



**NEW YORK  
CITY BAR**

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**STATEMENT REGARDING DESIGNATION OF  
HAITI FOR TEMPORARY PROTECTIVE STATUS UNDER  
IMMIGRATION AND NATIONALITY ACT**

The Immigration and Nationality Law Committee of the Bar Association of the City of New York hereby calls upon the Obama Administration to designate Haiti for Temporary Protected Status under section 244 of the Immigration and Nationality Act. The 7.0 earthquake which impacted Haiti this week has left the country virtually paralyzed. Large areas of the capital, Port-au-Prince, are in ruins. Schools, hospitals and prisons have collapsed, while the total number of dead, estimated to be at least 50,000, remains unknown. The head of the UN Mission in Haiti is missing as are 140 UN workers. Daily photographs reveal the poor huddled in the streets, without food or water, surrounded by piles of corpses partially covered by rubble. A striking image shows a group of Haiti's poor singing hymns by moonlight.

By any measure, Haiti qualifies for designation under section 244 (the occurrence of a natural disaster such as an earthquake which makes it unsafe for citizens to return). Failure to act will be perceived as unfair and imbalanced. Honduras was designated shortly after the devastation caused by Hurricane Mitch, and El Salvador in the wake of particularly destructive earthquakes. Neither of those situations can be compared to what Haiti has just endured. The present case for TPS arises against a long history of human rights violations which continue to generate refugees. Ignoring the plight of Haiti in this respect will be perceived as flowing from impermissible bias in the administration of the law.

The United States has already partially recognized the scope of the calamity in halting deportations to Haiti. Relief efforts are underway, including the sending of "search and rescue" teams by the U.S., and the pledge of relief funds and food supplies by the community of states. But more is needed. If the sizeable Haitian community within the U.S. is to be empowered to send remittances to suffering relatives in the home State, thus effectively contributing to the relief effort themselves, they must have access to employment authorization. For the moment this can only be secured on a broad basis by conferring TPS on Haiti. TPS would also give these nationals access to advance parole so that they could return to their country to visit and comfort loved ones.

It is time to designate Haiti for Temporary Protected Status.