



November 17, 2017

The Honorable Elaine Duke  
Acting Secretary, Department of Homeland Security  
Washington, DC 20528

*VIA EMAIL*

**RE: Extension of TPS Designation for Haiti**

Dear Secretary Duke:

We, the undersigned, write on behalf of the U.S. Conference of Catholic Bishops' Committee on Migration (USCCB/COM), Catholic Legal Immigration Network, Inc. (CLINIC), Catholic Relief Services (CRS), and Catholic Charities USA (CCUSA) to urge you to extend Haiti's Temporary Protected Status (TPS) designation for 18 months. As you know, while the current TPS designation extends through January 22, 2018,<sup>1</sup> pursuant to statutory requirements,<sup>2</sup> a decision to extend or terminate TPS for the country must be made by November 23, 2017. We know firsthand from our humanitarian and development programs in Haiti, our September 4-7, 2017 delegation trip to Port-au-Prince, and our work with affected communities in the U.S. that Haiti is not fully recovered from the 2010 earthquake and is not yet in a position to safely handle return of its nationals who have TPS.

The Catholic Church's deep concern for individuals with TPS is rooted in Catholic Social Teaching and its experience with welcoming and integrating large populations of immigrants to the U.S. Many of our dioceses in the United States have direct relationships of pastoral care and outreach with Haitian TPS recipients and their families. And, we believe that God has called on us, as part of our life of faith, to care for the foreigner and the marginalized: "For the Lord, your God, is the God of gods, the Lord of lords, the great God, mighty and awesome, who has no favorites, accepts no bribes, who executes justice for the orphan and the widow, and loves the resident alien, giving them food and clothing. So you too should love the resident alien, for that is what you were in the land of Egypt."<sup>3</sup>

<sup>1</sup> Department of Homeland Security (DHS), Extension of the Designation of Haiti for Temporary Protected Status, 82 Fed. Reg. 23,830 (May 24, 2017).

<sup>2</sup> 8 U.S.C. § 1254a(b).

<sup>3</sup> Deut. 10:17-19 available at <http://www.usccb.org/bible/deuteronomy/10>.

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The Most Reverend Thomas Wenski, Archbishop of Miami and a member of the USCCB/COM and the Board of Directors of CRS, led USCCB's delegation trip to Haiti to assess country conditions and the ability of Haiti to accept and reintegrate returned nationals safely should TPS be terminated. As discussed in the trip report, "[Haiti's Ongoing Road to Recovery: The Necessity of an Extension of Temporary Protected Status](http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/mrs-haiti-trip-report.pdf),"<sup>4</sup> the delegation found that an extension of TPS is vital for the country at this time. Haiti is still in the midst of its recovery from the 2010 earthquake, a process which has been delayed due to subsequent natural disasters and epidemics. Specifically, the delegation found that:

- **While progress is being made, recovery is far from complete, and the "extraordinary and temporary conditions" that warranted Haiti's TPS designation remain.** The country is still struggling to rebuild and attract investments, meanwhile food insecurity, poor sanitation, and the ongoing cholera epidemic remain significant barriers to Haiti's full recovery. The impacts of Hurricane Matthew in 2016 and Hurricanes Irma and Maria this past fall have further impeded Haiti's recovery.
- **Conditions in Haiti are such that nationals cannot be safely returned at this time.** The ongoing challenges faced by Haitians on the ground are serious for any individual, much less repatriated nationals who are particularly vulnerable given their long absence from the country. Unfortunately, the delegation did not find evidence of sufficient capacity to provide returnees with adequate and sustained reintegration services should TPS be terminated.
- **Termination of TPS could undermine Haiti's future progress and stability.** The loss of remittances alone would deal a devastating blow to Haiti's fragile economy.
- **Return of Haitian TPS holders would have negative implications for the over 27,000 U.S. citizen children who have been born to Haitian TPS recipients.** If TPS is terminated, these mixed-status families will have a heartbreaking decision to make – to uproot their children from their homes and the only country they have ever known or face family separation.

We ask you to show compassion and patience during Haiti's ongoing path to recovery. Currently, it would be premature and detrimental to the country's redevelopment to return TPS holders to Haiti. It would also put families at risk as the Haitian government has acknowledged that it is in no position to accommodate the return of the estimated 50,000 Haitians who have received TPS. In addition, terminating TPS would needlessly create a large undocumented and vulnerable Haitian population in the U.S. and contribute to unauthorized re-migration.

Based on the above facts and further analysis in our trip report, we urge you to extend the TPS designation for Haiti, pursuant to Section 244(b) of the Immigration and Nationality Act.<sup>5</sup> This will allow the country to build upon the progress it has made towards recovery and help ensure individuals' return and reintegration can be safely accomplished. At the same time, an extension

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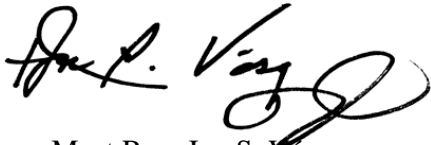
<sup>4</sup> USCCB/MRS, *Haiti's Ongoing Road to Recovery: The Necessity of an Extension of Temporary Protected Status* (November 2017), available at <http://www.usccb.org/about/migration-policy/fact-finding-mission-reports/upload/mrs-haiti-trip-report.pdf>.

<sup>5</sup> 8 U.S.C. § 1254a(b).

of TPS will allow Haitians to continue to legally work, contribute to our communities in an authorized capacity, and live with dignity.

We appreciate your consideration of this request and would welcome the opportunity to engage with you further on this issue. The Catholic Church stands ready to support measures to help ensure TPS recipients and their families are provided the protection and support they need while Haiti rebuilds.

Respectfully submitted,



Most Rev. Joe S. Vasquez  
Chairman, USCCB Committee  
on Migration



Sister Donna Markham OP,  
PhD  
President and CEO  
Catholic Charities USA



Jeanne M. Atkinson, Esq.  
Executive Director  
Catholic Legal Immigration  
Network Inc. (CLINIC)



Mr. Sean Callahan  
President/CEO  
Catholic Relief Services





U.S. Citizenship  
and Immigration  
Services

March 8, 2018

Most Reverend Joe S. Vasquez  
Chairman  
USCCB Committee on Migration  
3211 Fourth Street, NE  
Washington, DC 20017

Dear Chairman Vasquez:

Thank you for your November 9 and November 17, 2017 letters to the Department of Homeland Security. Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Haiti. The Secretary of Homeland Security's authority to designate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1),(3).

After considering information from several U.S. Government sources, on November 20, 2017, former Acting Secretary Duke announced the termination of Haiti's TPS designation after determining that the statutory conditions for its designation no longer continued to be met. To allow for an orderly transition, the former Acting Secretary delayed the effective date by 18 months. Accordingly, Haiti's TPS designation will terminate on July 22, 2019. The 18-month period will provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States. Additional information on the termination of Haiti's TPS can be found on the USCIS website and in a notice that was published in the *Federal Register* on January 18, 2018.

Mr. Joe S. Vasquez

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Thank you again for your letter and interest in these important issues. The co-signers of your letter will receive a separate, identical response. Should you wish to discuss this matter further, please do not hesitate to contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read "L. Francis Cissna". The signature is stylized with a large "L" and a cursive "Francis".

L. Francis Cissna  
Director