



NEW YORK
CITY BAR

JOHN S. KIERNAN
PRESIDENT
Phone: (212) 382-6700
Fax: (212) 768-8116
jkiernan@nycbar.org

May 11, 2017

The Honorable John F. Kelly
Secretary of Homeland Security
Washington, D.C. 20528

Dear Secretary Kelly:

The Association of the Bar of the City of New York and its Immigration and Nationality Law Committee call upon your Administration to extend the designation of Haiti for Temporary Protected Status (TPS), pursuant to Section 244 of the Immigration and Nationality Act.

Haiti was initially designated for TPS on January 21, 2010, following an earthquake that killed hundreds of thousands of people and left the country in ruins. The TPS designation for Haiti was most recently extended on August 25, 2015 in the Federal Register.¹ At the time, Secretary Jeh Johnson found that the conditions that led to Haiti's designation and redesignation for TPS "persist, including a housing shortage, a cholera epidemic, limited access to medical care, damage to the economy, political instability, security risks, limited access to food and water, a heightened vulnerability of women and children, and environmental risks. More than 5 years after the earthquake, Haiti continues to recover."² The 2015 Federal Register notice goes on to cite unrepaired damage to infrastructure, tens of thousands of internally displaced people, and hundreds of thousands of victims of cholera.

In October 2016, Haiti was hit by yet another hurricane, Hurricane Matthew. As a result, another 10,000 Haitians were killed, and the country was hit was another cholera epidemic.³ Haiti remains the poorest country in the Western Hemisphere.⁴ This fact, and its political instability, render it uniquely vulnerable to natural disasters, with little ability to rebuild or provide for its citizens. Those Haitians who have been deported since the earthquake have suffered significant danger and hardship, including an inability to secure housing, employment or health care.⁵

¹ 80 Fed. Reg. 51,582 (2015).

² *Id.*

³ Cholera Deepens Haiti's Misery After Hurricane, New York Times, Oct. 15, 2016, https://www.nytimes.com/2016/10/15/world/americas/cholera-haiti-hurricane-matthew.html?_r=0 .

⁴ Haiti Overview, The World Bank, Apr. 11, 2017, <http://www.worldbank.org/en/country/haiti/overview>

⁵ Aftershocks: The Human Impact of U.S. Deportations to Post-Earthquake Haiti, <http://media.law.miami.edu/clinics/pdf/2015/Haiti-report.pdf>.

New York City has one of the largest Haitian populations in the country. According to data from the last census, over 94,000 Haitians call New York home.⁶ The possibility of ending legal protections for tens of thousands of Haitian New Yorkers, and potentially removing them to a country that lacks adequate housing or health care, would be tragic for both the individuals affected and their family members. As many Haitians have resided in New York for close to a decade with TPS status, they have started families, created strong ties in their communities, and become valued employees and business owners. Not only would New York City have to grapple with the possible removal of thousands of community members, it may also have to absorb U.S. citizen children into foster care and otherwise provide public benefits to those who may lose their parents and family breadwinners. Additionally, a decision not to extend Haiti's TPS designation could saddle the already-backlogged immigration courts with thousands of new removal cases against people with little or no criminal history. Such a decision would make it more difficult for Immigration and Customs Enforcement to focus its resources on those who pose an actual threat to the United States.

The New York City Bar Association has called for TPS for vulnerable populations in the past.⁷ It is clear from press and human rights reports that conditions in Haiti have not improved to the point where the country could absorb thousands of returning immigrants. We therefore urge you to extend the designation of Haiti for TPS as the country continues to recover from the effects of its most recent hurricane and cholera epidemic.

Sincerely,



John S. Kiernan

cc: The Honorable Secretary of State Rex W. Tillerson

Senator Mitch McConnell, Majority Leader

Senator Chuck Schumer, Minority Leader

House Leadership, U.S. House of Representatives

Rep. Paul D. Ryan, Speaker of the House

Rep. Kevin McCarthy, Majority Leader

Rep. Nancy Pelosi, Democratic Leader

New York State Congressional Delegation, U.S. House of Representatives

The Honorable Congressman Cedric Richmond

⁶ The Newest New Yorkers: Characteristics of the City's Foreign-born Population 13 (2013), http://www1.nyc.gov/assets/planning/download/pdf/data-maps/nyc-population/nny2013/nny_2013.pdf

⁷ See <http://www.nycbar.org/media-listing/media/detail/new-york-city-bar-association-calls-for-temporary-protected-status-for-pakistan> and <http://www.nycbar.org/media-listing/media/detail/new-york-city-bar-association-urges-temporary-protected-status-for-philippines>.