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May 20, 2021

President Joseph R. Biden Jr.  
The White House  
1600 Pennsylvania Ave NW  
Washington, DC 20500

Secretary Alejandro Mayorkas  
U.S. Department of Homeland Security  
3801 Nebraska Avenue NW  
Washington, D.C. 20016

The Honorable Antony J. Blinken  
U.S. Secretary of State  
Harry S. Truman Building  
2201 C Street, N.W.  
Washington, D.C. 20037

**RE: CALL FOR IMMEDIATE REDESIGNATION OF HAITI FOR TEMPORARY  
PROTECTED STATUS**

Dear President Biden, Secretary Blinken, and Secretary Mayorkas:

On behalf of The Leadership Conference on Civil and Human Rights, a coalition of more than 220 national organizations, and the following 112 organizations, we write to call for an immediate redesignation of Haiti for Temporary Protected Status (TPS) considering the widespread violence, civil and political unrest, economic and humanitarian strife, and the COVID-19 crisis and lack of available vaccines. TPS is an effective and proven policy tool to ensure that the United States does not return anyone to a country that has become temporarily unsafe for its residents. Given the worsening conditions in Haiti, redesignating TPS status is warranted and necessary.

**I. TEMPORARY PROTECTED STATUS (TPS)**

TPS is a statutory status given to nationals of a certain country living in the United States if conditions in the country make return unsafe. The secretary of the U.S. Department of Homeland Security (DHS) with the advice of the U.S. Secretary of State (DOS) may designate a country for TPS if conditions in the country meet requirements regarding ongoing armed conflict, natural disasters (including epidemics), or other extraordinary and temporary conditions in the country that temporarily prevent safe return. TPS provides protection from deportation and permission to work in the United States for the duration of the designation.

## II. DESIGNATION OF TPS FOR HAITI IS WARRANTED UNDER THE LAW

### Background:

The Obama administration designated Haiti for TPS after the devastating January 12, 2010 earthquake that left 300,000 Haitians dead and 1.5 million persons displaced, along with a decimated infrastructure. Since then, Haiti has continued to suffer from one crisis after another, from cholera outbreak, hurricanes, drought, wide-spread food insecurity, and most recently, significant political violence and instability. All these factors have made it virtually impossible for the nation to rebuild itself. As such, Haiti continued to receive TPS extension until the Trump administration terminated it in November 2017. Since then, two federal courts enjoined the decision from taking effect.

### Current Conditions Continue to Deteriorate:

Haiti is suffering from a fresh wave of lethal widespread, political violence and national upheaval. These new realities are extraordinary and temporary conditions that warrant an immediate 18-month redesignation of TPS. DOS issued a level 4 notice against travelling to Haiti because of the country's deadly conditions. Specifically, the travel advisory states "*do not travel* to Haiti due to crime, civil unrest, kidnapping, and COVID-19..."<sup>1</sup> highlighting the rampant violence, widespread demonstrations and riots, and political turmoil with an unstable central regime. Since January 2020, the political situation has been fraught with instability, with the national government seemingly pivoting toward authoritarianism after President Jovenel Moïse dissolved Parliament — following parliamentarians' mandates expiring due to delayed elections — and decided to rule unconstitutionally by executive decree.<sup>2</sup> This governmental instability and lack of legitimacy have contributed to impunity and widespread violence. According to Human Rights Watch's 2021 World Report, Haiti is currently experiencing one of the worst outbreaks of violence in decades.<sup>3</sup> Haitians of all ages face powerful gangs who rule with impunity and in some cases with government complicity.<sup>4</sup> The lack of rule of law also makes it difficult to hold those responsible for the ever-increasing violence accountable.<sup>5</sup>

In addition to the widespread violence and political turmoil, Haiti also has extremely high food insecurity. "According to international agencies, some 4.1 million Haitians — more than a third — live with food insecurity, and 2.1 percent of children suffer severe malnutrition."<sup>6</sup> All these recent factors rise to the level of extraordinary and temporary conditions from which Haiti will need to recover before it can welcome back its nationals from the United States.

