

No. 25-1084

IN THE
Supreme Court of the United States

DONALD J. TRUMP, *et al.*,
Petitioners,

v.

FRITZ EMMANUEL LESLEY MIOT,
Respondents.

**On Writ of Certiorari to the United States Court
of Appeals for the D.C. Circuit**

**APPENDIX IN SUPPORT OF
RESPONDENTS' MOTION TO DISMISS THE
PETITION AS IMPROVIDENTLY GRANTED**

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June 16, 2026

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From: [REDACTED]
Sent: 6/18/2025 7:27:01 AM
To: [REDACTED]; [REDACTED]
CC: [REDACTED]
Subject: For HAD Review | OP&S FO Passbacks | TPS Venezuela 2021 DM | 2 PM, Wednesday, June 18

Good morning [REDACTED], and adding [REDACTED] in Rená's absence.

Please find below, feedback from the OP&S Front Office on the TPS Venezuela 2021 Decision Memo. Sam also included comments and made edits directly to the document to align the VZ 2021 memo with some of our other recent DMs.

Could you please take a moment to review and address the feedback **by 2 p.m. today?**

[Venezuela TPS DM OP&S FO Review.docx](#)

We let Sam know that the PRD research is forthcoming. RCD can assist in following up with PRD today.

Two global comments:

- 1) unless there is a reason to depart from the formula (e.g. including info on NIV, advanced travel docs back to the country, etc.), I request that information be included, and we remain consistent w/ our most recent DMs.
- 2) I don't see input from PRD in the country conditions section...that needs to be updated.

Thank you,

[REDACTED]
Project Manager
Regulatory Management Branch | Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

From: [REDACTED]
Sent: Monday, June 16, 2025 8:59 AM
To: Cutlip-Mason, Rená E [REDACTED]
Cc: [REDACTED]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Hi Rena,

I'll take a look at your comments/edits. I know we received some OHSS numbers on Friday after I submitted it for review so I can add those in now.

[Redacted]

From: Cutlip-Mason, Rená E [Redacted]
Sent: Monday, June 16, 2025 8:50 AM
To: [Redacted]
Cc: [Redacted]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Thanks [Redacted] I am moving [Redacted] to cc and including [Redacted] who is working on this DM. I had a few comments and edits in the document, mostly just updates given info received on Friday. [Redacted] please let me know if you'd like to chat. Thanks, Rená

Rená (Ruh-NAY) E. Cutlip-Mason
 Chief, Humanitarian Affairs Division
 Office of Policy and Strategy
 U.S. Citizenship and Immigration Services
 Department of Homeland Security
 [Redacted]

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From: [Redacted]
Sent: Friday, June 13, 2025 1:26 PM
To: [Redacted] Cutlip-Mason, Rená E [Redacted]
Cc: [Redacted]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Hi [Redacted]

You're welcome. Thank you!

[Redacted]
 Project Manager
 Regulatory Management Branch | Regulatory Coordination Division
 Office of Policy and Strategy
 U.S. Citizenship and Immigration Services
 Department of Homeland Security
 [Redacted]

From: [REDACTED]
Sent: Friday, June 13, 2025 1:14 PM
To: [REDACTED] Cutlip-Mason, Rená E [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Thanks, [REDACTED] Good point about Haiti. I just wanted to be sure. No follow-up needed.

[REDACTED]
(Acting) Chief, Regulatory Coordination Division
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

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From: [REDACTED]
Sent: Friday, June 13, 2025 1:12 PM
To: [REDACTED] Cutlip-Mason, Rená E [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Hi [REDACTED]

Thank you for your review and clearance.

Regarding your question, I can share that S1 recently elected to terminate Haiti without country conditions from DOS. If we need more details on S1's potential options for this VZ decision, I'm happy to help and will connect with HAD for more information.

