



## Legislation Text

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**File #:** Res 1290-2016, **Version:** \*

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### Res. No. 1290

Resolution calling upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

By Council Members Eugene, Koo, Espinal, Dromm, Cornegy, Menchaca, Mendez, Williams, Wills and Kallos

Whereas, On October 4, 2016, Haiti was hit by Hurricane Matthew, the strongest storm to hit Haiti in over fifty years and the worst natural disaster to strike the country since the 7.0 magnitude earthquake of 2010; and

Whereas, Reports indicate that Hurricane Matthew delivered sustained winds of 145 miles per hour, shed up to 25 inches of rainfall, and brought over ten feet in storm surge; and

Whereas, Reuters compiled preliminary death toll numbers provided by local Haitian officials and reported that there were more than 1,000 hurricane-related deaths; and

Whereas, The estimated number of displaced individuals is in the hundreds of thousands and there are confirmed reports that at least 175,000 individuals currently reside in temporary shelters; and

Whereas, In addition to structural damage, Hurricane Matthew's winds and flooding led to the loss of a significant portion of the country's crops and livestock; and

Whereas, Haiti's southern region was especially hard-hit, including the country's largest banana growing region where up to 80% of the crops that feed roughly 20,000 families were destroyed; and

Whereas, The United Nations estimates that at least 1.4 million Haitians are in need of urgent assistance due to the short supply of clean water, food, and medicine; and

Whereas, the UN and Pan American Health Organization fear that the ongoing cholera epidemic, which has sickened more than 800,000 people and claimed more than 10,000 lives since 2010, will worsen because many treatment centers were destroyed and flooding may have contaminated water supplies; and

Whereas, The Haitian government estimates the damage caused by Hurricane Matthew to be at least \$1 billion; and

Whereas, The United States responded to the Haitian government's request for assistance by deploying the U.S.S. George Washington, as well as the amphibious transport dock Mesa Verde, and the hospital ship Comfort, all of which are supported by Navy and Marine aviation teams; and

Whereas, Nine United States military helicopters were deployed to Haiti, some of which are equipped to conduct search-and-rescue or medical evacuation missions, to transport supplies; and

Whereas, According to The Migration Policy Institute (MPI), there are roughly 600,000 Haitian-born individuals of varying immigration status residing in the United States, including U.S. Citizen, Lawful Permanent Resident and Temporary Protected Status, as well as undocumented status; and

Whereas, The MPI reports that New York State has the second largest Haitian-born population nationwide; and

Whereas, According to the U.S. Census American Community Survey, in 2014 there were approximately 128,755 Haitian-born individuals residing in New York, 90,000 of whom call New York City home; and

Whereas, The Secretary of the Department of Homeland Security (DHS) has the authority to designate a country for Temporary Protected Status (TPS) in the event its nationals are unable to safely return to that country due to ongoing armed conflict, an environmental disaster, or other extraordinary and temporary conditions that prevent safe return; and

Whereas, During the temporary designation period, eligible nationals may apply individually for TPS and, if approved, may not be detained by the DHS based solely on immigration status, and may remain in the United States and obtain employment and travel authorization; and

Whereas, An individual is only eligible for TPS if he or she: (i) establishes continuous physical presence in the United States since the date specified by DHS; (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, A country's TPS designation takes effect on the date the designation is published and may last between six and 18 months, with the possibility of an extension; and

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

Whereas, On January 21, 2010, the DHS designated Haiti for TPS in the aftermath of the devastating 2010 earthquake and re-designated the country on July 23, 2011; and

Whereas, Haiti's existing TPS designation has been extended through July 22, 2017 for qualifying individuals who timely applied for TPS and met subsequent re-registration requirements; and

Whereas, Certain Haitian-born individuals whose entry to the United States after July 23, 2011 rendered them ineligible for TPS under the existing designation, would be eligible to apply in the event of a new designation for Haiti; and

Whereas, In light of the devastation in Haiti after the 2010 earthquake, the DHS halted the repatriation of Haitian nationals found ineligible to remain in the United States; and

Whereas, On September 22, 2016, Secretary of Homeland Security Jeh Johnson announced that the United States would resume repatriations to Haiti, despite confirmed reports that there remained significant safety concerns in Haiti, including the years-long cholera epidemic; and

Whereas, In light of Hurricane Matthew, Secretary Johnson stated that the United States would temporarily halt repatriations once more, but did not provide detailed information as to the duration of this policy; and

Whereas, More than 5,000 Haitian nationals, many of whom were initially displaced by the 2010 earthquake and were unable to return to Haiti or find stable refuge abroad, have presented at the United States-Mexico Border since October 2015; and

Whereas, In September 2016, Sarah Saldaña, Director of the United States Immigration and Customs Enforcement (ICE), expressed to Congress that an additional 40,000 Haitian nationals may present at the United States-Mexico border seeking admission into the United States on humanitarian grounds; and

Whereas, Secretary Johnson made clear that Haitian nationals arriving at the border would be subject to expedited removal proceedings and held in immigration detention until repatriations to Haiti resume; and

Whereas, On October 13, 2016, United States Senators Robert Menendez and Bill Nelson, along with

ten other senators, asked Secretary of Homeland Security Jeh Johnson and Secretary of State John Kerry to issue a new TPS designation for Haiti, as well as provide detailed information about the duration of the temporary halt on repatriations, and called for alternatives to detention and standard removal proceedings for Haitian nationals arriving at the border; and

Whereas, In addition to sending supplies and humanitarian aid, the United States can further support Haiti by providing temporary, humanitarian immigration relief to eligible Haitian-born individuals who cannot safely return to Haiti during this time of crisis; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Secretary of the Department of Homeland Security to grant Haiti a new designation for Temporary Protected Status to provide temporary immigration relief to eligible Haitian nationals in the United States, as well as to stop the detention and repatriation of Haitian nationals ineligible for immigration relief, in the wake of Hurricane Matthew.

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