



May 26, 2021

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

Acting Director Tracy Renaud  
U.S. Citizenship and Immigration Services  
111 Massachusetts Avenue NW  
Washington, D.C. 20001

**RE: Implementation of Haiti Temporary Protected Status redesignation**

Secretary Mayorkas and Acting Director Renaud:

The undersigned 130 members of the Temporary Protected Status and Deferred Enforced Departure Administrative Advocacy Coalition (TPS-DED AAC), as well as other local, state, and national organizations serving and advocating for Haitian immigrants in the United States, respectfully submit urgent recommendations regarding the implementation of the Department of Homeland Security's May 22, 2021 announcement to redesignate Haiti Temporary Protected Status (TPS).<sup>1</sup>

As we commend the decision to redesignate Haiti for TPS, we wish to make clear that a strategic, well-resourced, successful implementation is essential to ensure that this decision actually provides protection from deportation and the opportunity for work permits for the 150,000 eligible people.

**Recommendations:**

- 1. Immediately publish the Federal Register Notice:** An immediate publication of the Federal Register Notice (FRN) officially opening up the registration period is necessary in order to free Haitians who are currently incarcerated in immigration detention, subject to requests for detainers or notification, or otherwise subject to enforcement and continue to be at risk of return to a country that through this announcement, has been deemed too life-threatening to return to. In addition, delayed FRNs create an environment in which those engaged in the unauthorized practice of immigration law can thrive and take advantage of the confusion of a TPS announcement without immediate implementation. This issue is particularly salient in the case of Haiti, where litigation, previous automatic extensions of work authorization, and language barriers

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<sup>1</sup> Secretary Mayorkas Designates Haiti for Temporary Protected Status for 18 Months (May 22, 2021), [www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months](https://www.dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months).

have created a variety of confusion and uncertainty.

- 2. Put in place a policy to ensure Haitians who previously remained in third countries and may have difficulty proving Haitian nationality are able to receive TPS protection:** Prior to coming to the U.S., some Haitians in need of TPS protection from the crisis currently unfolding in Haiti remained in third countries prior to entering the U.S. but can no longer return there. These circumstances could lead to issues with people in need of TPS protection being able to provide proof of Haitian nationality. USCIS must put in place a policy that ensures that Haitians who face these issues are able to receive TPS protection.
- 3. Take immediate steps to provide protection for Haitians at the border who would have qualified for TPS but for Title 42, metering, and other policies:** We urge the administration to consider adjusting dates in the Federal Register Notice and taking other steps to provide immediate protection to Haitians currently at the U.S.-Mexico border and/or subjected to Title 42. But for being forced to remain in Mexico due to metering policy and/or Title 42, many of these individuals would have been eligible for this TPS protection. We also call on the administration to establish a return after deportation program to reunite Haitian families and broaden protection.
- 4. Ensure that re-registration requirements for current Haitian TPS holders are explicit:** The FRN must make clear whether current Haitian TPS holders need to re-register now in order to keep their TPS post the resolution of the *Ramos* and *Saget* litigation.
- 5. Put in place 365-day registration and re-registration period:** The law requires a minimum of a 180-day registration period for new TPS designation registration periods and no maximum on how long a registration or re-registration period can be.<sup>2</sup> Given COVID-19 and language barriers within the Haitian community, this time period should be a full year to ensure people are given more time to find qualified legal assistance and the other resources they may need to register or re-register. This registration period should apply to both newly registering individuals **and** current Haitian TPS holders re-registering.
- 6. Waive \$50 registration fee:** The law does not require any fee be charged to newly register for TPS and any fee must not exceed \$50.<sup>3</sup> In order to promote accessibility and in the spirit that TPS is a life-saving protection, USCIS should not implement a fee for new registrants. This is particularly critical in light of the ongoing economic recession as a result of COVID-19, with many individuals depleting their savings or being unable to secure and maintain employment.
- 7. Ensure the SAVE system is properly updated and publish data on the accuracy of E-VERIFY:** USCIS should put in place systems to receive feedback about the accuracy of the

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<sup>2</sup> INA § 244 (c)(1)(A)(iv).

<sup>3</sup> INA § 244 (c)(1)(B)) (“The Attorney General *may* require payment of a reasonable fee . . . ” (emphasis added)).