Thank you,
[REDACTED]

[REDACTED]
Project Manager
Regulatory Management Branch | Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security
[REDACTED]

From: [REDACTED]
Sent: Friday, June 13, 2025 12:31 PM
To: [REDACTED] Cutlip-Mason, Rená E [REDACTED]
[REDACTED]
Cc: [REDACTED]
Subject: RE: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Hi [REDACTED]

I have no edits for the recommendation letter, but I do have a procedural question. Since the statute requires S1 to consult with other federal agencies (traditionally DOS) and we have not received a recommendation from them, can S1 choose anything other than an auto-extension?

[REDACTED]

[REDACTED]

(Acting) Chief, Regulatory Coordination Division
Office of Policy & Strategy
U.S. Citizenship and Immigration Services
Department of Homeland Security

[REDACTED]

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From: [REDACTED]
Sent: Friday, June 13, 2025 12:10 PM
To: Cutlip-Mason, Rená E <[REDACTED]> [REDACTED]
Cc: [REDACTED]
Subject: HAD/RCD Review Requested | TPS Venezuela 2021 Decision Memo | 12 PM, Monday, June 16

Good morning, [REDACTED] and Rená,

Rená (and [REDACTED] in her absence) you may have reviewed, but we are sharing the review request simultaneously in case.

[REDACTED] is reaching out for your assistance with a review of the **TPS Venezuela 2021 Decision Memo**.

Linked below is a clean version of the document prepared by [REDACTED]. We would like to gather your feedback before we share it with Sam.

Could you please take a moment to review? If you can complete your review by **12 p.m. Eastern, Monday, 6/16/25**, that will allow us to work with [REDACTED] to reconcile any edits and comments and prepare the document for OP&S FO review by COB 6/16.

[Venezuela TPS_DM.docx](#)

Note: The document is flagged throughout to note places where we are awaiting data. These places will be updated as data is received.

Given the approaching statutory decision date of 7/12, Sam would like to move this memo forward for DO review by 6/20.

Thank you,

[REDACTED]

[REDACTED]

Project Manager
Regulatory Management Branch | Regulatory Coordination Division
Office of Policy and Strategy
U.S. Citizenship and Immigration Services



From:

[REDACTED]

Sent:

6/5/2025 11:39:42 AM

To:

Ridley, Sasha M [REDACTED]

[REDACTED]

[REDACTED]

Is this coming from a previous FRN that terminated TPS for a country solely on the basis of national interest? Or is Haiti the first time we're doing that? I wrote specific language there because the argument isn't based on improved country conditions or E&T conditions no longer existing, but rathe...

Haiti is the first one

From:

[Redacted]

Sent:

To:

[Redacted]; Deshommes,
Samantha L [Redacted]

[Redacted]

[Redacted]

[/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=c8a763de074e4478b0fe43ac3dcb3a6f-2e8f77e1-75]
EXSO Close Hold [/o=ExchangeLabs/ou=Exchange Administrative Group
(FYDIBOHF23SPDLT)/cn=Recipients/cn=4c929a42c18f41e09c5310ee2a2e33a6-EXSO Close]

CC:

Subject:

RE: [Due 2PM 5/30/25] Haiti TPS DM

Attachments:

Haiti_Decision Memo Draft_5.30.25 TERMINATE.docx; Haiti_Decision Memo Draft_5.29.25_redline.docx

Good afternoon,

Please find the OP&S redline response and clean version attached.

Respectfully,

[Redacted]

From:

[Redacted]

Sent: Friday, May 30, 2025 11:01 AM

To: [Redacted]
Deshommes, Samantha L [Redacted]

[Redacted] Stiefel, Nathaniel I

Cc:

[Redacted]

Subject: [Due 2PM 5/30/25] Haiti TPS DM

Good morning OP&S,
Please see passback from DO.

Due: 2 PM 5/30/25

Passback Request: PASSBACK required to address overall DO comment from Joe Edlow via [Redacted]: "Please passback to OP&S asap to address edits given verbally. They are expecting it. No changes were made to the documents provided."

