

110TH CONGRESS  
1ST SESSION

# H. R. 522

To designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section.

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 17, 2007

Mr. HASTINGS of Florida (for himself, Mr. CONYERS, Ms. ROS-LEHTINEN, Mr. MEEK of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. THOMPSON of Mississippi, Ms. WATERS, Mr. MCGOVERN, Ms. JACKSON-LEE of Texas, Ms. LEE, Mr. GRIJALVA, Mr. RUSH, Mr. SERRANO, Mr. CROWLEY, Ms. SCHAKOWSKY, and Mr. GONZALEZ) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Haitian Protection Act  
5 of 2007”.

1 **SEC. 2. FINDINGS.**

2 The Congress finds the following:

3 (1) Haiti remains severely devastated by the  
4 combined effects of ongoing political turmoil and the  
5 aftermath of the natural disasters of 2004, such as  
6 Tropical Storm Jeanne and Hurricane Ivan.

7 (2) In Haiti, more than 2,500 people died as a  
8 result of Tropical Storm Jeanne in 2004.

9 (3) The civil protection agency of Haiti stated  
10 that 250,000 people were homeless across the coun-  
11 try and at least 4,000 homes were destroyed, with  
12 thousands more damaged, as a result of the storm.

13 (4) When Tropical Storm Jeanne hit, Haiti was  
14 already struggling to deal with political instability  
15 and the aftermath of serious floods from a heavy  
16 rain on May 26, 2004, which killed over 3,000 peo-  
17 ple.

18 (5) Despite President Préval's popular internal  
19 and international support, his nascent democratic  
20 government still faces immense political and institu-  
21 tional challenges, including a sharp increase in com-  
22 mon crime, especially kidnappings which continue to  
23 plague the capital and other cities and regions, and  
24 the rebuilding of Haiti's police and judicial institu-  
25 tions to achieve the fair and prompt tackling of this  
26 ongoing political and criminal violence.

1           (6) On Thursday, December 21, 2006,  
2 UNICEF issued a statement condemning the in-  
3 creased kidnappings of children in Haiti.

4           (7) As of January 2007, the Department of  
5 State maintains a travel warning to United States  
6 citizens warning them of the absence of an effective  
7 police force in much of Haiti; the potential for  
8 looting; the presence of intermittent roadblocks set  
9 by armed gangs or by the police; and the possibility  
10 of random violent crime, including carjacking and  
11 assault. The warning states that kidnapping for ran-  
12 som remains a serious threat, with more than 50  
13 American citizens, including children, kidnapped  
14 over the past year.

15           (8) As of January 2007, the Department of  
16 State's Consular Information Sheet states that  
17 "United States Embassy personnel are under an em-  
18 bassy-imposed curfew and must remain in their  
19 homes or in United States government facilities dur-  
20 ing the curfew. The embassy has limited travel by its  
21 staff outside of Port-au-Prince and therefore its abil-  
22 ity to provide emergency services to United States  
23 citizens outside of Port-au-Prince is constrained".

24           (9) While United States policy advises Ameri-  
25 cans that current conditions make it unsafe to travel

1 to Haiti, the same conditions make it dangerous and  
2 inappropriate to forcibly repatriate Haitians at this  
3 time.

4 (10) Recent devastating environmental disasters  
5 from which Haiti has not recovered, continuing vio-  
6 lence, and unstable political conditions pose a seri-  
7 ous threat at this time to the personal safety of any-  
8 one forcibly repatriated to Haiti.

9 (11) The Haitian government's ability to pro-  
10 vide basic governmental services—clean water, edu-  
11 cation, passable road and basic healthcare—has been  
12 severely compromised by the natural disasters and  
13 disrupted by the violent overthrow of the constitu-  
14 tional government in 2004. Repatriating Haitians  
15 exposes them to these dangerous conditions, while  
16 imposing an additional burden on government re-  
17 sources that are already stretched too thin.

18 (12) Haiti's recent political, civil, and govern-  
19 mental crises; and the extraordinary and temporary  
20 conditions caused by nature, including floods,  
21 epidemics, homelessness, death and the burying of  
22 Haiti's fourth largest city, Gonaives, easily make  
23 Haitian nationals currently in the United States eli-  
24 gible for temporary protected status under subpara-

1 graphs (B) and (C) of sections 244(b)(1) of the Im-  
2 migration and Nationality Act (“TPS”).

3 (13) Moreover, there is a well-documented his-  
4 tory of discrimination against Haitian nationals in  
5 the United States immigration process.

6 (14) Temporary protected status grants tem-  
7 porary protection from deportation to nationals of a  
8 country in which environmental or political events  
9 have occurred which make it temporarily unsafe to  
10 deport them. TPS has been granted to nationals of  
11 many countries including those of Nicaragua and  
12 Honduras in 1999 following Hurricane Mitch, and  
13 of El Salvador in 2001 following severe earthquakes.

14 (15) TPS would help protect United States bor-  
15 ders by preserving remittances sent by potential de-  
16 portees. Haitian immigrants in the United States  
17 remit about \$1 billion annually to Haiti. These re-  
18 mittances vastly outweigh, in dollar value, United  
19 States foreign aid to Haiti, and are crucial to Haiti’s  
20 recovery from the separate and combined effects of  
21 years of severe environmental disasters, paralyzing  
22 political turmoil, violence, and institutional failure

23 (16) Granting Haitians TPS would also directly  
24 assist Haiti’s nascent democracy in its efforts to re-  
25 cover from these conditions, stabilize the country’s

1 economy, rebuild its political and economic institu-  
2 tions, and provide a future of hope for Haiti's peo-  
3 ple.

4 **SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEM-**  
5 **PORARY PROTECTED STATUS TO HAITIANS.**

6 (a) DESIGNATION.—

7 (1) IN GENERAL.—For purposes of section 244  
8 of the Immigration and Nationality Act (8 U.S.C.  
9 1254a), Haiti shall be treated as if such country had  
10 been designated under subsection (b) of that section,  
11 subject to the provisions of this section.

12 (2) PERIOD OF DESIGNATION.—The initial pe-  
13 riod of such designation shall begin on the date of  
14 enactment of this Act and shall remain in effect for  
15 18 months.

16 (b) ALIENS ELIGIBLE.—In applying section 244 of  
17 the Immigration and Nationality Act (8 U.S.C. 1254a)  
18 pursuant to the designation made under this section, and  
19 subject to subsection (c)(3) of such section, an alien who  
20 is a national of Haiti is deemed to meet the requirements  
21 of subsection (c)(1) of such section only if the alien—

22 (1) is admissible as an immigrant, except as  
23 otherwise provided under subsection (c)(2)(A) of  
24 such section, and is not ineligible for temporary pro-

1        tected status under subsection (c)(2)(B) of such sec-  
2        tion; and

3            (2) registers for temporary protected status in  
4        a manner that the Secretary of Homeland Security  
5        shall establish.

6        (c) CONSENT TO TRAVEL ABROAD.—The Secretary  
7        of Homeland Security shall give the prior consent to travel  
8        abroad described in section 244(f)(3) of the Immigration  
9        and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien  
10       who is granted temporary protected status pursuant to the  
11       designation made under this section, if the alien estab-  
12       lishes to the satisfaction of the Secretary of Homeland Se-  
13       curity that emergency and extenuating circumstances be-  
14       yond the control of the alien require the alien to depart  
15       for a brief, temporary trip abroad. An alien returning to  
16       the United States in accordance with such an authoriza-  
17       tion shall be treated the same as any other returning alien  
18       provided temporary protected status under section 244 of  
19       the Immigration and Nationality Act (8 U.S.C. 1254a).

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