SAVE system and its impact on Haitian and other TPS holders. USCIS should dedicate necessary resources to ensuring the system is up to date and accurate. Failures in the SAVE system affect TPS holders' ability to drive which can affect their employment/income and the overall well-being of their families. DHS should also release quarterly data on the E-VERIFY denials of work-authorized Haitian TPS holders, including number of Tentative Non-Confirmations, Final Non-Confirmations, and other related data.

**8. Put in place a robust, culturally competent outreach plan including:**

- Immediately coordinating with ICE and CBP to ensure that eligible Haitians currently incarcerated in immigrant detention have access to legal services and are immediately able to apply for TPS. We recommend extensive partnerships with community-based organizations to ensure access to services.
- Identifying culturally competent channels to deliver essential information to Haitians who will be newly eligible or re-registering for TPS. This should include exploring funding/grants to NGOs to assist in resourcing outreach programs.
- Individually contacting all current Haitian TPS holders with information about how to re-register through physical mailed notices, texts, and phone calls.
- Extensive education and outreach to combat notario fraud, especially while the FRN is pending.
- Stakeholder engagement within one week of published FRN and ongoing engagements throughout the registration/re-registration period.
- USCIS Community Relations Officers (CROs) holding at least biweekly events in areas with high Haitian populations throughout the duration of the registration/re-registration period. To ensure that newly eligible Haitians have information and apply for TPS protection, CROs should conduct outreach to local governments, community-based organizations, religious institutions, and more. CROs should also reach out to departments of motor vehicles and major employers to help navigate and troubleshoot issues that may arise for current TPS holders re-registering.
- Regular coordination with the Department of Justice Immigrant and Employee Rights Section as well as Congressional inquiry services at offices in districts with large Haitian populations to receive feedback on issues that Haitians are facing with their TPS at work, departments of motor vehicles, and elsewhere.

**9. Address USCIS processing issues:** Ensuring that TPS holders receive new work permits as soon as possible will minimize confusion and issues at work and departments of motor vehicles. For applicants who already have biometric information on file, USCIS should, especially in light of COVID-19, waive biometrics appointments – a standard set by USCIS in the past year.

**10. Regularly publish data on status of new registrations and re-registrations:** USCIS should publish data on at least a monthly basis to show how many Haitians have newly registered and re-registered to assist the field in filling in gaps in outreach, education,

and legal services needs. USCIS should also provide data on the number of accepted, denied, pending, and rejected applications; for denials, USCIS should publish the grounds for denial.

Thank you for your consideration of our recommendations. Please contact Guerline Jozef, Co-Founder and Executive Director, Haitian Bridge Alliance at [gjozef@haitianbridge.org](mailto:gjozef@haitianbridge.org); Nicole Phillips, Legal Director, Haitian Bridge Alliance at [nmp.law@gmail.com](mailto:nmp.law@gmail.com); Marleine Bastien, Executive Director, Family Action Network Movement at [mbastien@fanm.org](mailto:mbastien@fanm.org); Patrice Lawrence, Co-Director, Undocublack Network at [patrice@undocublack.org](mailto:patrice@undocublack.org); Haddy Gassama, Policy and Advocacy Coordinator at UndocuBlack Network; Lisa Parisio, Director of Advocacy, Catholic Legal Immigration Network, at [lparisio@cliniclegal.org](mailto:lparisio@cliniclegal.org); and Jose Magaña-Salgado, TPS-DED Administrative Advocacy Campaign Coordinator, at [jose@masadc.com](mailto:jose@masadc.com) with any questions or to arrange engagement.

Sincerely,

Adhikaar  
AEDAP -Association of Exchange and Development of Activities and Partnership  
AFL-CIO  
African Communities Together  
Aldea - The People's Justice Center  
Alianza Americas  
American Friends Service Committee  
American Immigration Lawyers Association  
American-Arab Anti-Discrimination Committee (ADC)  
Americans for Immigrant Justice  
Asian Americans Advancing Justice | AAJC  
ASISTA  
Asylum Seeker Advocacy Project (ASAP)  
Black Alliance for Just Immigration  
Black Immigrant Collective  
Brooklyn Community Bail Fund (BCBF)  
Brooklyn Defender Services  
CASA  
CASA YURUMEIN  
Catholic Legal Services, Archdiocese of Miami  
Catholic Legal Immigration Network, Inc.  
Center for American Progress  
Center for Gender & Refugee Studies  
Central American Black Organization (CABO)  
Central American Resource Center  
Central American Resource Center (CARECEN-LA)