8a

When completing your POD's passback assignment, please respond directly to each comment and edit from the DO in the redline version of the documents and include the name of the reviewer who provided input and identify any other PODs who should review/provide input as appropriate.

EXSO Notes:

- Please ensure all feedback is provided via Track Changes/Redline markup.
- For tracking purposes upon completion of your POD's review please reply to this email with your clearance, and to let EXSO know your input has been provided.

Thank you.

[REDACTED]
Internal Team – Management and Program Analyst
Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: [REDACTED]
Sent: Thursday, May 29, 2025 12:10 PM
To: [REDACTED]
Cc: [REDACTED]; Deshommes, Samantha L [REDACTED]
[REDACTED]
Subject: Haiti TPS DM | Requesting DO review by 10am ET Friday, 5/30/25

Good morning,

Attached please find the draft Decision Memo for Haiti TPS and the corresponding supplementary attachments. We are requesting DO review, clearance, and signature of the decision memo. If possible, we are requesting clearance **by 10am ET Friday, 5/30/25**. Expedited clearance is requested because the S1 statutory deadline for this action is June 4th, 2025.

Please ensure any watermarks and deliberative headers/footers are removed prior to signature.

Clearance History:

SCOPS, Karla Moran 5/27 Concur
OCC, [REDACTED] 5/28 [REDACTED]
RAIO, Rebecca Tanner, 5/28 Concur with edits
OP&S, Samantha Deshommes 5/28 Concur with edits

Documents Attached:

Decision Memo:

- Haiti_Decision Memo Draft_5.29.25

Supplementary Attachments:

- Attachment A – Temporary Protected Status (TPS) Legal Authority
- Attachment B – USCIS RAIO Country Conditions, Haiti
- Attachment C – USCIS OP&S Country Conditions, Haiti

Following DO signature, this memo will be routed to DHS for S1's decision.

9a

Please let me know if you have any questions or concerns.

Respectfully,

[REDACTED]

Project Manager, Office of Policy & Strategy, RCD
U.S. Citizenship and Immigration Services

[REDACTED]

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U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 Office of the Director
 Camp Springs, MD 20588-0009



U.S. Citizenship
 and Immigration
 Services

[Date]

DECISION

MEMORANDUM FOR THE SECRETARY

THROUGH: (if applicable)

FROM: Angelica Alfonso-Royals
 Acting Director

SUBJECT: **Temporary Protected Status for Haiti**

Recommendation: U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of “~~Terminate~~**No Decision**” for Temporary Protected Status for Haiti based on a review of current conditions in Haiti and an analysis of whether extending Haiti’s designation is contrary to the U.S. national interest.

Purpose: Haiti’s existing designation for Temporary Protected Status (TPS) will expire August 3, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.¹ If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.² If the Secretary does not make a timely decision about whether the country continues to meet the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.³ Accordingly, USCIS has completed review of the conditions in Haiti to inform the consideration of the TPS action and is presenting a recommendation of “~~Termination~~**No Decision/Automatic Extension**” for your consideration. This recommendation is being made in light of USCIS’ determination that an extension of TPS for Haiti is contrary to the U.S. national interest, after an analysis of factors including fraud, public safety, national security, and immigration integrity, recent escalation of violence; the rapidly evolving nature of the security environment makes it premature to commit to any permanent policy decision at this time.

¹ See Immigration and Nationality Act (INA) sec. 244(b)(3)(A); see also Attachment A: Temporary Protected Status Legal Authority.

² See INA sec. 244(b)(3)(B).

³ See INA sec. 244(b)(3)(C).

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As part of the review process, USCIS consulted with the Department of State (DOS). ~~DOS concurs that an extension of TPS for Haiti is contrary to the U.S. national interest. As of May 27, 2025, DOS has not provided an assessment of conditions nor a recommendation to inform the consultation requirement. That is another reason why USCIS does not believe that decision making is ripe and that the Secretary should defer her decision.~~

Commented [SR1]: Pending confirmation from DOS

Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute requires a decision by the Secretary at least 60 days before the current expiration date. See INA sec. 244(b)(3); 8 U.S.C. 1254a(b)(3).

