



**Practice Advisory Series**  
**TEMPORARY PROTECTED STATUS**

**HAITI: TEMPORARY PROTECTED  
STATUS DESIGNATION, EXTENSION,  
AND TERMINATION**

**Second Installment**

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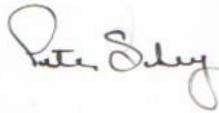
## Practice Advisory Forward

The Center for Human Rights and Constitutional Law is a non-profit, public interest legal foundation dedicated to furthering and protecting the civil, constitutional, and human rights of immigrants, refugees, children, prisoners, and the poor. Since its incorporation in 1980, under the leadership of a board of directors comprising civil rights attorneys, community advocates and religious leaders, the Center has provided a wide range of legal services to vulnerable low-income victims of human and civil rights violations and technical support and training to hundreds of legal aid attorneys and paralegals in the areas of immigration law, constitutional law, and complex and class action litigation.

The Center has achieved major victories in numerous major cases in the courts of the United States and before international bodies that have directly benefited hundreds of thousands of disadvantaged persons.

*This practice advisory reviews Haiti's designation of TPS, each extension of Haiti's TPS, the termination of Haiti's TPS, and the current country conditions justifying extension of TPS.*

Manuals prepared by the Center are constantly being examined for improvements and updated to reflect current practices. Please feel free to email [pschey@centerforhumanrights.org](mailto:pschey@centerforhumanrights.org) if you would like to suggest updates or edits to portions of this practice advisory.



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## **I. Introduction**

This practice advisory acts as the third installment in a series about the United States creation, utilization, and termination of several country's Temporary Protected Status ("TPS"). First, the third advisory will provide an overview of Haiti's designation for TPS. Second, the advisory will discuss the extension of Haiti's TPS. Third, there will be a discussion of the termination of Haiti's TPS. Lastly, the advisory will discuss Haiti's current country conditions and how these conditions support further extension of Haiti's TPS.

Haiti's TPS designation was issued on January 21, 2010 by the Department of Homeland Security and former Secretary of Homeland Security Janet Napolitano. Haiti's TPS has been extended on several dates commencing on May 19, 2011 while the final extension was granted on May 24, 2017. It is important for TPS recipients and legal service providers to be familiar with Haiti's TPS designation, extensions, and terminations to help determine if TPS recipients qualify for additional immigration benefits, adjustment of status, deferred actions status, or asylum, etc.

## **II. Designation of Haiti for Temporary Protected Status**

On January 21, 2010, as published in the Federal Register, the Department of Homeland Security and Secretary Napolitano designated Haiti for TPS after being hit by one of the deadliest earthquakes. Secretary Napolitano stated, "Haiti was struck by a 7.0-magnitude earthquake. Haiti has limited resources to cope with a natural disaster, and now has been struck by its strongest earthquake in 200 years. Although a number of organizations and countries have

pledged humanitarian aid, the magnitude of the disaster is substantial. . . [i]nitial estimates indicate that the death toll is substantial”<sup>1</sup>

The initial designation found, “[t]he country’s critical infrastructure, including its capacity for the provision of electricity, water, and telephones services, has been severely affected.”<sup>2</sup> Climate and environment, safety and security, infrastructure, housing, and development, economy, public health, and food scarcity are the extreme and temporary factors that led to Haiti’s 2010 TPS designation and to the country’s extension over the last seven years.

Secretary Napolitano stated, “[g]iven the size of the destruction and humanitarian challenges, there clearly exist extraordinary and temporary conditions preventing Haitian nationals from returning to Haiti in safety.”<sup>3</sup>

### **III. Extension of Haiti’s Temporary Protected Status**

Haiti’s TPS has been extended five times from the original designation on January 21, 2010. Since 2010, DHS, along with other federal agencies, have reviewed the conditions in Haiti for which a designation was in effect and determined that Haiti’s conditions for designation continue to be met.

