

United States Senate

WASHINGTON, DC 20510

October 31, 2017

The Honorable Rex Tillerson
U.S. Secretary of State
U.S. Department of State
2201 C St NW
Washington, DC 20520

The Honorable Elaine Duke
Acting U.S. Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Avenue, NW
Washington, DC 20530

Dear Secretary Tillerson and Acting Secretary Duke:

We write to request that you consider extending the Temporary Protected Status (TPS) designation of *approximately* 58,000 Haitians who are temporarily living and working lawfully in the United States¹ by November 23, 2017. We respectfully urge you to review Haiti's TPS designation closely, taking into consideration the devastating conditions that still exist on the ground, and to extend TPS for Haitians for an additional 18 months, as dangerous conditions persist and pose a serious risk to the health and safety of Haitian TPS holders if they were to be returned to the country in its current condition. Terminating Haiti's TPS designation would jeopardize regional stability and security, undermine our nation's values of compassion and welcome, and impair Haiti's fragile recovery efforts, placing tens of thousands of families in harm's way.

Congress established TPS nearly thirty years ago in the Immigration Act of 1990² to afford the administration the opportunity to offer protection and shelter to foreign nationals unable to safely return to their home countries due to natural disaster, armed conflict, or other extraordinary conditions. Since then, TPS has served its critical humanitarian purpose that Congress intended – a promise to allow vulnerable individuals to remain in the United States while their countries recovered. TPS has also helped to facilitate recovery and stabilization efforts, as countries focus on rebuilding – often with the support of critically-needed remittances – without having to deal with the strain of reintegrating large numbers of returning nationals.

Eligible Haitians were first granted TPS status in the U.S. in 2010, following a 7.0 magnitude earthquake, affecting one-third of Haiti's population, displacing 1.5 million people, and causing

¹ Carla Argueta, Temporary Protected Status: Current Immigration Policy and Issues, Congressional Research Service, RS20844, Jan. 17, 2017, available at <https://fas.org/sgp/crs/homesec/RS20844.pdf>.

² Immigration Act of 1990, Pub. L. 101-649, 104 Stat. 4978.

catastrophic damage to the country's infrastructure. United Nations humanitarian efforts following the earthquake introduced cholera, killing thousands as people continue to be sickened by the disease every year. In Haiti, the cholera epidemic persists because of weak water and sanitation infrastructure, lack of access to quality medical care, and high population density in urban areas.

Subsequent natural disasters significantly impaired Haiti's post-earthquake recovery. In October 2016, Hurricane Matthew made landfall in Haiti, the worst hurricane to hit Haiti in 52 years, costing Haiti \$2.8 billion (32% of its GDP) and leaving 175,000 people without housing. Heavy rain in late April 2017 destroyed an estimated 80% of the spring harvest in southern Haiti and affected 350,000 people. The U.S. government reported that 30% of Haitians had limited access to food, 40% lack access to fundamental health care, and there remains limited water, food, and sanitation. By the end of August 2017, 2.35 million people faced severe acute food insecurity, nearly 38,000 internally displaced people live in camps, 200,000 earthquake victims remain in a camp that was renamed a "settlement" (Canaan), 2.1 million people remain affected by Hurricane Matthew, and 1.4 million are in need of humanitarian assistance. Additionally, flooding from Hurricanes Irma and Maria have had a detrimental impact and further complicate Haiti's ability to recover.³ Haiti has a long road ahead to rebuild destroyed homes, schools, agricultural crops and livestock, while widespread hunger, political and economic instability persist.⁴

TPS was created to provide protection to those in the United States when it is unsafe for their return home⁵ - precisely the conditions Haiti faces today. Although any TPS designation is indeed temporary, it is critical to understand the spectrum of a country's length of recovery after conflict or disaster. TPS is reserved for situations in which countries have been truly devastated such that returning poses a grave danger to the public. The events of the past seven years in Haiti are unprecedented. The Haitian government has made progress – however the pace has been slow and interrupted due to subsequent natural disasters beyond the government's control. Given the series of catastrophic natural disasters, the Haiti government formally requested an 18-month extension of TPS. It is clear that the United States should extend TPS for Haitians for another 18 months and recommit to helping Haiti address its ongoing food insecurity, public health concerns, and economic instability.

TPS holders regularly make a positive impact on our country's economy. Each year TPS holders contribute hundreds of millions of dollars in federal tax revenue.⁶ TPS holders undergo security vetting and biometric checks, obtain employment authorization, and anyone with a serious criminal record or who is found to be a national security threat is ineligible for TPS. Haitians with TPS are employed in nursing homes and as home health aides, filling a critical gap in chronically understaffed healthcare fields.⁷ There would be a profound impact on the country as a whole if essential workers were removed from their jobs.

³ <http://www.miamiherald.com/news/nation-world/world/americas/haiti/article172268857.html>

⁴ <https://reliefweb.int/report/haiti/haiti-humanitarian-snapshot-august-2017>

⁵ See Immigration and Nationality Act § 244(b)(1) (8 U.S.C. § 1254a(b)(1))

⁶ Baran, Amanda, Jose Magaña-Salgado, and Tom K. Wong. 2017. *Economic Contributions by Salvadoran, Honduran, and Haitian TPS Holders*. Washington, DC: Immigrant Legal Resource Center. (https://www.ilrc.org/sites/default/files/resources/2017-04-18_economic_contributions_by_salvadoran_honduran_and_haitian_tps_holders.pdf)

⁷ McCabe, Kristen. 2012. "Foreign-Born Health Care Workers in the United States." Washington, DC: Migration Policy Institute. (<http://www.migrationpolicy.org/article/foreign-born-health-care-workers-united-states#5>)

Haitian TPS holders are also providing critical economic support to family members still in Haiti. Reports found that remittances to Haiti exceeded \$2 billion - or 22.7 percent of Haiti's GDP in 2015; \$1.3 billion coming from the U.S. It is estimated that the remittances support at least 320,000 relatives in Haiti. Terminating TPS before Haiti has sufficiently recovered would have a profoundly destabilizing effect. It will be felt by Haiti, their neighbors, and inevitably at the U.S. borders. Giving Haiti more time to rebuild and recover from the extraordinary events of the past seven years will protect the lives of vulnerable people and mitigate strains on the U.S. economy and the immigration system.

We hope that you will consider all of these factors as you move forward in evaluating the extension of Haiti's TPS expiration date, and we look forward to your response.

Sincerely,



Kirsten Gillibrand
United States Senator



Charles E. Schumer
United States Senator



Cory A. Booker
United States Senator



Robert Menendez
United States Senator