



AMERICAN
IMMIGRATION
LAWYERS
ASSOCIATION

VIA EMAIL

May 22, 2024

The Honorable Joseph R. Biden
President of the United States
The White House
1600 Pennsylvania Avenue, NW
Washington, D.C. 20500

Re: Immigration Actions Recommended in Response to Haitian Country Conditions

Dear President Biden,

On behalf of the American Immigration Lawyers Association (AILA), we write to urge you to use your authority and the capabilities of the Department of Homeland Security (DHS) and the Department of State (DOS) to protect Haitian nationals impacted by the instability and violence in Haiti. As the national bar association of nearly 17,000 immigration lawyers and law professors, AILA members are working every day to help their clients access our immigration system, many of whom are currently facing life-threatening challenges in Haiti or are at risk of deportation. We offer the below recommendations for affirmative steps your Administration can take to ensure that Haitians are able to access legal pathways to the United States. In particular, Temporary Protected Status should be extended and redesignated immediately since the current designation expires on August 4. We also urge you to stop the forcible return of Haitian nationals given the extremely dangerous conditions in their home country.

Since 2021, the United Nations has detailed the multi-dimensional nature of the crisis in Haiti, which includes gang violence, mass displacement of civilians, sexual and gender-based violence, and unlawful killings.¹ On July 27, 2023, DOS updated and issued a Level 4: Do Not Travel warning for Haiti.² At the same time, family members of U.S. government employees and non-emergency U.S. government employees were ordered to leave the country. On August 30, 2023,

¹ “[UN Security Council Presidential Statement](https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2021_7.pdf),” United Nations, March 24, 2021, https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_prst_2021_7.pdf; *see also* “[Security Council authorizes ‘historic’ support mission in Haiti](https://news.un.org/en/story/2023/10/1141802),” UN News, October 2, 2023, <https://news.un.org/en/story/2023/10/1141802>

² “[Haiti Travel Advisory](https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html),” U.S. Department of State, July 27, 2023, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>

U.S. citizens in Haiti were urged to depart Haiti (as soon as possible).³ Once the U.S. Embassy in Port Au Prince was placed on Ordered Departure status, nonimmigrant and immigrant visa services were suspended.⁴ As the political instability and violence has escalated in Haiti, your Administration has responded with humanitarian measures and policies to manage the flow of Haitian migrants, including the expansion of legal pathways.⁵

Given the dire situation in Haiti and that the U.S. government has deemed it unsafe for U.S. citizens to remain in the country, we believe the U.S. government should take these additional steps to facilitate the protection of people impacted by country conditions in Haiti:

Inter-Government Agency Actions

- Evacuation flights should resume as soon as safely possible of all U.S. citizens and lawful permanent residents and their family members.
- The Secretaries of Homeland Security and State should redesignate and authorize Temporary Protected Status and/or Deferred Enforced Departure to provide temporary relief from removal and work authorization for Haitian nationals.⁶ The current designation expires on August 4, 2024, and the extension and redesignation should be announced immediately.
- USCIS should work with DOS to temporarily develop a means to electronically or remotely complete processing and provide travel documents for follow-to-join I-730 beneficiaries based on approved I-730 petitions to eliminate the need to travel to the embassy in person.

Recommendations for the Department of Homeland Security

- DHS should issue a *Federal Register* notice granting Special Student Relief (SSR) for students from Haiti.
- USCIS should expedite the review and processing for Haitians who have pending parole or benefits applications.
- USCIS should expand the highly successful parole program that was announced on January 5, 2023, which includes Haitian applicants.⁷
- USCIS should exercise discretion to excuse any missed filing deadlines for immigration-related applications and petitions.

³ [“Security Alert: Commercial Flight Options in Haiti,”](https://ht.usembassy.gov/security-alert-commercial-flight-options-from-haiti/) August 30, 2023, <https://ht.usembassy.gov/security-alert-commercial-flight-options-from-haiti/>

⁴ [Visas,](https://ht.usembassy.gov/visas/) U.S. Embassy in Haiti, <https://ht.usembassy.gov/visas/>

⁵ American Immigration Council, [“The Biden Administration’s Humanitarian Parole Programs for Cubans, Haitians, Nicaraguans, and Venezuelans: An Overview,”](https://www.americanimmigrationcouncil.org/research/biden-administration%E2%80%99s-humanitarian-parole-program-cubans-haitians-nicaraguans-and-venezuelans/) October 31, 2023, <https://www.americanimmigrationcouncil.org/research/biden-administration%E2%80%99s-humanitarian-parole-program-cubans-haitians-nicaraguans-and-venezuelans/>

⁶ AILA, [“AILA joins AILA Joins Sign-on Letter Urging Extension and Redesignation of TPS for Haiti”](https://www.aila.org/library/aila-joins-sign-on-letter-urging-extension-and-redesignation-of-tps-for-haiti), March 26, 2024,

<https://www.aila.org/library/aila-joins-sign-on-letter-urging-extension-and-redesignation-of-tps-for-haiti>

⁷ USCIS, [“Processes for Cubans, Haitians, Nicaraguans, and Venezuelans,”](https://www.uscis.gov/CHNV) <https://www.uscis.gov/CHNV>

- ICE should halt deportation flights to Haiti and review cases scheduled for removal and consider instead releasing people on orders of supervision. Similarly, ICE should review custody determinations for detained Haitians and considering releasing them on alternatives to detention or bond.
- ICE and CBP should place Haitians, who enter the United States using a CBP One appointment, into regular removal proceedings instead of expedited removal proceedings absent an articulable public safety or flight risk.

Recommendations for the Department of State

- DOS should expeditiously process the visas of Haitian nationals at any U.S. consulate in the world they may safely reach and provide additional tools and resources, such as Creole speakers, to consulates in closer proximity.⁸
- DOS should explore diplomatic channels in certain nearby countries to facilitate travel and temporary visa issuance for Haitian nationals for the purpose of third-country national visa processing.

We encourage you to build upon steps you have already taken and offer protection and safety to the greatest number of individuals. We appreciate your urgent consideration of these recommendations and are available to discuss them with your staff. If you have any questions, please contact Greg Chen at Gchen@aila.org or Shev Dalal-Dheini at Sdalal-dheini@aila.org.

Sincerely,

American Immigration Lawyers Association (AILA)

Cc: Alejandro Mayorkas, Secretary of Homeland Security

Anthony Blinken, Secretary of State

Jake Sullivan, National Security Council

Jeff Zients, White House Chief of Staff

Neera Tanden, White House Domestic Policy Advisor

⁸ See [Letter from Senator Elizabeth Warren to U.S. Department of State on consular operations at the U.S. Embassy in Port-au-Prince, Haiti](https://www.warren.senate.gov/imo/media/doc/2024.03.26%20Haiti%20visa%20letter%20to%20State%20Department.pdf), March 26, 2024, <https://www.warren.senate.gov/imo/media/doc/2024.03.26%20Haiti%20visa%20letter%20to%20State%20Department.pdf>