

United States Senate

WASHINGTON, DC 20510

October 13, 2016

The Honorable John F. Kerry
Secretary of State
U.S. Department of State
2201 C Street NW
Washington, D.C. 20520

The Honorable Jeh Johnson
Secretary of Homeland Security
U.S. Department of Homeland Security
3801 Nebraska Ave, NW
Washington, D.C. 20528

Dear Secretaries Kerry and Johnson:

In light of continued difficult conditions in Haiti, and now the widespread damage caused by Hurricane Matthew, we request that you grant Temporary Protected Status (TPS) to eligible Haitian nationals currently living in the United States who are not eligible for the 2010 TPS designation due to their recent arrival in our country. Although we were encouraged by the recent decision to once again temporarily suspend removals of non-criminal Haitian nationals, we also request clarification of the implementation of this policy given the devastation of Hurricane Matthew.

On October 4th, Hurricane Matthew made landfall on the Western Coast of Haiti with sustained winds of 145 miles per hour, up to 25 inches in rainfall, and over 10 feet in storm surge. While the full extent of the devastation is still not known, the storm has already reportedly claimed the lives of over 1,000 Haitians,¹ and some early estimates have also claimed that total monetary losses will be as high as \$1 billion.² The emergency is ongoing, as the United Nations Children's Fund (UNICEF) stated that more than 4 million children are at risk.³ In reference to the

¹ Jamieson, Alastair. "Haiti Doctors Warn of Cholera Crisis as Death Toll Passes 1,000." NBC News. October 10, 2016. Accessed October 11, 2016. <http://www.nbcnews.com/storyline/hurricane-matthew/haiti-doctors-warn-cholera-crisis-after-hurricane-matthew-n663581>.

² Wright, Pam. "Deadly Hurricane Matthew Batters Haiti; Cuban Towns Cut Off By Flooding." The Weather Channel. October 05, 2016. Accessed October 05, 2016. <https://weather.com/news/news/hurricane-matthew-haiti-latest-news>.

³ Branigin, William, and David Filipov. "Hurricane Matthew Slams Haiti En Route North toward Cuba, U.S. East Coast." The Washington Post. October 04, 2016. Accessed October 04, 2016. https://www.washingtonpost.com/world/the_americas/hurricane-matthew-slams-haiti-en-route-north-toward-cuba-

hurricane, President Obama recently stated, "we anticipate that they're going to need substantial help."⁴ As Haiti is already the poorest country in the Western Hemisphere, it will be in desperate need of humanitarian aid for years to come.

The storm has worsened conditions in an already struggling country. More than six years later, Haiti has yet to recover from the devastating earthquake and resulting humanitarian crisis. That natural disaster left the country shattered, caused over 200,000 deaths, injured over 300,000, displaced millions more,⁵ and caused an estimated \$7.8 billion in damages. Additionally, the country's cholera epidemic continues to persist, having already killed over 10,000 people and sickened more than 800,000.⁶ Also, the storm has forced Haiti to postpone Presidential elections yet again, further delaying the opportunity for Haitian people to have their voice heard. Hurricane Matthew only complicates an already desperate situation for Haitian nationals.

We welcomed the extension of TPS through July 2017 for Haitian nationals that arrived in the United States prior to January 12, 2011. TPS is also needed for more recent arrivals as it has now become even more difficult for Haitians to safely return to their country. The United States has granted TPS due to environmental disasters in the past. In 1998, Hurricane Mitch struck Central America with disastrous consequences, resulting in the designation of TPS for Honduran and Nicaraguan nationals living in the United States.⁷ TPS was created to offer temporary, humane protection to foreign nationals living in the U.S. when extraordinary conditions in their home country pose a serious threat to their personal safety. We believe the reports of widespread damage and destruction in Haiti make TPS designation appropriate.

We were also concerned by the September 22, 2016 announcement that U.S. Immigration and Customs Enforcement (ICE) had planned to resume deporting certain Haitian nationals, although we understand you are unable to move forward with implementation due to Hurricane Matthew. We request an update on the policies of applying expedited removal and mandatory detention to this population given the difficulty of removing individuals to Haiti at this time. Additionally, we are troubled by reports that some Haitian families are being separated at the border. As you reconsider this policy, we ask that you make every effort to keep families together. There are

us-east-coast/2016/10/04/2b38ab40-8a3e-11e6-8cdc-4fbb1973b506_story.html?hpid=hp_rhp-top-table-main_hurricane-1035a:homepage/story.