TPS Overview: Haiti was initially designated in 2010 on the basis of extraordinary and temporary conditions in Haiti that stemmed from an earthquake and prevented nationals of Haiti from returning in safety.⁴ Following the initial designation, TPS for Haiti was extended and redesignated once from July 23, 2011, through January 22, 2013, based on extraordinary and temporary conditions.⁵ Thereafter, TPS for Haiti was extended four times based on extraordinary and temporary conditions: (1) from January 23, 2013, through July 22, 2014;⁶ (2) from July 23, 2014, through January 22, 2016;⁷ (3) from January 23, 2016, through July 22, 2017;⁸ and (4) from July 23, 2017, through January 22, 2018.⁹ Subsequently, the Secretary announced the termination of the TPS designation of Haiti effective July 22, 2019.¹⁰

The termination of Haiti's 2011 TPS designation was challenged in several lawsuits, and court injunctions required DHS to temporarily continue TPS for Haiti pending a final court order.¹¹ Former Secretary Mayorkas newly designated Haiti on the basis of extraordinary and temporary conditions effective August 3, 2021, through February 3, 2023.¹² Thereafter, TPS for Haiti was extended and redesignated effective February 4, 2023, and ending on August 3, 2024.¹³ In July 2024, DHS issued a notice stating that Secretary Mayorkas had once again determined to extend and redesignate Haiti for TPS for an 18-month period, set to expire on February 3, 2026.¹⁴ Finally, DHS announced in February 2025 that Secretary Noem had decided to partially vacate the July 2024 decision of Secretary Mayorkas regarding the extension and redesignation of Haiti for TPS.

⁴ See *Designation of Haiti for Temporary Protected Status*, 75 FR 3476 (Jan. 21, 2010).

⁵ See *Extension and Redesignation of Haiti for Temporary Protected Status*, 76 FR 29000 (May 19, 2011).

⁶ See *Extension of the Designation of Haiti for Temporary Protected Status*, 77 FR 59943 (Oct. 1, 2012).

⁷ See *Extension of the Designation of Haiti for Temporary Protected Status*, 79 FR 11808 (Mar. 3, 2014).

⁸ See *Extension of the Designation of Haiti for Temporary Protected Status*, 80 FR 51582 (Aug. 25, 2015).

⁹ See *Extension of the Designation of Haiti for Temporary Protected Status*, 82 FR 23830 (May 24, 2017).

¹⁰ See *Termination of the Designation of Haiti for Temporary Protected Status*, 83 FR 2648 (Jan. 18, 2018).

¹¹ On Dec. 28, 2023, the U.S. District Court for the Northern District of California dismissed *Ramos v. Nielsen*, 18-cv-01554 (N.D. Cal. Dec. 28, 2023). *Bhattarai v. Nielsen*, 19-cv-731 (N.D. Cal. Mar. 12, 2019) was consolidated with *Ramos* in August 2023. The court agreed with the government position that subsequent TPS designations rendered the pending litigation moot.

¹² See *Designation of Haiti for Temporary Protected Status*, 86 FR 41863 (Aug. 3, 2021).

¹³ See *Extension and Redesignation of Haiti for Temporary Protected Status*, 88 FR 5022 (Jan. 26, 2023).

¹⁴ See *Extension and Redesignation of Haiti for Temporary Protected Status*, 89 FR 54484 (July 1, 2024).