#### **A. Haiti’s First TPS Extension**

On May 19, 2011 DHS and Secretary Napolitano extended Haiti’s TPS, because, “the conditions prompting original designation continue to be met.”<sup>4</sup> In the initial extension DHS recognized the, “earthquake has exacerbated Haiti’s position as the least developed country in

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<sup>1</sup> Designation of Haiti for Temporary Protected Status, 75 Fed. Reg. 3476 (Jan. 21, 2010).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 76 Fed. Reg. 29000 (May 19, 2011).

the Western Hemisphere and one of the poorest in the world.”<sup>5</sup> Citing the Central Intelligence Agency World Factbook, DHS emphasized, “80 percent of Haiti’s population is living below the poverty line.”<sup>6</sup>

In the same report DHS relied on findings from the GoH which stated, “more than one million Haitians have been left homeless and are currently living in temporary camps. . . and, “21 percent of assessed homes thus far have been deemed unsafe, requiring major repairs or demolition.”<sup>7</sup> DHS cited to the United Nations Children’s Fund estimating, “there are 1.6 million [internally displaced persons].” The initial extension discussed, “[t]he current cholera outbreak in Haiti. . .” and how it, “. . . is evidence of the vulnerability of the public health sector. . .”<sup>8</sup>

#### **B. Haiti’s Second TPS Extension**

On October 1, 2012 DHS extended Haiti’s TPS stating, “damage to infrastructure, public health, agriculture, transportation, and educational facilities,”<sup>9</sup> are conditions prompting extension of TPS. In this report DHS said, “[i]n early 2012, approximately 500,000 people continued to live in internally displaced persons (IDP) camps, which are vulnerable to flooding, disease, crime, and gender-based violence. Severely damaged infrastructure remains unrepaired, disrupting the informal businesses on which the economy is based.”<sup>10</sup>

DHS cited evidence of decreasing public health by identifying, “[p]oor camp conditions. . . exacerbated by steady rains in October 2010, which led to flooding and contributed to a deadly

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<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 77 Fed. Reg. 59943 (Oct. 1, 2012).

<sup>10</sup> *Id.*

cholera outbreak.”<sup>11</sup> DHS cited the Haitian Ministry of Health, “as of May 1, 2012, there have been an estimated 532,192 cholera cases and 7,060 associated deaths since October 2010.”<sup>12</sup> In the same report DHS focused on food security and reasoned, “[f]ood security continues to be a problem 2 years after the earthquake, although much progress has been made.”<sup>13</sup>

DHS recognized safety concerns within Haiti and stated, “[s]ecurity. . . remains a concern as progress toward a return to country conditions before the January 2010 earthquake has been slow.”<sup>14</sup> Haiti has a limited security force and DHS found, [t]he earthquake killed 77 officers of the Haitian National Police (HNP), injured 253 officers, and destroyed or severely damaged 45 HNP stations and substations.”<sup>15</sup>

### **C. Haiti’s Third TPS Extension**

On March 3, 2014 DHS and then Secretary of Homeland Security Jeh Charles Johnson extended Haiti’s TPS and cited, “while the Government of Haiti has made considerable progress in improving security and quality of life of its citizens. . . Haiti continues to lack the adequate infrastructure, employment, and education opportunities, and basic services to absorb the approximately 58,000 Haitian nationals.”<sup>16</sup>

There continued to be a rise in public health issues and the Haitian Ministry of Health and Population explained, “.Haiti [has] experienced a rise in new cholera infections, and [a]vailable resources for the cholera response, including funding and staff, have been in steady decline since

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 77 Fed. Reg. 59943 (Oct. 1, 2012).

<sup>16</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 80 Fed. Reg. 51582 (Aug. 25, 2015).

2012.”<sup>17</sup> DHS continues, “introduction of cholera in Haiti shortly after the earthquake, and its persistence since then, is mainly due to the lack of access to clean water and appropriate sanitation facilities.”<sup>18</sup>

In the same extension DHS recognized the current insecurity in Haiti and stated, “[t]he most serious impediments to human rights in Haiti are weak governance; inadequate respect for the rule of law, a deficient judicial system; and a high prevalence of corruption in various branches of government.”<sup>19</sup> The earthquake also exacerbated pre-existing vulnerabilities, including, “gender-based violence, trafficking, sexual exploitation, child labor, domestic violence, and recruitment into crime or violence.”<sup>20</sup>

DHS’s decision to extend TPS was due in part to statistics provided by the International Organization for Migration (“IOM”), and they found, “as of September 2013, approximately 172,000 individuals still remained in temporary camps.”<sup>21</sup> The IOM noted, [i]t is estimated that there will be approximately 100,000 persons in these camps by the end of 2013/early 2014.”<sup>22</sup>

The 2014 extension also found, “Haiti’s ability to attract investment is impeded, partly because of weak infrastructure such as access to electricity.”<sup>23</sup> DHS furthered their claims and asserted, [e]stimates indicate that unemployment in Haiti was as high as 80 percent before the earthquake, and though it has decreased, it remained at approximately 40 percent as of July 2013.”<sup>24</sup>

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<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 79 Fed. Reg. 11808 (Mar. 3, 2014).

