

May 3, 2024

BY ELECTRONIC MAIL to:

The Honorable President Joe Biden  
President of the United States  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

The Honorable Antony Blinken  
Secretary of State  
U.S. State Department  
2201 C Street NW  
Washington, DC 20037

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2801 Nebraska Avenue, NW  
Washington, DC 20528

Dear President Biden, Secretary Blinken, and Secretary Mayorkas:

As we've written before along with hundreds of organizations, we are in agreement with the 69 members of Congress that the Haitian community needs urgent attention.<sup>1</sup> **The highest concern for our Haitian community in Massachusetts is the extension and redesignation of the Republic of Haiti for Temporary Protected Status (TPS).**

The most recent designation of TPS for Haiti applied to all Haitians who were in the United States on November 6, 2022.<sup>2</sup> A new redesignation of TPS would allow the thousands of

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<sup>1</sup> Letter from Haitian Bridge and 481 other organizations (March 26, 2024), available at: <https://drive.google.com/file/d/1YM5XBghJnkY610e5MFjGCAly7jsR0qU5/view>; Letter from Senator Edward J. Markey and 68 other Members of Congress (March 18, 2024), available at: [https://www.markey.senate.gov/imo/media/doc/letter\\_to\\_biden\\_administration\\_on\\_redesignating\\_haiti\\_for\\_tps\\_-\\_031824pdf2.pdf](https://www.markey.senate.gov/imo/media/doc/letter_to_biden_administration_on_redesignating_haiti_for_tps_-_031824pdf2.pdf)

<sup>2</sup> Federal Register, Extension and Redesignation of Haiti for Temporary Protected Status (January 26, 2023), available at: <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>

Haitians who arrived on or after November 7, 2022 to receive protection from deportation and work authorization.<sup>3</sup> Massachusetts remains a top destination state for the Haitian community.<sup>4</sup>

Most Haitians who arrived in the United States on or after November 7, 2022 were paroled.<sup>5</sup> Many are more than halfway through their one or two-year parole period, and some have already had their parole expire.<sup>6</sup> Lack of a consistent, written re-parole process leaves these Haitians in a precarious legal position as losing their parole status will generally render them undocumented and vulnerable to deportation.<sup>7</sup> Urgently for our low-income Haitian populations - as well as our state services providers and businesses - they will no longer have work authorization or any documentation of status once their parole expires.

Many states, including Massachusetts, have seen significant strain on resources for newly arrived Haitians. Without housing access, Haitian families often have no choice but to sleep at the airport, in hospital emergency rooms or on the streets when shelters are full.<sup>8</sup> Currently, the Massachusetts shelter system is at capacity, and there are approximately 8,500 Haitians in the shelter system that would benefit from a TPS redesignation.<sup>9</sup> Additionally, many Haitians are on

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<sup>3</sup> See USCIS, Temporary Protected Status, (last updated December 28, 2023), available at: <https://www.uscis.gov/humanitarian/temporary-protected-status>

<sup>4</sup> See Migration Policy Institute, Haitian Immigrants in the United States, (November 8, 2023) available at: <https://www.migrationpolicy.org/article/haitian-immigrants-united-states-2022>.

<sup>5</sup> See Migration Policy Institute, In the Twilight Zone: Record Number of U.S. Immigrants Are in Limbo Statuses, (August 2, 2023), available at:

<https://www.migrationpolicy.org/article/twilight-immigration-status-number>. See also Migration Policy Institute, Haitian Immigrants in the United States, (November 8, 2023) available at: <https://www.migrationpolicy.org/article/haitian-immigrants-united-states-2022>;

<sup>6</sup> Washington Post, “Explaining Parole, One Sticking Point in Ukraine-Aid Border Deal,” (January 25, 2024), available at:

<https://www.washingtonpost.com/immigration/2024/01/25/immigration-parole-border-deal-ukraine-aid/>; Migration Policy Institute, “In the Twilight Zone: Record Number of U.S. Immigrants Are in Limbo Statuses,” (August 2, 2023), available at:

<https://www.migrationpolicy.org/article/twilight-immigration-status-number>

<sup>7</sup> Migration Policy Institute, “In the Twilight Zone: Record Number of U.S. Immigrants Are in Limbo Statuses,” (August 2, 2023), available at:

<https://www.migrationpolicy.org/article/twilight-immigration-status-number>; Maine Public Radio, “Facing Threat of Deportation Many Asylum Seekers in Maine Struggle to Find Legal Representation,” Ari Snider, February 17, 2023, available at: <https://www.mainepublic.org/courts-and-crime/2023-02-17/facing-threat-of-deportation-many-asylum-seekers-in-maine-struggle-to-find-legal-representation>

