

Temporary Protected Status for Haiti

I don't have a future in Haiti. Haiti doesn't have a future. All the time there is violence, tires burning, and people being beaten. I was almost killed. The next time that you call, I might be dead. I will do whatever it takes to get out.
— Interview with Rigmame Ovilma, who was persecuted after the United States returned her to Haiti¹

What is Temporary Protect Status?

Temporary Protected Status (TPS) is a temporary immigration status granted to people from a country where civil unrest, violence, or natural disasters have made forced return impossible or unsafe. The Secretary of the Department of Homeland Security may grant TPS under the following conditions:

- an on-going armed conflict poses a serious threat to the safety of returned aliens
- an environmental disaster results in the substantial, but temporary, disruption of living conditions
- extraordinary and temporary conditions in a foreign state prevent aliens from safely returning

TPS may be extended if conditions in the designated country do not change. TPS beneficiaries may remain in the U.S. and may obtain work authorization for the duration of the status. Terrorists, persecutors, and serious criminals are not eligible for TPS.

U.S. Department of State: “There are no ‘safe areas’ in Haiti.”

The Department of State’s report on human rights in Haiti is a sobering reminder of the need for Temporary Protected Status. Human rights abuses were common in 2004, the report says. The report cited instances of retribution killings and politically motivated violence by the Haitian National Police and illegal armed groups. Torture and other cruel, inhuman, or degrading treatment continued in 2004, as did violence and discrimination against women, children, and the poor.

Further justification for the granting of TPS is evident in the Department of State’s travel warnings on Haiti. They issued a warning on 11 March 2005 warning U.S. citizens of the “absence of an effective police force in much of Haiti; the potential for looting; the presence of intermittent roadblocks set by armed gangs or by the police; the possibility of random violent crime, including kidnapping, carjacking, and assault.”² In fact, the Consular Information Sheet bluntly states that “there are no ‘safe areas’ in Haiti.” As a result, “U.S. citizens should avoid travel to Haiti at this time.”³ Current U.S. policy is to advise its own citizens not to travel to Haiti while at the same time returning to danger Haitians who are seeking relief. This is distasteful when TPS exists expressly to deal with such a situation.

Natural Disasters Kill 4,200 and Displace 320,000 in Haiti

Flooding in May 2004 killed 1,191 Haitians. Another 1,600 are missing and presumed dead. Damages to crops, livestock, and homes were extensive. In September, Tropical Storm Jeanne killed 3,006 Haitians, left 300,000 homeless, and destroyed 80% of Haiti’s crops. The cumulative effect on these two disasters left Haiti temporarily unable to accept the return of its citizens from the United States. Despite Haitian Prime Minister Gerard LaTortue’s letter to Secretary of State Colin Powell on 30 September 2004 requesting temporary relief, Haiti was not granted TPS.

¹ Women’s Commission for Refugee Women and Children, *Refugee Policy Adrift: The United States and Dominican Republic Deny Haitians Protection*, January 2003, page 29.

² U.S. Department of State Travel Warning for Haiti, available at http://travel.state.gov/travel/cis_pa_tw/tw/tw_917.html. Accessed 4 May 2005.

³ Quote from U.S. Department of State’s Consular Information Sheet for Haiti, available at http://travel.state.gov/travel/cis_pa_tw/cis/cis_1134.html. Accessed 4 May 2005.

Deaths and Displaced People in Selected Countries Considered for TPS Due to Natural Disasters⁴

TPS	Country	Population (Millions)	Estimated Deaths	Estimated Displaced or Homeless	Number Eligible for TPS
Hurricane Mitch (1998)					
No	El Salvador	6.1	239	500,000	
No	Guatemala	11.6	256	80,000	
Yes	Honduras	6.2	6,500	Up to 1,500,000	100,000
Yes	Nicaragua	4.5	3,800	500,000 to 800,000	45-70,000
Earthquakes (2001)					
Yes	El Salvador	6.5	1,259	1,300,000 to 1,600,000	150,000
Flooding and Tropical Storm Jeanne (2004)					
	Haiti	8.0	4,197 (1,600 more missing and presumed dead)	At least 320,000	20,000

The number of people killed and houses destroyed is only one measure of a disaster. Without minimizing the damage in Honduras, Nicaragua, and El Salvador, it must be recognized that these countries are more stable and more developed than Haiti. On the UN Human Development Index, none of these countries ranks lower than 118th; Haiti is 153rd, the lowest in the western hemisphere.

U.S. Treasury Department: Haitians in the US are Essential to Rebuilding Haiti

Temporary Protected Status does more than protect the safety of foreign nationals in the U.S. It also lays the foundation for the redevelopment of the affected country. As applicants for TPS are authorized to work in the U.S. for the duration of TPS, they are able to acquire vital job skills and earn money to return to their family back home.

John Taylor, the Treasury Department's under-secretary for international affairs, said that the Haitian diaspora plays "an important role as a source of financing and technological know-how" in Haiti's economic reconstruction. In 2003, he added, remittances were an estimated \$1 billion, roughly equal to 30% of Haiti's gross domestic product.⁵ This is the largest recorded percentage of any country. Official aid is not enough, he said, without the participation of Haitians in the U.S. Their remittances not only stimulate the economy, but also to meet basic needs such as food, shelter, and education.

Evidence is also clear that remittances from nationals of El Salvador and Honduras who have benefited from TPS have helped them recover from natural disasters in recent years.

Policy Solution: The U.S. Should Grant Haiti Temporary Protected Status

TPS is not an invitation for increased migration, as the regulations do not authorize an alien to apply for admission to, or be admitted to, the U.S. in order to apply for TPS. TPS does not lead to permanent resident status and does not act as a magnet. When TPS expires, beneficiaries revert to the same immigration status they maintained before TPS, unless it has expired or they have received new status. What TPS does is offer an alien reprieve from dangerous conditions back home.

⁴ Adapted from "Temporary Protected Status Options for Haitians Affected by Tropical Storm Jeanne," Memorandum from the Congressional Research Service to the House Committee on the Judiciary, 18 October 2004. Numbers of aliens eligible for TPS are from Federal Register, Vol. 64, No.2, 1999, p.525 (Honduras); Federal Register, Vol. 64, No. 2, 1999, p. 527 (Nicaragua); Federal Register, Vol. 66, No. 47, 2001, p.14215 (El Salvador), and David Adams, "Advocates: Haitians Deserve Refuge," St. Petersburg Times, 15 November 2004 (Haiti).

⁵ John Taylor, Under Secretary of Treasury for International Affairs, 23 August 2004 address in Miami, Florida. Available at <http://usinfo.state.gov/wh/Archive/2004/Sep/14-961522.html>.