<sup>21</sup> *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> *Id.*

#### D. Haiti's Fourth TPS Extension

On August 25, 2015 DHS extended Haiti's TPS and stated,

“[m]any of the conditions prompting the original January 2010 TPS designation and the May 2011 redesignation persist, including a housing shortage, a cholera epidemic, limited access to medical care, damage to the economy, political instability, security risks, limited access to food and water, a heightened vulnerability of women and children, and environmental risks. More than 5 years after the earthquake, Haiti continues to recover.”<sup>25</sup>

In the 2015 extension DHS recognized, “Gender-based violence that exists within these informal settlement areas continues to be a serious concern and personal security is a serious and pervasive issue. . . .”<sup>26</sup>

DHS relied on the International Organization for Migration's data and cited, “[w]hile the country continues to make progress in relocating people made homeless by the 2010 earthquake, [IOM] estimates . . . [that in] December 2014 . . . the number of Haitians still living in internally displaced person (IDP) camps at approximately 80,000 scattered across 105 sites.”<sup>27</sup> DHS did not look past the fact that, “Haiti lacks sufficient housing units to address its pre-earthquake shortage, replace damaged or destroyed units, and satisfy projected urban growth.”<sup>28</sup>

In the same extension DHS noted, “[l]ingering infrastructure damage since the earthquake has also impacted food security.”<sup>29</sup> DHS continued, “[a]n estimated 2.5 million people are unable to cover their basic food needs and a January 2015 United Nations report estimated that over 600,000 people were facing severe food insecurity.”<sup>30</sup>

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<sup>25</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 80 Fed. Reg. 51582 (Aug. 25, 2015).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

### **E. Haiti's Fifth TPS Extension**

On May 24, 2017 DHS extended Haiti's TPS and stated, "the Secretary has determined that a limited, 6-month extension is warranted because, although Haiti has made significant progress in recovering from the January 2010 earthquake that prompted its initial designation, conditions in Haiti supporting its designation for TPS persist."<sup>31</sup> DHS supported the limited extension stating, "96% of people displaced by the earthquake and living in internally displaced person (IDP) camps have left those camps."<sup>32</sup> Additionally, "[o]ver 98% of the IDP camps have closed, ... [but] over 55,000 Haitians who lost their homes in the earthquake are still living in 31 camps for internally displaced persons without viable options to leave."<sup>33</sup>

The same extension highlighted, "Hurricane Matthew made landfall in Haiti on October 4, 2016, causing extensive damage to crops, housing, livestock, and infrastructure across Haiti's southwest peninsula."<sup>34</sup> DHS alleged, "[s]till, significant losses of crops and livestock in the regions damaged by Hurricane Matthew impacted the entire country."<sup>35</sup> In continuously exacerbating the problem, "[h]eavy rains in late April 2017 caused flooding and landslides. . . [and] [a]t least four people were killed, nearly 10,000 homes may have been damaged, and at least 350,000 people may have been affected."<sup>36</sup>

DHS's 2017 extension found, "[g]ender- based violence in [IDP] camps continu[e] to be a serious concern, and personal security is a serious and pervasive issue. DHS cited the United

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<sup>31</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 82 Fed. Reg. 23830 (May 24, 2017).

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> *Id.*

<sup>36</sup> Extension of the Designation of Haiti Under the Temporary Protected Status Program, 82 Fed. Reg. 23830 (May 24, 2017).