Central American Resource Center of Northern CA - CARECEN SF  
Central Washington Justice For Our Neighbors  
Centro San Bonifacio  
Chesapeake Multicultural Resource Center  
Chicago Religious Leadership Network on Latin America - CRLN  
Church World Service  
Connecticut Shoreline Indivisible  
Corazon Latino  
Diaspora Community Services  
Disciples Refugee & Immigration Ministries  
Dominican Development Center, Inc.  
Durango Unido en Chicago  
Environmental Justice Initiative for Haiti  
Families Rights Network  
Family Action Network Movement  
FANM In Action  
First Focus on Children  
FLACSO Honduras  
Florida Immigrant Coalition, Inc.  
Fondasyon Mapou  
Forum on Haitian Migration in the Americas  
Franciscan Action Network  
GA Familias Unidas  
Global Justice Clinic, NYU School of Law \*The Clinic's signature does not represent NYU School of Law's institutional views, if any.  
Haiti Solidarity Network of the North East  
Haitian Bridge Alliance  
Haitian Studies Association  
Haitians Unified for Development and Education  
Hispanic Federation  
Human Rights First  
Human Rights Initiative of North Texas  
ICNA Council for Social Justice  
Illinois Coalition for Immigrant and Refugee Rights  
Immigrant Home Foundation  
Immigrant Law Center of Minnesota  
Immigrant Legal Resource Center  
Immigration Advocacy & Support Center  
Indivisible  
Indivisible Georgia Coalition  
Institute for Justice & Democracy in Haiti (IJDH)  
International Refugee Assistance Project (IRAP)

International Tribunal of Conscience of Peoples in Movement  
Japanese American Citizens League Philadelphia Chapter  
Just Futures Law  
Justice Action Center  
LA RED, Faith in Action  
Latin America Working Group (LAWG)  
Latino Racial Justice Circle  
Law Office of Helen Lawrence  
Lawyers for Good Government (L4GG)  
Lutheran Immigration and Refugee Service  
Make the Road PA  
Maryknoll Office for Global Concerns  
National Education Association  
National Immigration Law Center  
National Immigration Project of the National Lawyers Guild  
National Justice for Our Neighbors  
National Network for Immigrant & Refugee Rights  
National Partnership for New Americans  
Neighbors Immigration Clinic  
Network in Solidarity with the People of Guatemala (NISGUA)  
New Jersey Forum for Human Rights  
New York Immigration Coalition  
Ohio Immigrant Alliance  
Pennsylvania Council of Churches  
Pennsylvania Immigration and Citizenship Coalition  
Presente.org  
Project Blueprint  
Quixote Center  
Richmond's People's Movement Assembly  
Sant La Haitian Neighborhood Center  
SEIU 32BJ  
Service Employees International Union (SEIU)  
SIREN (Services, Immigrant Rights and Education Network)  
Sisters of Mary Reparatrix  
Sisters of Mercy of the Americas Justice Team  
Sojourners  
South Asian Americans Leading Together (SAALT)  
Southern Poverty Law Center  
St. Francis of Assisi Immigration Team  
St. Mary of the Hills Church  
St. Regis Parish Immigration Circle of Support

Strangers No Longer  
STRANGERS NO LONGER (Michigan)  
Strangers No Longer OMOPH Circle of Support  
Stuart Center  
Tennessee Immigrant & Refugee Rights Coalition  
Tennessee Justice for Our Neighbors  
The Association of Salvadorans of Los Angeles - ASOSAL  
The Haitian Women's Collective  
The Revolutionary Love Project  
The United Methodist Church General Board of Church and Society  
Tikkun Olam Chavurah  
Tsuru For Solidarity  
U.S. Committee for Refugees and Immigrants (USCRI)  
UndocuBlack Network  
UnidosUS  
Unite Here  
United We Dream  
Venezuelans and Immigrants Aid, Inc.  
Wind of the Spirit Immigrant Resource Center  
Witness at the Border  
World Relief  
Yemeni American Merchants Association