

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. \_\_\_\_\_ Res. No. \_\_\_\_\_

in favor     in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

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**March 22, 2011**

**Testimony in Support of Resolution 648-A Calling on the Department of Homeland Security to Extend the TPS Status Designation of Haiti and Eligible Haitians**

**Before the New York City Council, Immigration Committee  
by the New York Legal Assistance Group, Immigrant Protection Unit**

**Introduction and Legal Standard**

The earthquake that struck Haiti on January 12, 2010 was one of epic proportion, particularly with regard to the catastrophic damage it caused. The earthquake killed an estimated 250,000, displaced 1.3 million people –over one-tenth of Haiti’s total population and caused enormous economic damage.

In response to the devastation caused by the earthquake in Haiti, on January 21, 2010, the U.S. Department of Homeland Security designated Haiti for Temporary Protected Status (TPS). Under Section 244(b)(1) of the Immigration and Nationality Act, the Secretary of the Department of Homeland Security is authorized to designate a foreign state for TPS or parts of such state upon finding that the state is facing ongoing armed conflict, an environmental disaster, or “extraordinary and temporary conditions.” 8 U.S.C. 1254(b)(1)(B)(i).

There are currently six countries that are designated for TPS. Two of them, Sudan and Somalia were given TPS due to ongoing armed conflicts. The other four – Nicaragua, Honduras, El Salvador and Haiti were designated for TPS because of environmental disasters. All of those countries, with the exception of Haiti, received multiple extensions of TPS and remain TPS designated countries to this date. Other countries

such as Burundi and Liberia<sup>1</sup>, designated due to armed conflict, also received multiple extensions for TPS before its TPS designation was eventually revoked. These extensions were granted pursuant to 8 U.S.C. 1254(b)(3)(C), which states “If the Attorney General *does not determine* . . . that a foreign state (or part of such foreign state) no longer meets the conditions for designation . . . the period of designation of the foreign state is extended for an additional period of 6 months (or, in the discretion of the Attorney General, a period of 12 or 18 months).”

### **Present Situation in Haiti Merits TPS Extension**

#### **Earthquake aftermath**

Presently, more than 1 year after the earthquake, Haiti satisfies the conditions for TPS as since the earthquake, conditions in Haiti have shown no improvement. Moreover, the conditions appear to have grown much worse. There are currently an estimated 1.3 million homeless residents in Haiti, whereas the total population is only about 10 million. These individuals have been forced to live in tent encampments under hazardous conditions and with limited access to basic necessities such as food and drinkable water. According to a report by Oxfam International, a major humanitarian relief organization ([www.oxfam.org](http://www.oxfam.org)), dated January 6, 2011: few damaged houses have been repaired and only 15 per cent of the basic and temporary new housing required has yet been built. As a result, up to one million people have not been able to move from camps into more permanent accommodation.

<http://www.oxfam.org/sites/www.oxfam.org/files/bp142-relief-to-recovery-130111-en.pdf>

Gender-based violence (hundreds of sexually assaulted girls and women) remains a grave and widespread problem, equally inside and outside the camps. There have been

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<sup>1</sup> Note: Liberians formerly under TPS were granted Deferred Enforced Departure by President Bush (in effect till Sept 2011).

multiple reports of rape throughout the camps in Haiti<sup>2</sup> because there is insufficient security to protect women and children from such harm.

On November 28, 2010, the country went to the polls for the first round of the Presidential and Legislative Elections. The announcement of the preliminary results for the Presidential Election on December 6, 2010, led to widespread civil unrest as allegations of fraud were made against the ruling party's candidate.

The devastating earthquake, and subsequent crises have exasperated and amplified most of the structural challenges that Haiti was facing prior to January 12, 2010: a weak institutional and administrative capacity, over-centralization, economic vulnerability, extreme socio-economic disparities and chronic poverty, environmental degradation, a fragile and polarized political system, insecurity and a weak rule of law apparatus (See Remarks on the situation in Haiti by Rebeca Grynspan, United Nations Development Programme's Associate Administrator and Under-Secretary General of the United Nations at National Assembly Hearing in Paris on March 2011.)

The January earthquake was followed by an outbreak of cholera in October 2010, which quickly spread to other parts of the country. This was the first outbreak in Haiti in living memory. Public health officials fear that the outbreak of cholera in Haiti will be much worse than earlier predicted. (See Cholera in Haiti Far Worse than Predicted by Alex Kingsbury posted on March 21, 2011 in US News and World Report). The initial estimates of 400,000 infections could potentially double. The World Health Organization has estimated

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<sup>2</sup> CBS/AP, "Rape Rampant in Haiti's Earthquake Camps," CBSnews.com, March 17, 2010 (<http://www.cbsnews.com/stories/2010/03/17/world/main6306562.shtml>); See also, Christina Boyle, "Haitian student had 'no chance to scream' when thugs raped her in earthquake aftermath," NYDaily news, April 17, 2010 ([http://www.nydailynews.com/news/world/haiti/2010/04/18/2010-04-18\\_the\\_hell\\_of\\_haiti\\_student\\_had\\_no\\_chance\\_to\\_scream\\_when\\_thugs\\_raped\\_her.html](http://www.nydailynews.com/news/world/haiti/2010/04/18/2010-04-18_the_hell_of_haiti_student_had_no_chance_to_scream_when_thugs_raped_her.html))

that more than 250,000 people contracted the disease and more than 4,600 have died as of March 10, 2011.

Haiti - one of the poorest countries in the region, wracked by decades of political and social unrest, and still trying to recover from recent hurricanes and storms is particularly ill-equipped to bear such a catastrophic event and to recover in the foreseeable (or immediate?) future.

The rebuilding of Haiti will take a lot of time, as well as national and international efforts. Designation of TPS for Haitian in the United States is designed not only to keep people from returning to the country where life-threatening conditions persist, but also to help provide economic support to those living in Haiti. TPS allows qualified Haitian nationals to not only to stay in the U.S., but also to receive employment authorization as part of benefits of TPS. Haitian nationals. Thus, TPS recipients employed in the United States are able and do financially support their relatives in Haiti by sending them money and other staff needed for Haitians to survive. We have witnessed, through our work with Haitians, how TPS has enabled them to provide necessary financial resources to help their family members survive in Haiti.

### **Conclusion**

According to the standard applied to other TPS countries, it would be fundamentally unjust to revoke TPS status from Haiti, in light of the severe and worsening conditions there.