Nations, “the mandate of the United Nations peacekeeping mission in Haiti will end in October 2017, to be replaced by a new police-only mission focused on rule of law.”<sup>37</sup>

The 2017 extension explained, “Haiti’s weak public health system is further strained due to an ongoing cholera epidemic.”<sup>38</sup> Haiti faces longstanding public health challenges, “where 40% of the population lacked access to basic health services before the 2010 earthquake. As of 2016, this figure remains the same—40% of the population lacks access to fundamental health and nutrition services.”<sup>39</sup>

In supporting the six-month extension DHS found, “[t]he damage from Hurricane Matthew and the recent heavy rains are compounding the existing food insecurity experienced by an estimated 3.2 million people (approximately 30 percent of the population) in September 2016.”<sup>40</sup>

#### **IV. Termination of Haiti’s Temporary Protected Status**

On January 18, 2018 Secretary Kristjen Nielsen terminated TPS for Haiti stating, “Haiti has made progress recovering from the 2010 earthquake and subsequent effects that formed the basis for its designation. DHS explained, “the number of internally displaced persons (IDP) from the earthquake has continued to decline—98 percent of IDP sites have closed, and only approximately 38,000 of the estimated 2 million Haitians who lost their homes in the earthquake were still living in camps as of June 2017.”<sup>41</sup>

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<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

<sup>41</sup> Termination of the Designation of Haiti Under the Temporary Protected Status Program, 83 Fed. Reg. 2648 (January 18, 2018).

In the January 18, 2018 termination, DHS discussed Haiti's governance and infrastructure and stated, "Haiti successfully completed its presidential election in February 2017."<sup>42</sup> DHS noted, "[t]he 2010 earthquake destroyed key government infrastructure, including dozens of primary federal buildings, which the Haitian government is working to rebuild."<sup>43</sup>

DHS discussed Haiti's economy and public health and explained, "Haiti's economy continues to recover from the 2010 earthquake."<sup>44</sup> DHS provided further evidence of economic growth, "[a]nnual GDP growth has been generally positive since 2010, averaging 1.7 percent over the period (2010–2016)."<sup>45</sup>

## **V. Haiti's Current Country Conditions**

Despite extensions of the TPS program for Haiti over the course of almost a decade and the lingering effects of multiple environmental and humanitarian crises, DHS terminated Haiti's TPS on November 20, 2017.<sup>46</sup> Then-Secretary Duke claimed that Haiti's country conditions have made "progress."<sup>47</sup> Unlike prior extensions, DHS and Secretary Duke failed to mention the numerous natural disasters Haiti has recently experienced, the slow economic and infrastructural recovery, the rise in safety and security concerns, and the remaining food scarcity.

### **A. Climate and Environment**

Haiti's climate and environment continue to negatively affect Haitian society. The World Bank provided a cursory overview of the current conditions in Haiti and concluded that, "Haiti is

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<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Id.*

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

extremely vulnerable to natural disasters with more than 90 percent of the population at risk.”<sup>48</sup> Their overview also stated, “[l]ast year, Hurricane Matthew battered the south of Haiti on October 4, 2016, which was the most devastating disaster since the 2010 earthquake.”<sup>49</sup> In August 2017, Human Rights Watch produced a report entitled *Haiti Events of 2016* which indicated that “[a]n ongoing drought affecting much of the country [has] pushed the number of people living with food insecurity to one-third of the population.”<sup>50</sup>

In March 2017 USAID released the *Environment & Natural Resources Management Fact Sheet* which discusses the current environmental degradation in Haiti. USAID reported, “[e]nvironmental degradation is a critical concern in Haiti and poses a serious threat to the lives of Haitian citizens.”<sup>51</sup> Through their discussion on Haiti’s environment USAID noted, “[w]idespread deforestation, particularly of this mountainous country, has led to flooding, dramatic rates of soil erosion, and subsequent declines in agricultural productivity, [which has] depleted tree cover [and] exacerbate[d] the consequences of storms and hurricanes.”<sup>52</sup> In supporting Haiti’s environmental challenges USAID asserted, [i]n 2016, Haitians finally saw the end of the extreme El Niño drought, the worst in 35 years, which hit the country after two previous years of drought, [but]the country was then struck by Hurricane Matthew which devastated parts of Haiti that had been spared the worst of these droughts.”<sup>53</sup>

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<sup>48</sup> *The World Bank in Haiti*, The World Bank (Oct. 02. 2017)

<http://www.worldbank.org/en/country/haiti/overview>.