⁴ Young, Jessica Bryce. President Obama Asks U.S. to Remember Haiti, Presently 'Getting Hammered' by Hurricane Matthew. Orlando Weekly. October 05, 2016 Accessed October 05, 2016. <http://www.orlandoweekly.com/Blogs/archives/2016/10/05/president-obama-asks-us-to-remember-haiti-presently-getting-hammered-by-hurricane-matthew>.

⁵ Centers for Disease Control and Prevention. 2011. Accessed October 04, 2016. http://www.cdc.gov/mmwr/preview/mmwrhtml/mm5951a1.htm?s_cid=mm5951a1_w.

⁶ Gladstone, Rick. "Lawmakers Urge John Kerry to Press U.N. for Haiti Cholera Response." The New York Times. July 29, 2016. Accessed October 04, 2016. http://www.nytimes.com/2016/06/30/world/americas/haiti-cholera-john-kerry-congress.html?_r=0.

⁷ Argueta, Carla, and Ruth Ellen Wasem. "Temporary Protected Status: Current Immigration Policy and Issues." February 18, 2016. Accessed October 5, 2016. <https://www.fas.org/sgp/crs/homesec/RS20844.pdf>.

other ways to monitor individuals who are going through immigration court proceedings including case management systems, supervised release, and alternatives to detention.

Given Haiti's many challenges, the United States' focus should be to prioritize disaster assistance and recovery, not to return Haitian nationals to a country lacking the capacity to support them. We ask that you take the urgent humanitarian situation into account when considering TPS designation and evaluating the new deportation policy.

Thank you for your prompt attention to this urgent matter.

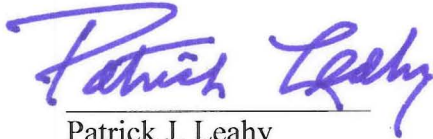
Sincerely,



Robert Menendez
United States Senator



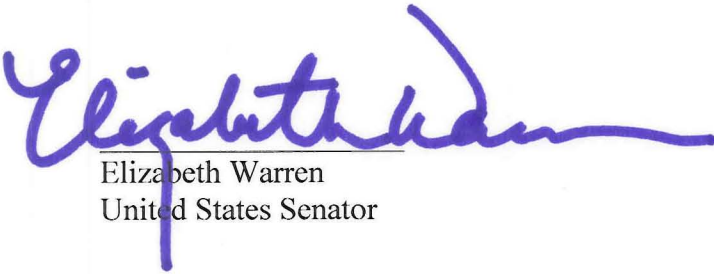
Bill Nelson
United States Senator



Patrick J. Leahy
United States Senator



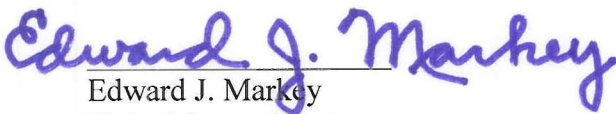
Richard J. Durbin
United States Senator



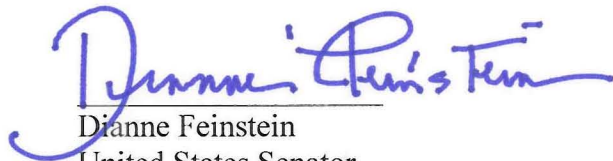
Elizabeth Warren
United States Senator



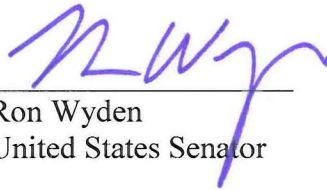
Cory Booker
United States Senator



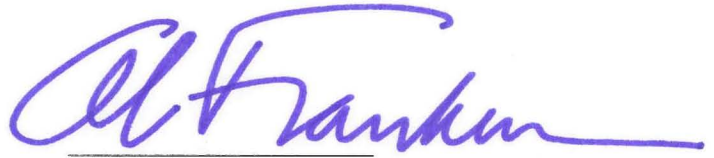
Edward J. Markey
United States Senator



Dianne Feinstein
United States Senator



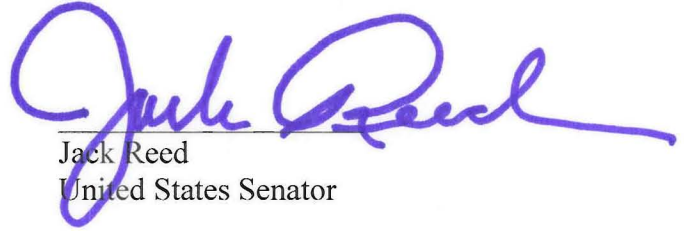
Ron Wyden
United States Senator



Al Franken
United States Senator



Sherrod Brown
United States Senator



Jack Reed
United States Senator