

**VIA FACSIMILE: 202-282-8401**

October 21, 2004

The Honorable Tom Ridge  
Secretary  
Department of Homeland Security  
2001 Independence Avenue, SW  
Washington, D.C. 20201

Dear Secretary Ridge:

On behalf of the undersigned nongovernmental organizations, we write to ask that you designate the country of Haiti for Temporary Protected Status (TPS) for a period of eighteen months.

Many of the undersigned agencies previously wrote to you on March 2, 2004 to request a TPS designation for Haiti based on the political turmoil the country was undergoing at that time. While civil strife is still rampant, as evidenced by recent rioting in Port-au-Prince during which several people were beheaded, another major disaster has struck Haiti since we last wrote to you: Hurricanes Ivan and Frances and Tropical Storm Jeanne have caused an official toll of 1,870 deaths (with more than 800 still missing), rendered an estimated 300,000 people homeless, and caused incalculable damage to Haiti's already fragile ecological, economic, and social infrastructure.

As you know, a designation of TPS permits nationals of a designated nation living in the United States to reside here temporarily and qualify for work authorization for the prescribed period. A designation of TPS may be based exclusively on a finding that there has been a flood or other environmental disaster resulting in a substantial, but temporary, disruption of living conditions in the area affected. A TPS designation based on natural disaster must come pursuant to an official request from the affected foreign state, which is unable, temporarily, to handle adequately the return of its citizens.

On September 30, 2004, Haitian Prime Minister Gerard La Tortue wrote a letter to Secretary of State Colin Powell formally requesting that Haiti be designated for Temporary Protected Status. His letter said:

*The floods of the last two weeks, which have devastated large portions of the country, compounded with the extraordinary conditions which have beset our country during the past year, have strained the meager resources of the Haitian Government and rendered us temporarily unprepared to handle adequately the return of our nationals.*

While we believe that natural disaster alone would be sufficient basis for designating Haiti for TPS, we also believe that political and civil unrest in Haiti is unabated, that members of armed groups kill and extort with impunity, and that there is a generalized breakdown of government law enforcement, such that lootings, muggings, and random acts of violence are still occurring frequently, both in the countryside and in urban areas.

[www.refugeecouncilusa.org](http://www.refugeecouncilusa.org)

While we applaud those countries—predominantly Brazil and others from Latin America—who have contributed peacekeeping troops to Haiti, we are dismayed that the UN Stabilization Mission in Haiti (MINUSTAH) remains seriously under its authorized force level of 6,700. With about 3,000 “blue helmets” in the country, the international peacekeeping force has not been able to restore order. Haiti’s own police force remains decimated; its law enforcement and judicial systems have essentially collapsed.

An additional reason to suspend deportations and authorize employment is that the Haitian economy—and, therefore, its stability—is increasingly dependent on the remittances Haitians send to their poverty-stricken homeland. According to the Inter-American Development Bank and other sources, remittances from the Haitian diaspora represented about 24 percent of Haiti’s gross domestic product in 2001. This represented the highest recorded percentage of remittances per GDP of any country. We are convinced that political upheaval, social unrest, and ecological disaster that have occurred since 2001 have surely increased unemployment and the population’s dependence on remittances.

Mr. Secretary, it is clear that the combination of storm damage and political unrest in Haiti represent the extraordinary and temporary conditions that the TPS statute is intended to address. Such a designation should allow for the maximum length of time permitted so that Haiti can recover from recent events and create an environment in which all Haitian citizens can receive protection.

Finally, the administration should be consistent in its application of the law and not discriminate against Haiti, either because of its proximity to the United States or for any other reason. We note that the United States designated TPS for Nicaragua and Honduras following Hurricane Mitch in December 1998. While Hurricane Mitch was devastating and the TPS designation absolutely appropriate, we note that neither Nicaragua nor Honduras at that time were beset simultaneously by the levels of political violence and lawlessness that currently characterize Haiti.

Thank you for your consideration of our views.

Sincerely,

American Immigration Lawyers Association  
 Amnesty International USA  
 Capital Area Immigrants’ Rights Coalition  
 CASA of Maryland, Inc.  
 Catholic Charities Legal Services of Miami FL  
 Church World Service/Immigration and Refugee Program  
 Episcopal Migration Ministries  
 Exodus World Service  
 Hebrew Immigrant Aid Society  
 Human Rights First  
 Idaho Office for Refugees  
 Immigrant Law Center of MN  
 Immigration and Refugee Services of America/U.S. Committee for Refugees  
 Interfaith Refugee and Immigration Ministries of Illinois  
 International Refugee Research Institute  
 International Rescue Committee

Jewish Community Relations Council, Greater Miami Jewish Federation  
Kurdish Human Rights Watch  
Leadership Conference on Civil Rights  
Lutheran Immigration and Refugee Service  
Migration and Refugee Services/United States Conference of Catholic Bishops  
National Asian Pacific American Legal Consortium  
National Council of La Raza  
National Immigration Forum  
National Immigration Law Center  
NCC Hispanic Development Corporation  
Political Asylum/Immigration Representation Project  
Political Asylum Project, Austin  
PRIME - Ecumenical Commitment to Refugees  
Southeast Asia Resource Action Center (SEARAC)  
TransAfrica Forum  
Vermont Refugee Assistance  
Washington Lawyers' Committee for Civil Rights and Urban Affairs  
Women's Commission for Refugee Women and Children  
World Organization for Human Rights USA (formerly World Organization Against Torture USA)  
World Relief

cc: Ambassador Shirin Tahir-Kheli, Special Assistant to the President and Senior Director for  
Democracy, Human Rights and International Operations, NSC

Gene Dewey, Assistant Secretary of State, Bureau of Population, Refugees, and Migration, DOS

Asa Hutchinson, Undersecretary for Border and Transportation Security, DHS

Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, DHS

Scott Busby, Director, Office of Policy and Resource Planning, PRM/DOS

Sandra Hodgkinson, Director for International Justice, NSC