<sup>49</sup> *Id.*

<sup>50</sup> *Haiti Events of 2016*, Human Rights Watch (2017) <https://www.hrw.org/world-report/2017/country-chapters/haiti>.

<sup>51</sup> *Environment & Natural Resources Management Fact Sheet*, USAID, (Mar. 2017) [https://www.usaid.gov/sites/default/files/documents/1862/FINAL\\_Environment\\_Fact\\_Sheet\\_March\\_2017.pdf](https://www.usaid.gov/sites/default/files/documents/1862/FINAL_Environment_Fact_Sheet_March_2017.pdf).

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

## B. Safety and Security

Although DHS claims to consult with other federal agencies when determining whether conditions still persist to extend TPS, DHS did not heed the advice of the Department of State (“DOS”). In August 2017 the U.S. Department of State (“DOS”) put out a travel advisory against Haiti, stating that people should, “reconsider travel to Haiti due to crime and civil unrest.”<sup>54</sup> DOS warned, “[v]iolent crime, such as armed robbery, is common, and [l]ocal police may lack the resources to respond effectively to serious criminal incidents or emergencies.”<sup>55</sup>

The UN Office for the Coordination of Humanitarian Affairs released a report on January 11, 2018 entitled *Haiti: Revised Humanitarian Response Plan* and discussed the need of humanitarian relief in Haiti and the focus of the humanitarian community. The Response plan “estimated [that] 595,620 people will need protection support in 2018: this includes IDPs remaining in camps since the 2010 earthquake, returnees from Dominican Republic and people affected by natural disasters in 2016 and 2017 with unmet needs and who are vulnerable to protection risks.”<sup>56</sup> While discussing the need for protection the UN Office found, “[t]he estimated 596,000 people in need of protection in 2018 includes over 30,000 women of reproductive age (WRA) who are particularly vulnerable as IDPs and returnees from the Dominican Republic.”<sup>57</sup> The UN Office furthered, “[t]here are about 736,730 people, including

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<sup>54</sup> U.S. Dep’t of State, Travel Advisory on Haiti (last updated Aug. 2, 2017).

<sup>55</sup> U.S. Dep’t of State, Travel Advisory on Haiti (last updated Aug. 2, 2017).

<sup>56</sup> *Revised Humanitarian Response Plan January- December 2018*, National Coordination of Food Security (Jan. 2018). (available at: <https://reliefweb.int/report/haiti/haiti-revised-humanitarian-response-plan-january-december-2018>).

<sup>57</sup> *Revised Humanitarian Response Plan January- December 2018*, National Coordination of Food Security (Jan. 2018). (available at: <https://reliefweb.int/report/haiti/haiti-revised-humanitarian-response-plan-january-december-2018>).

355,640 children, considered as “trans-border population”<sup>58</sup>, and “[i]t is estimated that about 20 to 25% of them may be at direct risk of trafficking.”<sup>59</sup>

On February 22, 2018 the CIA World Factbook reports that

Haiti is a source, transit, and destination country for men, women, and children subjected to forced labor and sex trafficking; most of Haiti’s trafficking cases involve children in domestic servitude vulnerable to physical and sexual abuse; dismissed and runaway child domestic servants often end up in prostitution, begging, or street crime; other exploited populations included low-income Haitians, child laborers, and women and children living in IDP camps dating to the 2010 earthquake; Haitian adults are vulnerable to fraudulent labor recruitment abroad and, along with children, may be subjected to forced labor in the Dominican Republic, elsewhere in the Caribbean, South America, and the US; Dominicans are exploited in sex trafficking and forced labor in Haiti.<sup>60</sup>

The UN Committee on the Elimination of Discrimination Against Women, “called on Haiti to expedite the adoption of a draft law on violence against women.”<sup>61</sup> The March 2017 call indicated, “[t]he political crisis prevented progress towards consideration of the bill or a similarly pending criminal code reform that would address gaps in protection.”<sup>62</sup>

### **C. Infrastructure, Housing, and Displacement**

DHS consistently cited infrastructure as a condition meriting the renewal of Haiti’s TPS, as evidenced by all extension notices, but DHS provided a cursory analysis of Haiti’s infrastructure in the termination notice. On March 4, 2017 the UN Office for the Coordination of Humanitarian Affairs released a report entitled Haiti: Hurricane Matthew Situation Report No.