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Secretary Noem reduced the designation period from the statutory maximum of 18 months to 12 months, providing that the Haiti TPS extension and new designation will now expire on August 3, 2025.¹⁵ Secretary Noem's vacatur has been challenged in the courts.¹⁶

To be eligible for TPS under Haiti's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since June 3, 2024, and have been continuously physically present in the United States since August 4, 2024. There are currently approximately 348,187¹⁷ beneficiaries and approximately 345,143¹⁸ pending applications under Haiti's TPS designation.¹⁹

Description of Country Conditions: Haiti's TPS designation is based on the extraordinary and temporary conditions provision in the TPS statute. That provision requires a determination that extraordinary and temporary conditions in Haiti prevent Haitian nationals from safely returning to Haiti, unless the Secretary finds that permitting Haitian nationals to remain temporarily in the U.S. is contrary to the national interest of the U.S.²⁰

USCIS conducted a review of conditions in Haiti. Analysis of these conditions shows that Haiti continues to struggle with the collapse of state authority, with pervasive and escalating violence driven by heavily armed gangs who now control much of Port-au-Prince and surrounding areas. ~~As of early 2025, Haitian officials report that gangs control approximately 85% of Port-au-Prince, with violence spreading to other regions.²¹ Criminal groups "have rapidly expanded into previously secure areas of Port-au-Prince, as well as key regions such as the Ouest and Artibonite departments, Haiti's agricultural hub. Many of these groups have alleged ties to police officers and political and economic elites."²² The United Nations has documented a significant increase in gang-related violence, including killings, kidnappings, and sexual violence against civilians.²³ Law enforcement is essentially nonfunctional, and there is no meaningful government presence to protect civilians. The Haitian National Police are critically understaffed, poorly equipped, and~~

¹⁵ See *Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti*, 90 FR 10511 (Feb. 24, 2025).

¹⁶ *Haitian American United, Inc et al v Trump*, 1:25-cv-10498 (D.Mass); *Haitian Evangelical Clergy et al v Trump*, 1:25-cv-01464 (D.Md.).

¹⁷ Estimate as of May 1, 2025.

¹⁸ Estimate as of May 1, 2025.

¹⁹ The DHS Office of Homeland Security Statistics has estimated that an additional 70,000 nationals of Haiti who have entered the United States since June 3, 2024, could become newly eligible for TPS if Haiti is newly designated. Estimate as of April 14, 2025.

²⁰ INA sec. 244(b)(1)(C).

²¹ See *Haitian Gangs Control 85% of Port-au-Prince, Officials Say*, Associated Press, March 28, 2025, available at: <https://apnews.com/article/65be39eaa9e5a1fd9e2592d4fcb4b3f> (last visited May 23, 2025).

²² *World Report 2025—Haiti*, Human Rights Watch (HRW), Jan. 16, 2025, available at: <https://www.ecoi.net/en/document/2120084.html> (last visited Mar. 17, 2025).

²³ See *"Situation of Human Rights in Haiti," Report of the United Nations High Commissioner for Human Rights UN Press Release A/HRC/58/76*, March 27, 2025, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5876-situation-human-rights-haiti-report-united-nations-high> (last visited May 23, 2025).

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largely ineffective against gang activities.²⁴ The United Nations High Commissioner for Human Rights has emphasized the indiscriminate nature of the violence, stating that all individuals in Haiti are at risk, regardless of their background.²⁵

Improvements

Haiti has experienced some improvements in its infrastructure and risk management and international partnerships.

Although the U.S. Federal Aviation Administration (FAA) has extended its ban on U.S. commercial flights to Port-au-Prince through September 8, 2025 due to ongoing security risks from gang violence, in December 2024, Haiti reopened its main international airport in Port-au-Prince to international flights from non-U.S. markets, marking a significant step toward economic revitalization and improved connectivity.²⁶ The airport in Les Cayes became operational for international flights in early 2025, offering an alternative route for aid delivery and commerce, especially beneficial for the southern regions.²⁷

The deployment of other international forces has bolstered efforts to combat gang violence, with the U.S. providing substantial financial assistance to support these initiatives.²⁸

In March 2025, the World Bank released a plan to make approximately US\$320 million in grant financing available with the aim of building resilience among Haiti's most vulnerable populations.²⁹

Since April 23-25, 2025, UNICEF has reached more than 8,500 displaced individuals and members of the host community through multisectoral interventions, including safe drinking water distribution.³⁰

²⁴ See "*Haitian Police Overwhelmed by Gang Violence*," Associated Press, March 28, 2025, available at: <https://apnews.com/article/65be39eaaad9e5a1fd9e2592d4feb4b3f> (last visited May 23, 2025).

