

The Virgin Islands Consortium

Citing Social Unrest and Security Concerns, Biden Extends Temporary Protection Status of Haitians in U.S. for Another 18 Months

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WASHINGTON, CMC – The Biden administration on Saturday announced a new 18-month designation of Haiti for Temporary Protected Status (TPS).

Secretary of U.S. Homeland Security Alejandro N. Mayorkas said the new TPS designation enables Haitian nationals — and individuals without nationality who last resided in Haiti — currently residing in the United States, as of May 21, to file initial applications for TPS, “so long as they meet eligibility requirements.”

“Haiti is currently experiencing serious security concerns, social unrest, an increase in human rights abuses, crippling poverty and lack of basic resources, which are exacerbated by the Covid-19 pandemic,” said Mr. Mayorkas in a statement.

“After careful consideration, we determined that we must do what we can to support Haitian nationals in the United States until conditions in Haiti improve so they may safely return home,” he added.

The U.S. Department of Homeland Security (D.H.S.) said that after consultation with interagency partners, Mr. Mayorkas decided to designate Haiti for TPS “due to extraordinary and temporary conditions in Haiti that prevent nationals from returning safely, specifically, a political crisis and human rights abuses; serious security concerns; and the Covid-19 pandemic’s exacerbation of a dire economic situation, and lack of access to food, water and healthcare.”

“The persistent effects of the 2010 earthquake have also exacerbated the severity of the extraordinary and temporary conditions in Haiti currently,” the department said. It said the designation of Haiti for TPS also is not contrary to the national interest of the United States.

D.H.S. said a country may be designated for TPS based on one or more of the three statutory grounds for designation: ongoing armed conflict, environmental disasters, or extraordinary and temporary conditions.

“It is important to note that TPS will apply only to those individuals who are already residing in the United States as of May 21, 2021 and meet all other requirements,” the department stressed. “Those who attempt to travel to the United States after this announcement will not be eligible for TPS and may be repatriated.”

It said Haiti’s 18-month designation will go into effect on the publication date of the U.S. Federal Register notice to come shortly. The Federal Register notice will provide instructions for applying for TPS and employment authorization documentation, D.H.S. said.

“Individuals eligible for TPS under Haiti’s new designation must file an application for TPS with U.S. Citizenship and Immigration Services within the registration period that will begin upon publication of the Federal Register notice,” it said. “This includes current beneficiaries under Haiti’s TPS designation, who will need to file a new application to register for TPS to ensure they do not lose TPS or experience a gap in coverage,” it added.

D.H.S. said individuals filing for TPS may also request an employment authorization document and travel authorization.

“All individuals applying for TPS undergo security and background checks as part of determining eligibility,” D.H.S. said.

D.H.S. noted that former U.S. Secretary of Homeland Security Janet Napolitano initially designated Haiti for TPS in January 2010, “based on extraordinary and temporary conditions within the country, specifically the effects of a 7.0-magnitude earthquake.”

In 2011, Haiti's designation was extended, and the French-speaking Caribbean country was also re-designated for TPS at the same time.

Haiti's designation was subsequently extended again for 18 months in 2013 and 2015, and for an additional six months in 2017, D.H.S. said.

According to the D.H.S., Haitian beneficiaries retain their TPS and TPS-related documents through October 4, 2022.

The department said it will continue to extend the benefit and documents if required to comply with court orders.

It said these beneficiaries are also eligible to apply under the new designation of Haiti to receive TPS for the entire 18-month period.