

NON-AGENDA ITEM

**ADDITIONAL MATERIAL
10:00 A.M. REGULAR MEETING**

MAY 9, 2017

**SUBMITTED AT THE REQUEST OF
COMMISSIONER DALE HOLNESS**

Congress of the United States
Washington, DC 20515

March 24, 2017

Honorable John F. Kelly
Secretary
Department of Homeland Security
3801 Nebraska Avenue NW
Washington, D.C. 20016

Dear Secretary Kelly:

We write to encourage you to exercise your authority under Section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) to extend Temporary Protected Status (TPS) to Haitian nationals who have been residing in the United States and benefitting from this program.

Through TPS, our country has been committed to providing a safe haven to individuals unable to securely return to their home country due to ongoing environmental disasters and violence that have severely impacted their country. On January 12, 2010, Haiti was hit by a 7.0 magnitude earthquake causing massive devastation throughout the country. The earthquake is estimated to have directly affected 3,000,000 people, nearly one-third of Haiti's population. In addition, the earthquake destroyed government buildings, hospitals, schools, and vital aid offices, including the United Nations' mission headquarters. Haiti, to this day, continues to rebuild from this debilitating earthquake.

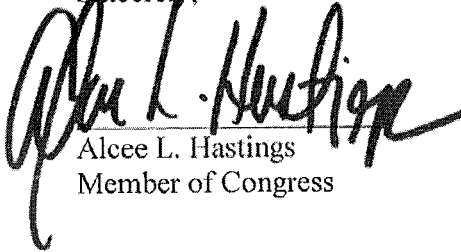
Since the earthquake hit Haiti, the country has not only suffered a cholera outbreak that is responsible for the deaths of, to date, 9,000 Haitians, but also Hurricane Matthew, which made landfall on October 4, 2016. Hurricane Matthew was the worst hurricane to hit the country in 50 years, taking the lives of over 1,000 people and directly affecting 2.1 million Haitians. The hurricane was responsible for the internal displacement of 175,000 people and left 1.4 million in need of urgent humanitarian aid.

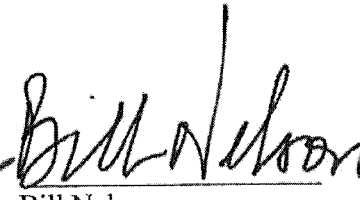
It is estimated that Hurricane Matthew resulted in damage that will cost Haiti \$1,000,000,000, or about 11.4 percent of its gross domestic product. This includes extensive damage to Haiti's roadways, bridges, buildings and critical infrastructure. Additionally, Hurricane Matthew resulted in tremendous destruction of Haiti's agricultural sector with crop losses estimated to be \$360 million.

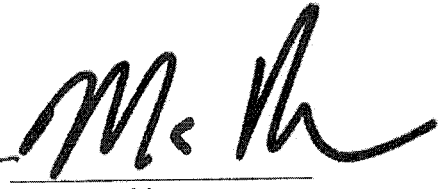
Within the context of the terrible damage wrought by Hurricane Matthew, Haiti continues its efforts to rebuild from the 2010, 7.0 magnitude earthquake, and recover from the Cholera outbreak of the same year.


The United States remains steadfast in assisting Haiti with its democratic development and providing necessary assistance for reconstruction, development, and humanitarian relief. Given the continued difficult conditions in Haiti, we urge your administration to extend the TPS designation, within all applicable rules and regulations, for Haitian nationals who are currently living in, and contributing to, our great country.