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<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Central America and Caribbean: Haiti*, Central Intelligence Agency The World Factbook (Feb. 22, 2018) (*available at*: <https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html>).

<sup>61</sup> *Haiti Events of 2016*, Human Rights Watch (2017) (*available at*: <https://www.hrw.org/world-report/2017/country-chapters/haiti>).

<sup>62</sup> *Id.*

35 discussing the emergency response to Hurricane Matthew. Due to Hurricane Matthew, “Over 80% of assessed schools suffered damages (1,633 out of 1,992 schools) and 30% were partially or totally destroyed.”<sup>63</sup>

The National Coordination of Food Security reported through the Revised Humanitarian Response Plan January- December 2018, “that 39,267 people will be in need of assistance; this includes 37,600 IDPs remaining in camps in the Ouest department since the 2010 earthquake and approximately 600 households still displaced from Hurricane Matthew in evacuation centers and camp-like settlements in Grand’Anse and Sud.”<sup>64</sup> Furthermore, “1,600 persons remain displaced in 36 evacuation centers and camplike settlements”<sup>65</sup>

Additionally, the National Coordination of Food Security found “[t]he Post-Disaster Needs Assessment (PDNA) following Hurricane Matthew revealed that an estimated 237,414 households were affected by the hurricane, of which 99,975 had their houses strongly damaged and 103,967 totally lost their homes.”<sup>66</sup>

#### **D. Economy**

DHS failed to consider the impact of Haiti’s extreme poverty through the earthquake and its aftermath, ignoring the central importance of this factor in earlier TPS renewals. On March 6, 2017, the United Nations News Centre called for humanitarian support to improve disaster risk management in Haiti, following a damage assessment that shows the country lost

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<sup>63</sup> *Haiti: Hurricane Matthew - Situation Report No. 35*, U.N Office for the Coordination of Humanitarian Affairs, March 4, 2017, available at <https://reliefweb.int/report/haiti/haiti-hurricane-matthew-situation-report-no-35-04-march-2017>.

<sup>64</sup> *Revised Humanitarian Response Plan January- December 2018*, National Coordination of Food Security (Jan. 2018). (available at: <https://reliefweb.int/report/haiti/haiti-revised-humanitarian-response-plan-january-december-2018>).

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

\$2.7 billion, or 32 per cent of gross domestic product (GDP), as a result of Hurricane Matthew six months ago.”<sup>67</sup>

According to the World Bank, as of October 2017, “Haiti remains the poorest country in the Americas and one of the poorest in the world (with a GDP per capita of US\$846 in 2014).”<sup>68</sup> The World Bank identified, “more than 6 million out of 10.4 million (59%) Haitians live under the national poverty line of US\$2.41 per day and over 2.5 million (24%) live under the national extreme poverty line of US\$1.23 per day.”<sup>69</sup> Through the World Bank’s discussion of Haiti’s poverty level, they reported, “[t]he fiscal deficit is expected to widen substantially this year, [while] [e]conomic growth has slowed to one percent.”<sup>70</sup> Additionally, the World Bank found, “[r]esource mobilization continues to be a challenge with internal revenues only reaching 12.9% of GDP.”<sup>71</sup>

#### **E. Public Health**

DHS’s termination notice gave a weak analysis of the current cholera outbreak in Haiti and its effect on Haiti’s public health. The U.S. Department of State released a travel advisory on Haiti emphasizing that, “Medical facilities, including ambulance services, are scarce and generally sub-standard especially outside the capital.”<sup>72</sup> Additionally, the U.S. Department has

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<sup>67</sup> Logan Abassi, *UN Calls for Support to Recovery Plan as Haiti Loses \$2.7 billion in Hurricane Matthew*, U.N. News Centre (Mar. 6, 2017) (available at: <https://news.un.org/en/story/2017/03/552702-un-calls-support-recovery-plan-haiti-loses-27-billion-hurricane-matthew#.WNsqwZArLrd>)

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Id.*

<sup>71</sup> *Id.*

<sup>72</sup> U.S. Dep’t of State, Travel Advisory on Haiti (last updated Aug. 2, 2017).

