

THE COUNCIL

September 4, 2008

Res No. 1595-A

Resolution supporting H.R. 144, which urges the U.S. government to designate nationals of Haiti eligible for Temporary Protected Status under section 244 of the Immigration and Nationality Act.

By Council Members Eugene, Stewart, Brewer, Comrie, Dickens, Jackson, James, Mark-Viverito, Avella, Vann, Foster, Arroyo, Barron, Dilan, Gentile, Liu, Martinez, Reyna, Rivera, White, Mealy, Palma, Weprin, de Blasio, Mendez, Koppell, Nelson, Gerson, Fidler, Sears, Katz, Felder, Yassky, Gonzalez, Ferreras, and Gennaro. Amended and approved by the Committee on Immigration on April 20, 2009. Adopted by the Council by voice vote on April 22, 2009.

Whereas, According to the Census data of 2000, there are nearly 420,000 Haitian-born people living in the United States and at least 125,000 of these individuals reside in New York City; and

Whereas, New York City has some of the oldest established Haitian communities in the country; and

Whereas, Under section 244 of the Immigration and Nationality Act, the Secretary of the Department of Homeland Security may grant temporary protected status (TPS) to aliens in the United States who are momentarily unable to securely return to their home country due to ongoing armed conflict, the temporary effects of an environmental disaster, or other extraordinary and temporary conditions, and such aliens may not be removed from the United States during the period in which such status is in effect; and

Whereas, An alien is only eligible for TPS benefits if he (i) establishes a continuous physical presence and continuous residence in the U.S.; (ii) is not subject to one of the criminal, security-related, or other bars to TPS; and (iii) applies for TPS benefits in a timely manner; and

Whereas, An alien is not eligible for TPS if he (i) has been convicted of any felony or two or more misdemeanors committed in the U.S.; (ii) is a persecutor or subject to one of the bars to asylum; or (iii) is subject to criminal related or terrorism related grounds of inadmissibility for which waiver is not available; and

Whereas, According to the U.S. Citizenship and Immigration Services, countries (or parts thereof) that are currently designated for TPS include Burundi, El Salvador, Honduras, Liberia, Nicaragua, Sierra Leone, Somalia, Sudan, Bosnia and Herzegovina; and

Whereas, According to the *Washington Post*, Haiti applied for TPS in 2004 and was denied for undisclosed reasons; and

Whereas, on February 7, 2008, President Rene Prével requested TPS for Haiti and is awaiting approval by the U.S. government; and

Whereas, According to a March 2008 article in the *Caribbean National Weekly News*, President Prével's justification for seeking TPS is based, among other things, on the devastation in Haiti caused by Tropical Storm Noel last year; and

Whereas, The effects of the storm are straining the Haitian government's resources to provide economic and political reconstruction, making it difficult to provide social services to Haitians deported by the U.S. government; and

Whereas, The U.S. granted TPS to the nationals of Nicaragua and Honduras in 1999 following Hurricane Mitch, and El Salvador in 2001 following severe earthquakes, and renewed Somalia's TPS for another 18 months in March 2008, actions which many believe indicated that Haitian nationals are equally entitled to TPS; and

Whereas, on October 3, 2008, President Rene Prével renewed his request for TPS for Haiti, stating that Haiti is no longer able to receive those deported by the United States on a regular basis; and

Whereas, According to a recent article in the *Washington Post*, Haiti is the poorest country in the Western Hemisphere, and has been afflicted perennially by political instability, violence, financial hardship, natural disasters and other devastating conditions; and

Whereas, On January 17, 2007, even before Tropical Storm Noel hit Haiti, U.S. Representative Alcee Hastings of Florida introduced the Haitian Protection Act, H.R. 522, to extend TPS to Haitian nationals living in the United States; and

Whereas, According to H.R. 522, Haiti remains severely devastated by the combined effects of ongoing political turmoil and the aftermath of the natural disasters of 2004, including Tropical Storm Jeanne; and

Whereas, H.R. 522 also indicates that as a result of Tropical Storm Jeanne, more than 2,500 people died, and at least 4,000 homes were destroyed and thousands more severely damaged, leaving 250,000 people homeless; and

Whereas, H.R. 522 also points out that when Tropical Storm Jeanne hit Haiti, the country was already struggling with political instability and the aftermath of serious floods from a heavy rain in May 2004, which killed over 3,000 people; and

Whereas, In January 2007, the U.S. Department of State issued 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 gangs or by police, and the possibility of random violent crime, including carjacking and assault; and

Whereas, The warning also stated that the kidnapping of Americans for ransom, including children, remains a serious threat; and

Whereas, According to the U.S. Department of State, there were 29 reported kidnappings of Americans in 2007 and 14 were reported kidnapped in 2008; and

Whereas, On April 30, 2008, the U.S. Department of State extended its travel warning to American citizens, advising them to defer traveling to Haiti until further notice due to unresolved political and economic conditions precipitating civil unrest that includes violent demonstrations, looting, transportation disruptions and up to seven reported deaths earlier that month; and

Whereas, On January 6, 2009, at the beginning of the 111th Congressional Session, U.S. Representative Alcee Hastings of Florida reintroduced the Haitian Protection Act, also known as H.R. 144; and

Whereas, According to H.R. 144, Haiti remains severely devastated by the ongoing food crisis and the aftermath of the natural disasters of 2008, 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; and

Whereas, If TPS were granted to Haiti, only Haitians in the United States at the time of the designation would be allowed to live and work in the United States for the duration of the designation and upon termination of the TPS designation, Haitian beneficiaries would revert to the same immigration status they maintained before the designation; and

Whereas, Granting Haitians TPS would assist Haiti's nascent democracy in its efforts to stabilize the country's economy and recover from effects of years of severe environmental disasters, paralyzing political turmoil, violence and institutional failure; and

Whereas, While there is much more to do in support of Haiti, the passage of this crucial piece of legislation will also serve as a symbolic beacon of hope to all of the Haitian people and indicate that the United States truly understands their plight and will join efforts in working towards the recovery and self-sufficiency of their country; and

Whereas, The New York City Council has always worked to protect immigrants and ensure equal treatment amongst different immigrant groups; now, therefore, be it

Resolved, That the Council of the City of New York supports H.R. 144, which urges the U.S. government to designate nationals of Haiti eligible for Temporary Protected Status under section 244 of the Immigration and Nationality Act.

Adopted.

Office of the City Clerk, }
The City of New York } ss.:

I hereby certify that the foregoing matter is a true copy of a Resolution passed by The Council of The City of New York on April 22, 2009 on file in this office.



City Clerk, Clerk of the Council