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September 27, 2010

President Barack Obama
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

**Re: Statement in Support of Designation of Pakistan for
Temporary Protected Status under the Immigration and
Nationality Act**

Dear President Obama:

The Immigration and Nationality Law Committee of the Bar Association of the City of New York calls upon the Obama Administration to designate Pakistan for Temporary Protected Status under Section 244 of the Immigration and Nationality Act. The floods, which began to affect Pakistan last July, have produced an unprecedented humanitarian calamity in that country. More than two thousand people have perished and over a million homes have been lost since the flooding began. Today, in excess of 20 million people are injured or homeless in the wake of the flooding which, in geographic scope, exceeds the landmass of the United Kingdom.

Apart from this human damage, the catastrophe has also produced a significant loss to Pakistan economically as Pakistan's infrastructure reels from the blow. In sheer monetary terms, the impact of the structural damage, including destroyed power lines and power generating facilities, is estimated to exceed \$4 billion. More than 1,400,000 acres of cropland in Sind and Punjab have been destroyed, and the resulting loss in wheat crop has been set at approximately \$500 million.

Most distressing is the threat of disease which the flooding portends. Aid agencies are alarmed at the prospect of outbreaks of such diseases as gastroenteritis, diarrhea, and skin disease resulting from the lack of clean drinking water. The World Health Organization has announced that six million people are exposed to cholera and dysentery, -- over one half of them children.

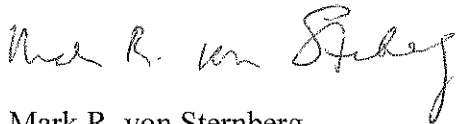
It is clear that Pakistan qualifies under the criteria contained in the statute, e.g., the occurrence of a natural calamity which makes it unsafe for citizens to return. In the immediate past, the Department of Homeland Security has acted quickly to confer Temporary Protected Status in situations where such catastrophes have occurred. Haiti is only the most recent instance of such

a designation. El Salvador and Honduras also serving as older examples. Like Haiti, Pakistan offers a singularly compelling argument in favor of designation having itself been the theater of significant human rights violations over time. Failure to designate Pakistan, on the other hand, under circumstances where the catastrophe affecting that country far exceeds what transpired to both El Salvador and Honduras, and rivals in severity what happened in Haiti, would give the appearance of being discriminatory.

A number of public policy objectives would be addressed if nationals of Pakistan now in the United States could benefit from Temporary Protected Status. The continued safety of this group, from a humanitarian perspective, is compelling. But an equally significant consideration behind designating Pakistan is the continued need to fund relief efforts on behalf of the individuals who are trapped there. The United States has been at the foreground of this relief effort, committing itself to 56,000 ready meals as part of a \$10 million aid pledge. Other states and NGO's have joined suit. But aid is needed now not merely for the clean-up; it is most vitally needed to stave off, and treat if contracted, the medical complications flowing from water-borne diseases. As noted earlier, the main potential victims of these diseases are children.

A self-evident source of such funding would flow from remittances by Pakistani nationals here in the United States as of the date of the flooding who could be granted employment authorization pursuant to their TPS status. TPS therefore is not in this instance merely a device for protecting a group of nationals who are physically present in the United States from exposure to the adverse humanitarian effects of being returned to a devastated homeland. It is also a way to put humanitarian principles to work by empowering Pakistani nationals temporarily living in the United States to aid in the recovery of their own homeland and to alleviate the tragic consequences befalling Pakistan.

Thank you for your consideration of this request.



Mark R. von Sternberg
Chair

Immigration and Nationality Law Committee
The Association of the Bar of the City of New York