<sup>8</sup> NBC Boston, “Migrants Sleeping at Airport Amid Calls for More Aid,” (January 25, 2024), available at: <https://www.nbcboston.com/news/local/migrants-sleep-at-logan-airport-amid-calls-for-more-aid/3258115/>

<sup>9</sup> GBH, “Healey on Emergency Shelters: We’re at Capacity,” (March 26, 2024), available at: <https://www.wgbh.org/news/housing/2024-03-26/healey-on-emergency-shelters-were-at-capacity>

waitlists or do not qualify for shelter.<sup>10</sup> At the same time, Massachusetts and most other states have strong job markets, and employers are desperate to hire necessary workers to sustain their businesses.<sup>11</sup> The Haitians who have received work authorization are able to join this labor market, gain financial independence, and better support themselves and their families. If TPS were redesignated, thousands of Haitians already here and already deemed worthy of legal status by virtue of having been paroled would now be able to maintain consistent employment with their initial 18-month work authorizations.<sup>12</sup>

Significantly, redesignation would keep Haitians safe from the threat of deportation to one of the most dangerous countries in the world at a time when it sees record levels of deadly violence.<sup>13</sup> Protection against such deportation matters. As you know, conditions have deteriorated so much that Haiti has grown significantly more dangerous than it was when they fled.<sup>14</sup> Given that Haiti has no formal government, returned families would be vulnerable to gangs who run 80% of Port au Prince and are known for using systemic rape, brutal murder, and kidnapping to control the terrorized and starving Haitians who were unable to flee the country.<sup>15</sup> Just flying into Haiti

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<sup>10</sup> WBUR, “Beyond Terrible: With Overflow Shelters Full, Families Huddle in Cars and at Logan,” (January 24, 2024), available at: <https://www.wbur.org/news/2024/01/24/homeless-family-waitlist-overflow>; MassLive, “7 Things to Know about the Mass Right to Shelter as Budget Vote Looms,” (November 14, 2023), available at: <https://www.masslive.com/politics/2023/11/7-things-to-know-about-mass-right-to-shelter-as-budget-vote-looms.html>

<sup>11</sup> GBH, “Immigrants Want Faster Permission to Work. So Do Mass. Leaders and Businesses,” (April 17, 2024), available at: <https://www.wbur.org/news/2024/04/17/immigrants-work-authorization-massachusetts-boston-warren-healey>; Boston Business Journal, “Business Groups Back Migrant Work Permits,” (September 19, 2023), available at: <https://www.bizjournals.com/boston/news/2023/09/19/business-groups-back-migrant-work-permits.html>

<sup>12</sup> TPS extensions and redesignations for Haiti have normally been for an 18-month period. *See eg.*, Federal Register, Extension and Redesignation of Haiti for Temporary Protected Status (January 26, 2023), available at: <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>; Federal Register, Extension and Redesignation of Haiti for Temporary Protected Status (August 3, 2021), available at: <https://www.federalregister.gov/documents/2021/08/03/2021-16481/designation-of-haiti-for-temporary-protected-status>

<sup>13</sup> Associated Press, “Gang Violence is Surging to Unprecedented Levels, UN Envoy Says,” (January 25, 2024), available at: <https://apnews.com/article/haiti-un-kenya-gang-violence-multinational-force-9c92d48ec4c4e15cb51a8ad04fcb18e5>; Doctors Without Borders News, “Haiti: Survey Reveals Extreme Level of Deadly Violence in Port au Prince,” (March 7, 2024), available at: <https://www.doctorswithoutborders.org/latest/haiti-survey-reveals-extreme-level-deadly-violence-port-au-prince>

<sup>14</sup> United Nations Press, “Deadly Violence in Haiti at Record High,” (April 22, 2024), available at: <https://press.un.org/en/2024/sc15674.doc.htm>

<sup>15</sup> CNN, “Haiti’s leader to resign as gangs run rampant through country engulfed in crisis,” (March 12, 2024), available at <https://www.cnn.com/2024/03/11/americas/haiti-pm-ariel-henry-resigns-gang-violence-intl-hnk/index.html>; U.N. Office of the High Commissioner on Human Rights “Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear,” (Oct. 14,

would be nearly impossible as gangs have closed airports, along with schools, hospitals, and municipal facilities.<sup>16</sup> Twenty-two police stations have been closed and 4,500 prisoners have escaped in raids by gang members in March.<sup>17</sup> Deported Haitian families attempting to return to another part of the country would be unable to do so because the roads leading out of Port au Prince have been blocked.<sup>18</sup> Even if they were able to find a way outside the city, they would be unlikely to survive as the blockades prevent delivery of oxygen, fuel, clean water, and food.<sup>19</sup> Currently, 1.4 million Haitians are “a step away from famine.”<sup>20</sup> It would be nearly impossible for these families to return to a previous residence as gangs have raided, burned and claimed whole sections of the country.<sup>21</sup> Over 362,000 Haitians are displaced, and that number is growing rapidly with the significant increase in gang activity over the last few months.<sup>22</sup> Deported Haitian families would likely be forced to live in unofficial shelters, where they would be subjected to extreme violence and sexual assault.<sup>23</sup> Women and girls would be particularly

