



U.S. Citizenship
and Immigration
Services

July 18, 2017

The Honorable Barbara Sharief
Mayor of Broward County
Board of County Commissioners
115 S. Andrews Avenue, Room 409
Ft. Lauderdale, FL 33301

Dear Mayor Sharief:

Thank you for your May 9, 2017 letter. Secretary Kelly asked that I respond on his behalf.

I appreciate your interest in Haiti's Temporary Protected Status (TPS) designation. Under federal law, in order for the Secretary to designate a country for TPS, he must find that one or more of the following three statutory bases are met: (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 he 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. As long as the statutory conditions for designation continue to be met, the designation must be extended. Conversely, when the conditions are no longer met, the Secretary is required to terminate the designation. *See* Immigration and Nationality Act (INA) § 244(b)(1) and (3); 8 U.S.C. § 1254a(b)(1) and (3).

TPS, as enacted in law, is inherently temporary in nature. It is not intended to be a vehicle to provide long-term immigration benefits to foreign nationals. The Secretary has no authority to make the designation permanent. Only the U.S. Congress can deal with this issue by changing the law.

Initial designation periods are limited to 6-18 months, with required periodic reviews before the end of an initial period of designation and any extended period of designation. Additionally, the period of extension of a designation is limited to 6, 12, or 18 months at a time. *See* INA § 244(b)(2) and (3), 8 U.S.C. § 1254a(b)(2) and (3).

Haiti was initially designated for TPS on January 21, 2010, with almost 60,000 Haitians in the United States currently receiving protection under Haiti's designation. On May 22, 2017,

Secretary Kelly announced a limited 6-month extension of Haiti's TPS designation through January 22, 2018. He determined that, although Haiti has made significant progress in recovering from the January 2010 earthquake that prompted its designation, conditions in Haiti supporting its designation continue to be met at this time. He also noted, however, his belief that "Haiti – if its recovery from the 2010 earthquake continues at pace – may not warrant further TPS extension past January 2018...and beneficiaries should plan accordingly that this status may finally end after the extension announced today."

The Secretary elaborated on Haiti's progress, noting: "The Haitian economy continues to recover and grow, and 96 percent of people displaced by the earthquake and living in internally displaced person camps have left those camps. Even more encouraging is that over 98 percent of these camps have closed. Also indicative of Haiti's success in recovering from the earthquake 7 years ago is the Haitian government's stated plans to rebuild the Haitian President's residence at the National Palace in Port-au-Prince, and the withdrawal of the United Nations Stabilization Mission in Haiti," all indicators of sufficient recovery.

Secretary Kelly visited Haiti on May 31, 2017, and on numerous occasions in his former capacity as Commander of U.S. Southern Command and as both an officer and an enlisted Marine. Often accompanied by the former President and U.S. Ambassadors, he visited locations across the country and know the conditions on the ground—from the northern coast's industrial centers and burgeoning textile industry, to small towns throughout the country, to now-abandoned temporary residential camps, to the capital in Port-au-Prince. His personal knowledge of the current conditions and the history of Haiti further enhance his understanding of the situation as it relates to Haiti's TPS designation.

At least 60 days before January 22, 2018, the Secretary will re-evaluate the designation for Haiti and will determine whether another extension, a redesignation, or a termination is warranted, in full compliance with the INA. He will fully re-evaluate the country conditions and any other factors necessary to determine whether Haiti's TPS designation should continue. Once a decision is made, it will be announced by U.S. Citizenship and Immigration Services, and a notice will be published in the *Federal Register*.

Thank you again for your letter and interest in this important issue. Please share this information with the cosigners of your letter. Should you wish to discuss this further, please do not hesitate to contact me.

Sincerely,



James W. McCament
Acting Director