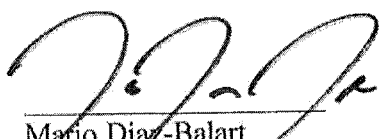
Sincerely,



Alcee L. Hastings
Member of Congress

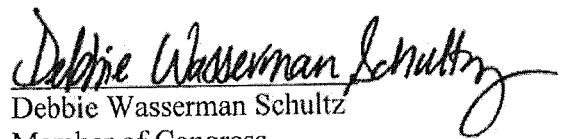

Bill Nelson
United States Senator

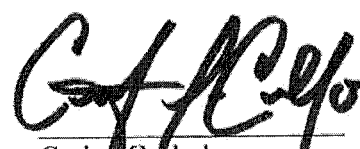

Marco Rubio
United States Senator

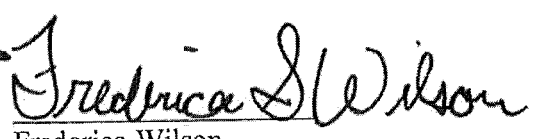

Ileana Ros-Lehtinen
Member of Congress

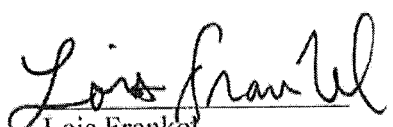

Mario Diaz-Balart
Members of Congress


Ted Deutch
Member of Congress


Debbie Wasserman Schultz
Member of Congress


Carlos Curbelo
Member of Congress


Frederica Wilson
Member of Congress


Lois Frankel
Member of Congress

RESOLUTION URGING PRESIDENT DONALD TRUMP AND
THE UNITED STATES DEPARTMENT OF HOMELAND
SECURITY TO EXTEND TEMPORARY PROTECTED STATUS
FOR HAITIAN NATIONALS

WHEREAS, on January 15, 2010, the United States Department of Homeland Security (DHS) granted Temporary Protected Status (TPS) to Haitian nationals who were in the United States as of January 12, 2010, the date of the devastating earthquake in Haiti; and

WHEREAS, the TPS designation allows eligible Haitian nationals to temporarily continue living and working in the United States; and

WHEREAS, TPS was made available to Haitian nationals for 18 months from January 12, 2010 to July 22, 2011; and

WHEREAS, on July 23, 2011, Haiti's TPS designation was extended and redesignated for 18 months, and the latest extension of TPS occurred on January 23, 2016 and expires on July 22, 2017; and

WHEREAS, Haiti has not yet recovered from the 2010 earthquake; the nation suffers from economic and political crises, rampant Zika and Chikungunya, the effects of a devastating cholera epidemic which has killed 10,000 and sickened 900,000, and most recently, the destructive effects of Hurricane Matthew, which cost Haiti \$2.7 billion or 32% of its GDP per a March, 2017 United Nations report; and

WHEREAS, on October 4, 2016, Hurricane Matthew was the first Category 4 hurricane to hit Haiti in 52 years; and

WHEREAS, Hurricane Matthew affected 2 million Haitians, left at least 1.4 million in need of emergency aid, killed 1,000 people, rendered 806,000 people extremely food insecure, left 1,250,000 Haitians—including a half-million children—without safe water, wiped out

livestock and crops in broad areas, damaged or destroyed 1,663 schools, dramatically increased the number of cholera cases in Haiti, and left entire towns completely destroyed and cut off from the outside world by flooding and damage; and

WHEREAS, nearly six months later the United Nations estimates that hundreds of thousands of Haitians remain “extremely food insecure,” some have died as a result of malnutrition, and thousands may starve to death in what experts describe as a looming humanitarian disaster; and

WHEREAS, in “Desperate Haitians living in caves, eating toxic plants in post-hurricane Haiti,” by Jacqueline Charles, *Miami Herald*, March 24, 2017, Food for the Poor’s President/CEO is quoted as saying, “They have no food. They have no water. They have no shelter...It really is a crime against humanity.”

WHEREAS, per the same article, a few days earlier the same charity “reported that at least 13 Haitians in the Grand’Anse had died over the past 10 days because of hurricane-related food shortages in the region, and ‘Families are turning in desperation to fruits and foliage known to be poisonous in an attempt to quell their hunger and save their lives,’ the charity said in a press release. Haiti’s current humanitarian situation is precarious and likely to get worse, the United Nations’ Office for the Coordination of Humanitarian Affairs warned. [and] The vast majority of agricultural households have not recovered their means of production, their financial situation is rapidly deteriorating and their access to basic services has diminished considerably because of the end of emergency programs,” the U.N. humanitarian agency said in a report published last month.”; and

WHEREAS, per the same article, “While two out of three farmers in the Grand’Anse region lost three-fourths of their crops as a result of Matthew, the U.N. humanitarian agency also noted that 95 percent of farmers were unable to plant for the February or May harvest.”; and

WHEREAS, such reports are many and proliferating, indicating a worsening humanitarian crisis affecting hundreds of thousands of Haitians with which Haiti’s government is unable to cope; and

WHEREAS, the 50,000 Haitians with TPS have been in the US for at least six and a half years, the vast majority since well before the January 2010 earthquake, and have strong community ties including families with U.S.-born, American-citizen children; and

WHEREAS, the \$1.3B per year in remittances sent to Haiti from Haitians in the U.S. are crucial to sustain hundreds of thousands of loved ones back home in Haiti; and

WHEREAS, the United Nations has raised barely \$2 million of its \$400 million minimum goal to fight cholera in Haiti; and

WHEREAS, Haiti’s government is in no position to insure safety to or assimilate the 50,000 Haitians with TPS, nor to make up for their remittances should they be curtailed by their deportation, and it remains unsafe to deport them; and

WHEREAS, their deportation would consequently tend to destabilize Haiti, which is contrary to the national security interest of the United States; and

WHEREAS, there continue to be extraordinary and temporary conditions that prevent Haitian nationals from safely returning to Haiti, and therefore TPS should be extended for an additional 18 months.

