

Secretary

U.S. Department of Homeland Security
Washington, DC 20528



Homeland Security

December 19, 2008

His Excellency René Préval
President of the Republic of Haiti
Port-au-Prince, Haiti

Dear President Préval:

Thank you for your February 12, 2008 and October 6, 2008 letters to President George W. Bush, requesting a Temporary Protected Status (TPS) designation for Haiti, as a result of the devastation that Haiti has experienced due to Hurricanes Ike and Gustav and Tropical Storms Hannah, Fay, and Noel. Your letters were referred to the Department of Homeland Security (DHS) for response, as DHS is responsible for administering the TPS program.

I would like to express my deepest sympathy for the extraordinary hardships that your country has endured as a result of the recent storms. I am aware that hundreds have lost their lives, tens of thousands have been displaced, and tremendous damage has been caused to your country's infrastructure and agricultural resources.

I am pleased that DHS has been able to play an active role in providing assistance to Haitian nationals. Before I highlight some of the measures DHS has taken, I would like to address your request for a TPS designation for Haiti. My authority to designate a country (or a part thereof) for TPS is based upon narrow criteria outlined by the U.S. Congress in section 244 of the *Immigration and Nationality Act*, 8 U.S.C. § 1254a. Following the recent storms, DHS's U.S. Citizenship and Immigration Services (USCIS) initiated the process of evaluating country conditions in Haiti to prepare its recommendation regarding whether Haiti should be designated for TPS. DHS also consulted with other U.S. Government agencies, including the U.S. Department of State (DOS), which prepared its own recommendation for my consideration. I have evaluated the DOS and USCIS recommendations and all other relevant information on whether Haiti warrants a TPS designation. After very careful consideration, I have concluded that Haiti does not currently warrant a TPS designation.

I realize, however, that the effects of the recent storms on Haiti have been severe. Therefore, DHS has taken various actions to help mitigate the effects of the storms. For example, DHS's U.S. Coast Guard has provided direct humanitarian relief to Haiti. Following the storms, the Coast Guard delivered tons of humanitarian relief supplies to Haiti, including food, water, bed linens, medical supplies, hygienic items, and clothing.

DHS has also implemented a number of immigration-related measures to assist Haitian nationals who are currently in the United States. For example, USCIS has reminded Haitian nationals who are legally present in the United States of available short-term USCIS program flexibilities that

may allow them to remain in the United States temporarily. As detailed in the enclosed public announcement, these flexibilities for Non-Immigrants in Lawful Status and Current Parolees include:

- The opportunity to apply for an extension or change of non-immigrant status;
- The opportunity for students to seek employment authorization;
- The opportunity for expedited processing of applications for the above or for an application or petition filed for a service or benefit that is otherwise immediately available; and
- The opportunity to request an extension of parole if the person does not have a current immigration status but has been previously paroled into the United States.

Further, U.S. Immigration and Customs Enforcement (ICE), the DHS Component responsible for the removal of aliens from the United States, has temporarily delayed the removal of a number of Haitian nationals as a direct result of the recent storms. ICE will continue to monitor the situation in Haiti and will coordinate with your government regarding the removal of Haitian nationals from the United States.

Please know that DHS is committed to continuing to actively assist in Haiti's recovery from the recent storms. If I may be of further assistance, please contact my office or Larry Mizell, Director, Caribbean Affairs, in DHS's Office of International Affairs at (202) 282-8051.

Sincerely,



Michael Chertoff