²⁵ See *UN Experts Urge Immediate Action to End Spiraling Violence in Haiti*, Report of the Office of the High Commissioner for Human Rights (OHCHR), April 5, 2025, available at: <https://www.ohchr.org/en/stories/2025/04/restoring-dignity-global-call-end-violence-haiti> (last visited May 23, 2025).

²⁶ "FAA Extends U.S. Flight Ban to Haiti's Capital Through Summer 2025," Haitian Times, March 12, 2025, available at <https://haitiantimes.com/2025/03/12/faa-extends-u-s-flight-ban-to-haitis-capital-through-summer-2025> (last visited May 27, 2025).

²⁷ "Flights Resume at Haiti's Second International Airport," Associated Press, January 19, 2025, available at <https://apnews.com/article/974f97f68a9a01c0a73436bc592fa515>, (last visited May 23, 2025).

²⁸ "Haiti Receives Support from Kenyan Police as Multinational Security Mission Begins," Associated Press, February 6, 2025, available at <https://apnews.com/article/58a8297e9e495ad0ba329407cf8628a6> (last visited May 23, 2025).

²⁹ "World Bank Announces New Strategy for Haiti," World Bank, March 4, 2025, available at <https://www.worldbank.org/en/news/immersive-story/2024/12/20/glimmers-of-hope-as-haiti-navigates-its-lingering-crisis> (last visited May 12, 2025).

³⁰ UNICEF, Haiti Humanitarian Flash Update No. 2, May 2025, available at <https://www.worldbank.org/en/news/immersive-story/2024/12/20/glimmers-of-hope-as-haiti-navigates-its-lingering-crisis> (last visited May 12, 2025).

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The American Red Cross has also improved access to safe drinking water for thousands of households through construction of over 5300 water points that serve over 246,000 people.³¹

A citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their country of residence. In Fiscal Year (FY) 2024, 7,938 nonimmigrant visas (NIV) were issued to Haitian nationals. In FY2025 (October 2024 through February 2025), 3,840 nonimmigrant visas were issued to Haitian nationals. If this trend continues, FY2025 will see an estimated 9,200 nonimmigrant visas issued to Haitian nationals.³²

Haitian nationals in the United States have requested advance parole documents (APDs) for travel back to Haiti, suggesting that nationals may safely travel there. From October 1, 2022, through April 24, 2025, approximately 3,900 Haitian nationals requested APDs, of which approximately 2,506 were for intended travel to Haiti (64%).³³

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Haiti. From January through April 2025, ICE removed approximately 210 aliens to Haiti.³⁴

TPS and Alignment with National Interest

By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”³⁵

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).³⁶ Determining whether permitting a class of aliens to remain temporarily in the

³¹ Red Cross, Preventing disease and improving health care factsheet, November 2024, available at https://www.redcross.org/content/dam/redcross/atg/Photos/What_We_Do/Preventing_Disease_and_Improving_Healthcare_Factsheet.pdf?srsltid=AfmBOor7uRPPGVqOzAjhWTi4b5ssffhMzK4Q7SZxbK1H-73K9kUTC7e3 (last visited May 12, 2025).

³² Estimates as of May 12, 2025.

³³ Estimates as of April 24, 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

³⁴ Estimates as of April 18, 2025. Note that unable to confirm whether all aliens removed to a particular country are actually nationals of that country.