reported “[a]pproximately 45 percent of Haitians lived in rural areas with poor access to health care services.”<sup>73</sup>

In a 2016 report, UNICEF found “[c]holera remains a major threat, with an increase in number of suspected cases that are yet to be confirmed.”<sup>74</sup> In March 2017 the United Nations Office of Humanitarian Affairs (OCHA) published a situation report for Haiti, stating, “[c]ritical humanitarian needs remain, particularly in the Food Security and the Shelter/NFI sectors.”<sup>75</sup>

The National Coordination of Food Security’s report on the Haitian Humanitarian Response concluded that, “[b]etween January and December 2017, 13,682 suspected cases and 150 deaths were registered.”<sup>76</sup> They also found, “[w]ith about 250-350 suspected cases per week, cholera control still requires reinforced and sustained capacity to respond to each alert throughout the country.”<sup>77</sup> In furtherance of the discussion on Haiti’s public health issues a, “total of 435,250 vulnerable people will require assistance from the health sector in 2018 comprising of access to primary health, reproductive health and maternal and child health (including vaccinations).”<sup>78</sup>

## **F. Food Insecurity**

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<sup>73</sup> Country Reports on Human Rights Practices for 2016, United States Department of State (2016).

<sup>74</sup>[https://www.unicef.org/appeals/files/UNICEF\\_Haiti\\_Humanitarian\\_SitRep\\_on\\_Hurricane\\_Matthew\\_No.10\\_\\_\\_\\_\\_20\\_October\\_2016.pdf](https://www.unicef.org/appeals/files/UNICEF_Haiti_Humanitarian_SitRep_on_Hurricane_Matthew_No.10_____20_October_2016.pdf)

<sup>75</sup> Haiti, Hurricane Matthew, Situation Report No. 35, OCHA (March 2017); available at <https://reliefweb.int/sites/reliefweb.int/files/resources/OCHA%20Situation%20Report%20%2335%20Hurricane%20Matthew%20Haiti%2004%20March%202017.pdf>

<sup>76</sup> *Revised Humanitarian Response Plan January- December 2018*, National Coordination of Food Security (Jan. 2018). (available at: <https://reliefweb.int/report/haiti/haiti-revised-humanitarian-response-plan-january-december-2018>).

<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

On January 2018 and in response to the humanitarian crisis in Haiti, the National Coordination for Food Security reported

The current food security situation remains precarious due on one hand to the decrease in spring 2017's production compared to the spring of 2016 in some departments (Grand'Anse and Sud) and on the other hand to the residual effects of Hurricane Matthew, which led to increased household debt impeding the ability of the population to face the spring season. Most of the irrigation infrastructures, crop production, stocking and processing facilities are still damaged. The projected analysis shows that between March and June 2018 there will not be any major improvement in the food security situation mainly due to the upcoming lean season and the increase of food price; however, the situation might worsen in the Grand'Anse department.<sup>79</sup>

In November 2017 the World Food Programme reported, “[t]he results of the IPC (Integrated Food Security Phase Classification) exercise conducted in October 2017 show that the food security situation has improved overall, especially thanks to the good spring harvest. But despite this improvement, 1.32 million people remain in IPC Phase 3 “Crisis” and 3 million in IPC Phase 2 “Stress”.<sup>80</sup>

## **VI. Conclusion**

Prior to the Trump administration and the 2018 termination, DHS conducted careful review of Haiti's current country conditions and whether those conditions reflect extreme and temporary problems with respect to climate and environment, safety and security, infrastructure, economy, public health, and food insecurity justifying Haiti's original designation and extension of TPS. DHS entirely overlooks the fact that Haiti is the poorest country in the Western Hemisphere, there continues to be food and water shortages, and safety and security has declined to the point that last year the U.S. State Department put out a warning advisory for Haiti. The

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<sup>79</sup> *Id.*

<sup>80</sup> *WFP Haiti Country Brief*, World Food Programme (Nov. 2017) (*available at*: <https://reliefweb.int/report/haiti/wfp-haiti-country-brief-november-2017>).

justifications made no mention of intervening and ongoing environmental, food, and medical disasters relied upon by prior DHS Secretaries.

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