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2022), available at: <https://www.ohchr.org/en/documents/country-reports/sexual-violence-port-au-prince-weapon-used-gangs-instill-fear>

<sup>16</sup> CBS News, “Gangs in Haiti Try to Seize Control of Main Airport as Thousands Escape Prisons: ‘Massacring People Indiscriminately,’” (March 5, 2024), available at: <https://www.cbsnews.com/news/haiti-gangs-try-to-seize-airport-thousands-inmates-escape-prisons-state-of-emergency/>; United Nations News, “Getting Children Back to School in Deadly, Gang-Ravaged Haiti,” (April 7, 2024), available at: <https://news.un.org/en/story/2024/04/1148306>; Time, “Haiti’s Healthcare System Nears Collapse Amid Violence as Hospitals Shutter, Medicine Dwindles,” (April 23, 2024), available at: <https://time.com/6969923/haiti-healthcare-system-collapse/>

<sup>17</sup> Los Angeles Times, “Haiti Orders Curfew After Gangs Overrun its Two Largest Prisons, Free Thousands of Inmates,” (March 4, 2024), available at: <https://www.latimes.com/world-nation/story/2024-03-04/haiti-orders-a-curfew-after-gangs-overrun-its-two-largest-prisons-thousands-have-escaped>

<sup>18</sup> Washington Post, “As Gangs Attack a Critical Port, ‘Haiti Will Go Hungry Soon,’” (March 7, 2024), available at: <https://www.washingtonpost.com/world/2024/03/07/haiti-gangs-port/>

<sup>19</sup> Associated Press, “Hunger Soars and Aid Dwindles as Gangs in Haiti Suffocate Country,” (March 16, 2024), available at: <https://apnews.com/article/haiti-aid-hunger-gangs-violence-famine-57a56fed77662f872d1e0a3e4b494733>

<sup>20</sup> United Nations News, “Chaos Across Haiti Among High Risk of Famine,” (March 12, 2024) available at: <https://news.un.org/en/story/2024/03/1147502>

<sup>21</sup> Associated Press, “Haiti’s Surge in Gang Violence Has Led More Than 53,000 to Flee the Capital in Less Than Three Weeks,” (April 3, 2024), available at: <https://apnews.com/article/haiti-migration-violence-gangs-9283c96bc990827e6c020f6c59710be6>

<sup>22</sup> OCHA, “Haiti Emergency Situation Report No. 5” (March 11, 2024), available at: <https://www.unocha.org/publications/report/haiti/haiti-emergency-situation-report-no-5-11-march-2024>. See also “Rising to the Challenge on Haiti: Multinational, Remarks by Anthony J. Blinken, Secretary of State” (February 22, 2024), available at: <https://www.state.gov/rising-to-the-challenge-on-haiti-multinational-security-support-mission-ministerial-meeting>.

<sup>23</sup> Washington Post, “‘Collective Rapes’ Surge as Weapon in Gang War,” (January 29, 2024), available at: <https://www.washingtonpost.com/world/2024/01/29/haiti-gang-violence-rape/>; OCHA, “Haiti Emergency Situation Report No. 5” (March 11, 2024), available at:

targeted for systemic rape and sexual violence.<sup>24</sup> These are the very sorts of conditions that TPS, a humanitarian safety valve, is supposed to address.<sup>25</sup>

A refusal to grant TPS to Haiti at this desperate time will likely cause significant damage to the Biden administration's public standing in states and cities that are struggling to support newly arrived immigrants and will face additional harms without such redesignation.<sup>26</sup> Further, the administration should be taking a step forward rather than backward and honor its promise to create an immigration system that treats people fairly and humanely.<sup>27</sup> Haitian immigrants, who are black, have faced significant mistreatment at the hands of the United States government in recent years. Examples include news stories and photographs of CBP officers whipping Haitians, technical difficulties with the CBP One app that resulted in the misidentification of Haitians and other dark-skinned immigrants, news coverage of overcrowded detention facilities that resulted in starvation for Haitian families, and deportation of Haitian nationals to the war-torn country.<sup>28</sup>

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<https://www.unocha.org/publications/report/haiti/haiti-emergency-situation-report-no-5-11-march-2024>