Moreover, Haiti does not have any COVID-19 vaccines to treat its own population let alone deportees arriving from the United States. Haiti is also without adequate resources to test its ailing population to

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<sup>1</sup> U.S. Dept. of State, Travel Advisory, <https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Haiti.html>

<sup>2</sup> Human Rights Watch, Haiti, <https://www.hrw.org/world-report/2021/country-chapters/haiti>

<sup>3</sup> Human Rights Watch, Haiti, <https://www.hrw.org/world-report/2021/country-chapters/haiti>

<sup>4</sup> Human Rights Watch, Haiti, <https://www.hrw.org/world-report/2021/country-chapters/haiti>

<sup>5</sup> Human Rights Watch, Haiti, <https://www.hrw.org/world-report/2021/country-chapters/haiti>

<sup>6</sup> Human Rights Watch, Haiti, <https://www.hrw.org/world-report/2021/country-chapters/haiti>

determine the sheer scale of the health crisis. There are reports that only 756,000 doses of the Oxford AstraZeneca vaccine could arrive by May, at the earliest, but credible sources expect delays. With 11 million people living in dire conditions, the current lack of testing and limited number of doses projected within the coming months is inadequate. Deporting Haitians from the United States to face such conditions is, in some cases, tantamount to a death sentence given the lack of support and resources available. Instead of sending individuals into a dire situation, we expect our leaders to act in response and send medical relief, including test kits, ventilators, and vaccines to help Haiti fight the COVID-19 pandemic — not to worsen it.

### **III. DESIGNATION OF TPS FOR HAITI IS IN LINE WITH U.S. FOREIGN POLICY AND OTHER NATIONAL INTERESTS**

It is in the interest of U.S. national security and foreign policy to issue an immediate 18-month TPS redesignation for Haiti. TPS promotes recovery, development, and stability by preserving and increasing the flow of remittances back to the country and directly into the pockets of people who can use the money to survive through the purchase of food and medicine, and to thrive through the support of education, rebuilding infrastructure, and starting small businesses. With the Biden administration's recent designations of Burma and Venezuela for TPS, and redesignation of Syria for TPS, recommending Haiti's redesignation would align naturally with the administration's foreign policy agenda to protect vulnerable communities from returning to hostile regimes. Indeed, TPS redesignation for Haiti was a central feature of the Biden campaign and enjoys bipartisan support<sup>7</sup> precisely because it is in our national interests to prevent further destabilization of fragile nations.

On October 5, 2020 in Little Haiti, the Biden campaign “vowed to halt deportations for Haitians during his first 100 days, immediately review the Trump administration's decision to terminate TPS, offer a path to citizenship for TPS holders, and reinstate the Haitian Family Reunification Parole program.”<sup>8</sup> Moreover, Senators Rubio and Menendez called for TPS redesignation for Haiti on March 12, 2021 in a letter to Secretary Mayorkas because this policy ask enjoys broad bipartisan support.<sup>9</sup> And on April 26, 2021, 69 members of Congress sent a letter laying out strong human rights and foreign policy arguments and making a compelling case, which we echo.<sup>10</sup>

If we expect allies in Haiti and around the world to heed our calls for democracy and human rights, then we too must comply with international norms — including not deporting persons to conflict zones during a global pandemic. Today, the circumstances in Haiti are dire, and deporting Haitians to a country struggling to get its political footing will only further destabilize it. Haiti's infrastructure has been devastated since the 2010 earthquake and cannot absorb additional persons at this time. As a global

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<sup>7</sup> Senate Letter Calling for Haiti to get TPS, <https://www.foreign.senate.gov/imo/media/doc/03-12-21%20Menendez%20Rubio%20letter%20to%20DHS%20re%20Haiti%20TPS.pdf>

<sup>8</sup> Jacqueline Charles, Oct. 5, 2020, The Miami Herald, *Biden to Haitian-American voters: You can help decide the next U.S. president* <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article246223940.html>

<sup>9</sup> Senate Letter Calling for Haiti to get TPS, <https://www.foreign.senate.gov/imo/media/doc/03-12-21%20Menendez%20Rubio%20letter%20to%20DHS%20re%20Haiti%20TPS.pdf>

<sup>10</sup> Senate Letter Calling for Haiti to get TPS, <https://www.foreign.senate.gov/imo/media/doc/03-12-21%20Menendez%20Rubio%20letter%20to%20DHS%20re%20Haiti%20TPS.pdf>

leader, U.S. legitimacy requires that we lead by example, which is why — given the totality of the factors on the ground coupled with the global pandemic — we must put in place an 18-month redesignation for TPS for Haiti.

#### **IV. CONCLUSION**

Offering help, safety, and security to those in need is foundational to U.S. values, which the State Department promotes as part of its diplomatic mission around the world. With Haiti rapidly descending with devastating human consequences, it is imperative that our nation ensures nationals and those who habitually last resided in Haiti can remain here. Even under the devastating impact of humanitarian strife and recent events, Haiti can build toward a stronger future with the support of its allies and humanitarian aid.

