Legislation Details (With Text)

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Res. No. 89

Resolution calling on the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.

By Council Member Williams

Whereas, Temporary Protected Status (TPS) is a temporary immigration status granted to eligible nationals of designated countries; and

Whereas, The Secretary of the United States Department of Homeland Security (DHS) has the authority to provide TPS to immigrants living in the United States who are unable to safely return to their home country because of an ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent their safe return; and

Whereas, The United States Citizenship and Immigration Services (USCIS), part of DHS, is responsible for administering the TPS program; and

Whereas, A country's TPS designation takes effect on the date of publication of the designation and may last between six and 18 months, with the possibility of an extension; and

Whereas, Once the Secretary of DHS terminates a TPS designation, TPS beneficiaries revert to the same immigration status they had prior to TPS or to any other status they may have acquired while registered for

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TPS; and

Whereas, On January 12, 2010, Haiti experienced a 7.0 magnitude earthquake that destroyed most of Haiti's capital, Port-au-Prince, severely affected the country's infrastructure, and led to the deaths of more than 200,000 people and more than 300,000 people were injured; and

Whereas, On January 21, 2010, Janet Napolitano, the Secretary of DHS, granted an 18-month TPS designation to Haiti because of the extraordinary and temporary conditions that prevented Haitians from returning safely to their homes; and

Whereas, Due to the slow pace of recovery from the 2010 earthquake, causing on-going unsanitary conditions, Haiti fully meets the criteria of a country entitled to TPS and therefore the Secretary of DHS granted two extensions and re-designations of TPS for Haiti, the latter of which expires in July of 2014; and

Whereas, According to the United States Census Bureau, there are nearly 800,000 Haitians living in the United States and New York City is home to one of the largest Haitian populations in the nation; and

Whereas, According to the USCIS, since the designation of TPS to Haiti, over 100,000 Haitians have been approved for such immigration relief; and

Whereas, Haitians granted TPS may obtain authorization to work in the United States, may be granted travel authorization, and are not removable from the United States; and

Whereas, Haitians granted TPS who are living in New York City are eligible for in-state tuition rates at schools in the CUNY system; and

Whereas, Any immigrants granted TPS, including Haitians, however, are not considered to be permanently residing in the United States; and

Whereas, According to the New York State Office of Temporary and Disability Assistance guide on alien eligibility for public benefits entitled the "Alien Eligibility Desk Aid," the only non-citizen Haitians eligible for Medicaid, Family Assistance, Safety Net Assistance, and Food Stamp Benefits are "Haitian entrants"; and

Whereas, "Haitian entrant" is defined in section 501(e) of the Refugee Education Assistance Act of 1980 as an individual from Haiti who has applied for asylum with the United States; and

Whereas, Haitian TPS beneficiaries are not considered to be "Haitian entrants" on the basis of having been granted TPS and as such are not deemed eligible for any federal public benefits administered by New York State and New York City; and

Whereas, The Obama administration has promised to continue to support Haiti and its people as it

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recovers from the disastrous earthquake, and extending federal public benefits to Haitians with TPS living in the United States would further demonstrate the United States' support for Haiti; now, therefore, be it,

Resolved, That the Council of the City of New York calls upon the United States government to make Haitian recipients of Temporary Protected Status eligible for federal public benefits.

JSM
Res No. 210/2010
LS 423/2014
2/18/2014