <https://www.unicef.org/media/94046/file/Haiti-SitRep-December-2020.pdf>.

17 *Id.*

18 *Id.*

19 *Id.*

20 *Meeks Remarks at Hearing on Haiti*, U.S. House Representatives Committees on Foreign Affairs (Mar. 12, 2021), <https://foreignaffairs.house.gov/2021/3/meeks-remarks-at-hearing-on-haiti>. *McCaul Opening Statement at Full Committee on Policy Recommendations on Haiti*, GOP Foreign Affairs Committee (Mar. 12, 2021), <https://gop-foreignaffairs.house.gov/blog/mccaul-opening-statement-at-full-committee-hearing-on-policy-recommendations-on-haiti/>.

administration to redesignate Haiti for TPS.²¹ Chairman of the Senate Foreign Relations Committee Sen. Robert Menendez (D-NJ) and Sen. Marco Rubio (R-FL) recently sent a bipartisan letter to the administration calling for Haiti's redesignation for TPS.²² Furthermore, the State Department has issued a level 4 "do not travel" advisory, described as "the highest advisory level due to greater likelihood of life-threatening risks," due to "kidnapping, crime, civil unrest, and COVID-19."²³

Redesignating Haiti for TPS also aligns with U.S. national interests. It would advance United States engagement with the region and the rest of the international community. TPS holders contribute to the U.S. economy, and many Haitian immigrants are serving as essential workers during the COVID-19 pandemic.²⁴ Redesignating Haiti for TPS would also promote recovery, development, and regional stability by preserving and increasing the flow of remittances to Haiti. Remittances sent from the Haitian diaspora account for more than a third of the country's gross domestic product and amounted to twelve times more than U.S. foreign assistance in 2019.²⁵ These funds would put support directly into the hands of Haitian adults, families and children for food, healthcare, housing, education and other basic needs that would address conditions that lead to migration.

Conclusion

By creating the TPS, Congress recognized our country's obligation to prevent the return of people to harm in their home country, both in U.S. laws and international obligations.²⁶ The recent factors described above rise to the level of extraordinary and temporary conditions that make it unsafe for Haitian nationals to return. Without redesignation for TPS, Haitian nationals in the U.S., including children, could be returned to a country that cannot safely receive them and where they are likely to experience harm. Additionally, Haitian nationals with U.S. citizen children would have to make difficult decisions about possible family separation or taking their children into unsafe conditions in Haiti and away from the country they call home. Our government must act now to protect the well-being of children, both those of Haitian heritage in the United States and those in Haiti, by redesignating Haiti for TPS.

This fact sheet was prepared in partnership with:



21 Letter to Secretary of State Anthony Blinken from 69 Members of the U.S. House of Representatives (Apr. 26, 2021), <http://www.ijdh.org/wp-content/uploads/2021/02/Meeks-Letter.pdf>.

22 Letter to Secretary of Homeland Security Alejandro Mayorkas from Chairman Robert Menendez and Senator Marco Rubio, U.S. Senate Committee on Foreign Relations (Mar. 12, 2021), <https://www.foreign.senate.gov/imo/media/doc/03-12-21%20Menendez%20Rubio%20letter%20to%20DHS%20re%20Haiti%20TPS.pdf>.

23 *Haiti Travel Advisory*, U.S. Department of State (Apr. 12, 2021), <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>.

24 Nicole Prchal Svajlenka & Tom Jawetz, *A Demographic Profile of TPS Holders Providing Essential Services During the Coronavirus Crisis*, Ctr. For American Progress (Apr. 14, 2020), <https://www.americanprogress.org/issues/immigration/news/2020/04/14/483167/demographic-profile-tps-holders-providing-essential-services-coronavirus-crisis/>.

25 Dilip Ratha, *Data Release: Remittances to low-and middle-income countries on track to reach \$551 billion in 2019 and \$597 billion by 2021*, World Bank Blogs (October 16, 2019), <https://blogs.worldbank.org/peoplemove/data-release-remittances-low-and-middle-income-countries-track-reach-551-billion-2019>. U.S. Foreign Aid by Country: Haiti, U.S. Agency for International Development, <https://explorer.usaid.gov/cd/HTI> (last visited February 25, 2021).

26 Jill H. Wilson, *Temporary Protected Status: Overview and Current Issues*, Congressional Research Service (April 1, 2020), www.everycrsreport.com/files/20200401_RS20844_234bceecdf5e83dc354590e7862953603997186b.html.