In line with the above policy principles, we urge you to advise in favor of granting the maximum protection possible through an 18-month redesignation for Haiti. This relief will not only benefit and protect Haitian individuals in the United States, but also their families and communities here and in Haiti.

Thank you for your time and consideration. Please contact Wade Henderson, Interim CEO and President of The Leadership Conference at [henderson@civilrights.org](mailto:henderson@civilrights.org) to discuss this urgent matter at your earliest convenience.

The Leadership Conference on Civil and Human Rights

32BJ SEIU

ACLU People Power Fairfax

ADL (the Anti-Defamation League)

African Public Affairs Committee

Alianza Americas

America's Voice

American Friends Service Committee

American Immigration Lawyers Association (AILA)

American Jewish World Service

American-Arab Anti-Discrimination Committee (ADC)

America's Voice

Ansara Family Fund

Arriba Las Vegas Worker Center

Asian Americans Advancing Justice | AAJC

Asylum Seeker Advocacy Project (ASAP)

Austin Region Justice for Our Neighbors

Beyond Borders

Black Alliance for Just Immigration

CASA

Center for American Progress

Center for Gender & Refugee Studies

Center for Law and Social Policy (CLASP)

Center for the Study of Hate & Extremism - California State University, San Bernardino

Central Washington Justice For Our Neighbors

Centro Legal de la Raza

Church World Service

Coalition for Humane Immigrant Rights (CHIRLA)

Congregation Action Network

Cooperative Baptist Fellowship

Courage California

Cumberland Valley Rising

Detention Watch Network

Diaspora Community Services

Disciples Refugee & Immigration Ministries

Doctors for Camp Closure

Episcopal Refugee and Immigrant Center Alliance

FACE

Faith in Public Life

Familia: Trans Queer Liberation Movement

Families Rights Network

Family Action Network Movement

FANM In Action

Florida Immigrant Coalition

Fondasyon Mapou

Forum on Haitian Migration in the Americas

Free Migration Project

Friends of Mat'Anwa

Gender Action

Haiti Partners

Haitian Bridge Alliance

Hispanic Unity of Florida, Inc.

Human Rights Initiative of North Texas

Immigrant Allies of Marshalltown

Immigrant Justice Ministry of Cedar Lane Unitarian Universalist Church

Immigrant Justice Network

Immigrant Legal Center

Immigration Hub

Institute for Justice & Democracy in Haiti (IJDH)

Institute for the Geography of Peace (GeoPaz)

International Tribunal of Conscience of Peoples in Movement

Just Futures Law

Just Haiti, Inc.

Justice For Our Neighbors - North Central Texas

Latin America Working Group (LAWG)

Latino Racial Justice Circle

Leadership Conference of Women Religious

Legal Aid Justice Center

Louisiana Advocates for Immigrants in Detention

Maryknoll Office for Global Concerns

Maryland Against ICE Detention

Maryland Latinos Unidos (MLU)

Maryland Legislative Coalition

Migrant Center for Human Rights

Mijente

Mississippi Center for Justice

National Council of Jewish Women

National Employment Law Project

National Immigrant Justice Center

National Immigration Law Center

National Immigration Project (NIP-NLG)

National Network for Immigrant & Refugee Rights

National Partnership for New Americans

New York Immigration Coalition

New York Justice for Our Neighbors, Inc.

Northern Illinois Justice for Our Neighbors

Our Revolution Montgomery County Chapter

Oxfam America

Project Blueprint

Project Lifeline

Public Counsel

Quixote Center

Resources for Immigrant Support and Empowerment (RISE) of Western MD

Sanctuary DMV

SPLC Action Fund

SSND Atlantic-Midwest Province

Takoma Park Mobilization, Equal Justice Committee

Tennessee Justice for Our Neighbors

The Global Justice Clinic at NYU School of Law\*



The Haitian Women's Collective

The Legal Aid Society (New York)

Transformations CDC

UndocuBlack Network

UnidosUS

Union for Reform Judaism

Unitarian Universalist Service Committee

Unitarian Universalists for Social Justice

Virginia Coalition of Latino Organizations

Virginia Interfaith Center for Public Policy

Witness at the Border

WOLC Immigration Services

Women Watch Afrika

\*The Global Justice Clinic's signature does not represent NYU School of Law's institutional views, if any.