NOW, THEREFORE, BE IT RESOLVED BY . . . , that this . . . :

Section 1. Urges Secretary of Homeland Security John F. Kelly to extend Temporary Protected Status for Haitian nationals for at least another 18-month period.



Temporary Protected Status for Haiti

The current 18-month grant of Temporary Protected Status for about 50,000 Haitians will expire on July 22, 2017¹ unless extended by Department of Homeland Security Secretary John Kelly. By law, Kelly must decide by May 23 whether conditions warrant extension.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- to 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, 80 Fed. Reg. 51,582 (Aug. 25, 2015)

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 Haitians who came to the U.S. after Jan. 12, 2011 are not eligible for TPS.

Haitian TPS has continued to be renewed for 18-month increments since the initial designation period, 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 is 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 United Nations 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 United Nations Report, the hurricane cost Haiti \$2.7 billion, or 32% of its GDP.²⁷

percent work in management, business, science and arts occupations; nearly 20 percent are employed in sales and office occupations.²⁸

- 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.²⁹
- 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.³⁰

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 than 70 percent. Over 40 percent of Haitian workers are employed in service occupations; more than 20

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

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 Chiamaka Nwosu and Jeanne Batalova, *Haitian Immigrants in the United States*, Migration Policy Institute, May 29, 2014, available at www.migrationpolicy.org/article/haitian-immigrants-united-states.

29 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.

30 *Id.*

Remittances are crucial to Haiti's economy and people.³¹ In 2015, remittances to Haiti from the U.S. exceeded \$1.3 billion—or about 15 percent of Haiti's GDP.³² 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.³³

Some Haitian TPS recipients have U.S. citizen children. Undoubtedly, if forced to return to Haiti, parents would not bring their U.S. citizen children, ripping families apart and scarring a generation of Haitian Americans.

Who supports the extension of TPS for Haiti?

There is bipartisan support for extending TPS.³⁴ Supporters include U.S. Senators Marco Rubio, R-Florida; Bill Nelson, D-Florida³⁵; Chuck Schumer, D-NY and Kirsten Gillibrand, D-NY³⁶; at least 8 members³⁷ of the U.S. House of Representatives; as well as city and county councils; and various editorial boards, including those of the Miami Herald³⁸ and other major papers.

Nonprofit and faith organizations support the extension of TPS for Haitians. Catholic organizations and faith leaders, including Catholic Charities USA, Catholic Legal Immigration Network, Inc., Catholic Relief Services, and Migration and Refugee Service of the U.S. Conference of Catholic Bishops, urge

the secretary to extend TPS to protect vulnerable Haitians.

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.³⁹

Last updated: 4/21/2017

31 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

32 *Id.*

33 *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

34 *US Senators & Reps Urge DHS to Extend TPS for Haiti*, March 24, 2017, available at www.ijdh.org/2017/03/topics/immigration-topics/us-senators-reps-urge-dhs-to-extend-tps-for-haiti.

35 *Id.*

36 *Schumer, Gillibrand call on U.S. Dept. of State & U.S. Dept. of Homeland Security to Extend Temporary Protected Status to Haitian nationals residing in U.S.* (Mar. 24, 2017), available at www.schumer.senate.gov/newsroom/press-releases/schumer-gillibrand-call-on-us-dept-of-state-and-us-dept-of-homeland-security-to-extend-temporary-protected-status-to-haitian-nationals-residing-in-us

37 *US Senators & Reps Urge DHS to Extend TPS for Haiti*, March 24, 2017, available at www.ijdh.org/2017/03/topics/immigration-topics/us-senators-reps-urge-dhs-to-extend-tps-for-haiti

38 *Extend Temporary Protected Status for Eligible Haitians*, Miami Herald, April 15, 2017, available at www.miamiherald.com/opinion/editorials/article144888619.html

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