

HR 144 IH

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H. R. 144

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.

IN THE HOUSE OF REPRESENTATIVES**January 6, 2009**

Mr. HASTINGS of Florida (for himself, Mr. MEEK of Florida, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. RANGEL, Mr. ENGEL, Ms. SCHAKOWSKY, Ms. JACKSON-LEE of Texas, Ms. EDWARDS of Maryland, Ms. NORTON, Mr. DELAHUNT, Mr. GRIJALVA, Ms. WOOLSEY, Mr. HONDA, and Mr. HINCHEY) introduced the following bill; which was referred to the Committee on the Judiciary

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the `Haitian Protection Act of 2009'.

SEC. 2. FINDINGS.

The Congress finds the following:

- (1) Haiti remains severely devastated by the combined effects of an ongoing food crisis and the aftermath of the natural disasters of 2008, including Tropical Storms Fay and Hanna, and Hurricanes Gustav and Ike.
- (2) In Haiti, nearly 800 people died as a result of the tropical storms and hurricanes in 2008.
- (3) The United States Agency for International Development estimates that 35,000-40,000 people remain homeless across the country and over 100,000 homes were damaged or destroyed as a result of the storms.
- (4) When the storms hit, Haiti was already struggling to deal with a food crisis that led to deadly riots and the removal of the country's Prime Minister.

(5) Despite President Preval's popular internal and international support, his nascent democratic government still faces immense political and institutional challenges, including a sharp increase in common crime, especially kidnappings which continue to plague the capital and other cities and regions, and the rebuilding of Haiti's police and judicial institutions to achieve the fair and prompt tackling of this ongoing political and criminal violence.

(6) A July 2008 report by the United Nations Mission to Haiti found that Haitian children remain the target of kidnappings, killings, sexual violence, and child trafficking and have been active participants in recent public protests. It also found that children comprise more than one in three kidnapping victims.

(7) As of April 2008, the Department of State maintains a travel warning to United States citizens warning them of the absence of an effective police force in much of Haiti; the potential for looting; the presence of intermittent roadblocks set by armed protestors or by the police; and the increased possibility of random violent crime, including kidnapping, carjacking, home invasion, armed robbery and assault. The warning states that kidnapping remains a serious threat, with more than 14 American citizens kidnapped over the past year in crimes marked by deaths, brutal physical and sexual assault, and shootings.

(8) As of April 2008, the Department of State's Travel Warning states that 'U.S. Embassy personnel are under an embassy-imposed curfew and must remain in their homes or in U.S. government facilities during the curfew. Some areas are off-limits to embassy staff after dark, including downtown Port-au-Prince. The embassy limits (restricts) travel by its staff to some areas outside of Port-au-Prince due to prevailing road and security conditions. This may constrain our ability to provide emergency services to U.S. citizens outside of Port-au-Prince.'

(9) While United States policy advises Americans that current conditions make it unsafe to travel to Haiti, the same conditions make it dangerous and inappropriate to forcibly repatriate Haitians at this time.

(10) Recent devastating environmental disasters from which Haiti has not recovered, continuing violence, and unstable political conditions pose a serious threat at this time to the personal safety of anyone forcibly repatriated to Haiti.

(11) The Haitian government's ability to provide basic governmental services--clean water, education, passable road and basic healthcare--has been severely compromised by the natural disasters and food crisis in 2008. Repatriating Haitians exposes them to these dangerous conditions, while imposing an additional burden on government resources that are already stretched too thin.

(12) Haiti's recent political and civil crises; and the extraordinary and temporary conditions caused by nature, including hurricanes and tropical storms, floods, epidemics, homelessness, death and the burying of Haiti's fourth largest city, Gonaives, easily make Haitian nationals currently in the United States eligible for temporary protected status under subparagraphs (B) and (C) of section 244(b)(1) of the Immigration and Nationality Act ('TPS').

(13) Moreover, there is a well-documented history of discrimination against Haitian nationals in the United States immigration process.

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

(15) TPS would help protect United States borders by preserving remittances sent by potential deportees. Haitian immigrants in the United States remit about \$1 billion annually to Haiti. These remittances vastly outweigh, in dollar value, United States foreign aid to Haiti, and are crucial to Haiti's recovery from the separate and combined effects of years of severe environmental disasters, paralyzing political turmoil, violence, and institutional failure.

(16) Granting Haitians TPS would also directly assist Haiti's nascent democracy in its efforts to recover from these conditions, stabilize the country's economy, rebuild its political and economic institutions, and provide a future of hope for Haiti's people.

(17) On February 7, 2008, Haitian President Rene Preval wrote to President George W. Bush formally requesting TPS, making Haitians currently in the United States eligible for TPS under subparagraph (B) of section 244(b)(1) of the Immigration and Nationality Act.

(18) On October 3, 2008, President Preval renewed his request for TPS during the closing address of the Americas Conference, stating that Haiti is no longer able to receive the deported individuals that the United States sends to Haiti on a regular basis.

SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEMPORARY PROTECTED STATUS TO HAITIANS.

(a) Designation-

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

(2) PERIOD OF DESIGNATION- The initial period of such designation shall begin on the date of enactment of this Act and shall remain in effect for 18 months.

(b) Aliens Eligible- In applying section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a) pursuant to the designation made under this section, and subject to subsection (c)(3) of such section, an alien who is a national of Haiti is deemed to meet the requirements of subsection (c)(1) of such section only if the alien--

(1) is admissible as an immigrant, except as otherwise provided under subsection (c)(2)(A) of such section, and is not ineligible for temporary protected status under subsection (c)(2)(B) of such section; and

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

(c) Consent To Travel Abroad- The Secretary of Homeland Security shall give the prior consent to travel abroad described in section 244(f)(3) of the Immigration and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien who is granted temporary protected status pursuant to the designation made under this section, if the alien establishes to the satisfaction of the Secretary of Homeland Security that emergency and extenuating circumstances beyond the control of the alien require the alien to depart for a brief, temporary trip abroad. An alien returning to the United States in accordance with such an authorization shall be treated the same as any other returning alien provided temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).

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