<sup>24</sup> Health Policy Watch, "Haitian Gangs Use Rape as a Weapon of Terror – And There Is Little Support for Survivors," (June 30, 2023), available at: <https://healthpolicy-watch.news/haitian-gangs-use-rape-as-weapon-of-control/>; OCHA, "Haiti Emergency Situation Report No. 5," (March 11, 2024), available at: <https://www.unocha.org/publications/report/haiti/haiti-emergency-situation-report-no-5-11-march-2024>;

<sup>25</sup> See USCIS, Temporary Protected Status, (last updated December 28, 2023), available at: <https://www.uscis.gov/humanitarian/temporary-protected-status> (TPS designated when "conditions in the country that temporarily prevent the country's nationals from returning safely")

<sup>26</sup> For example, Massachusetts has spent hundreds of millions of dollars on providing shelter to newly arrived immigrants. WGBH, "Mass. Senate Approves Hundreds of Millions in Funding for Shelter System," (March 22, 2024), available at: <https://www.wgbh.org/news/politics/2024-03-22/mass-senate-approves-hundreds-of-millions-in-funding-for-shelter-system>

<sup>27</sup> White House, "Fact Sheet: The Biden Administration Blueprint for a Fair, Orderly and Humane Immigration System" (July 27, 2021), available at: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/07/27/fact-sheet-the-biden-administration-blueprint-for-a-fair-orderly-and-humane-immigration-system/>

<sup>28</sup> NPR, "U.S. Border Patrol Agents Chased Migrants on Horseback. A Photographer Explains What He Saw (September 21, 2021), available at:

<https://www.npr.org/2021/09/21/1039230310/u-s-border-agents-haiti-migrants-horses-photographer-del-rio>; The Guardian, "Facial Recognition Bias Frustrates Black Asylum Applicants to the U.S., Advocates Say," (February 8, 2023), available at: <https://www.theguardian.com/us-news/2023/feb/08/us-immigration-cbp-one-app-facial-recognition-bias>; San Diego Union Tribune, "Haitians are Dying of Thirst and Starvation in Severely Overcrowded Jails," (June 8, 2023), available at:

<https://www.sandiegouniontribune.com/news/nation-world/story/2023-06-07/haitians-are-dying-of-thirst-and-starvation-in-severely-overcrowded-jails>; Associated Press, "U.S. Departs About 50 Haitians to Nation Hit with Gang Violence, Ending Monthslong Pause in Flights, (April 18, 2024), available at: <https://apnews.com/article/haiti-deportations-flight-biden-6e76e7614085a047a4c011b787a98da2>; Foote Resignation Letter, (September 22, 2021); available at <https://drive.google.com/file/d/14LVnU91yCVAb3O5ujd39h-jhBuXN3FA2/view>

There are approximately 731,000 Haitian-born people living in the United States.<sup>29</sup> If the United States fails to act on TPS as the country spirals further into chaos, there will be a substantial loss of trust by Haitians, immigrants, and people of color in the United States. This administration extended and redesignated TPS to Haiti in 2023 because significant gang violence, political instability, and a lack of access to healthcare, food, water, and safety made “return to Haiti dangerous for Haitian nationals living in the United States.”<sup>30</sup> Conditions have only deteriorated since January 2023, reaching catastrophic levels. The violence and instability became so dangerous that marines airlifted non-essential government officials from Port au Prince.<sup>31</sup> Haiti is listed as a Level 4 “Do Not Travel” country, the highest level of danger by the Department of State.<sup>32</sup>

Given that Haiti is significantly worse than it was at the time of the previous designation, and that conditions are so dangerous that United States citizens have been evacuated, a refusal to redesignate Haiti would be tantamount to sacrificing the Haitian families who are currently residing safely in the United States. We implore you to re-designate TPS for Haiti.

Sincerely,

Heather Yountz  
Iris Gomez  
Dierdre Giblin  
Melanie Chaput  
Jeanne Funk  
Massachusetts Law Reform Institute

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<sup>29</sup> Migration Policy Institute, “Haitian Immigrants in the United States,” (Nov. 8, 2023), available at: <https://www.migrationpolicy.org/article/haitian-immigrants-united-states-2022>

<sup>30</sup> Federal Register, “Extension and Redesignation of Haiti for Temporary Protected Status” (January 26, 2023), available at: <https://www.federalregister.gov/documents/2023/01/26/2023-01586/extension-and-redesignation-of-haiti-for-temporary-protected-status>

<sup>31</sup> The Guardian, “US Airlifts Embassy Staff Out of Haiti as Gangs Besiege Political Area,” available at: <https://www.theguardian.com/world/2024/mar/10/us-report-airlift-embassy-staff-haiti-gangs-fighting-port-au-prince>

<sup>32</sup> Haiti Travel Advisory, U.S. State Department (July 23, 2023), available at: <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html#:~:text=Haiti%20%2D%20>