³⁵ See INA 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

³⁶ See, e.g., *Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684-86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89-90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D-J-*, 23 I&N Dec. 572, 579-81 (A.G. 2003)

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United States is contrary to the U.S. national interest therefore calls upon the Secretary's expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies. Additionally, Executive Order 14150, "America First Policy Directive to the Secretary of State" (January 20, 2025), assists in further explaining "national interest", as the EO clearly sets out the President's vision that "the foreign policy of the United States shall champion core American interests and always put America and American citizens first."³⁷

Regarding foreign policy, **DOS concurs that an extension of TPS for Haiti is contrary to the U.S. national interest. as of May 27, 2025, DOS has not provided a recommendation as to whether or not it is contrary to the national interest of the United States to permit those who would meet the eligibility requirements of TPS to remain in the United States temporarily. This is another instance where USCIS does not believe that ample information on relevant statutory considerations on TPS for Haiti are presently available, and that the Secretary should therefore defer her decision.**

Commented [SR2]: Pending confirmation from DOS

National Security Considerations

DHS records indicate that there are Haitian nationals (or aliens who last habitually resided in Haiti) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security.³⁸ Of the approximately 348,187 TPS recipients and 345,143 pending applications from Haiti, there are 897 alien numbers associated with a fraud record, and 275 numbers associated with an egregious public safety record [REDACTED]

Approximately 70,000 nationals of Haiti have entered the United States since June 6, 2024.³⁹ Of these new entrants, approximately 3,000 are nonimmigrants in valid status, approximately 700 entered as nonimmigrants but are now out of status, and approximately 66,000 were encountered at a border or port of entry and have no lawful immigration status. DHS OHSS also estimates that approximately 300 entered the United States unlawfully and were not apprehended by U.S. government officials. Overstays and unlawful entry conflict with the national interest.

Options

Your options include the following actions:

~~1) No Decision/Automatic Extension (USCIS Recommendation)~~

(recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is "sound immigration policy" and an "important national security interest"); *Matter of Dhanasar*, 26 I&N Dec. 884, 890-91 (AAO 2016) (taking into account impact on U.S. workers in "national interest" assessments).

³⁷ See *America First Policy Directive to the Secretary of State*, Executive Order 14150, 90 FR 8337 (Jan. 29, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/america-first-policy-directive-to-the-secretary-of-state/> (last viewed on Feb. 10, 2025).

³⁸ Estimates as of May 7, 2025.

³⁹ Estimates as of April 15, 2025.

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- ~~After review of the assessment, you could choose not to make a determination about whether Haiti's TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).~~
- ~~Should you choose not to make a decision about whether the conditions supporting Haiti's designation continue to be met, an announcement of the automatic extension is required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.~~

2) Terminate Haiti's Designation for TPS (USCIS Recommendation)

- If you determine that Haiti no longer meets the statutory requirements for its TPS designation, you must terminate TPS for Haiti. Termination would end TPS benefits for existing Haiti TPS beneficiaries after notice in the Federal Register. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).
- If you decide to terminate Haiti's designation, the effective date of termination may not be earlier than 60 days after the date the Federal Register notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

2) No Decision/Automatic Extension (USCIS Recommendation)

- After review of the assessment, you could choose not to make a determination about whether Haiti's TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
- Should you choose not to make a decision about whether the conditions supporting Haiti's designation continue to be met, an announcement of the automatic extension is required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.

3) Extend Haiti's Designation for TPS

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.⁴⁰ Haiti was initially designated for TPS on January 21, 2010, based on extraordinary and temporary conditions in Haiti that stemmed from an earthquake.

⁴⁰ Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

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- Should the decision be made to extend the designation of TPS for Haiti, only existing TPS Haiti beneficiaries may re-register for TPS, and any Haitian nationals who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.

Signature Level Justification: The decision to designate any foreign state (or part thereof) is a discretionary decision, and the statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.⁴¹ At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.⁴²

Timeliness: You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.⁴³ For Haiti's designation, which expires on August 3, 2025, you must make a decision by June 4, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.⁴⁴ Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures to TPS beneficiaries, their employers, and benefit-granting agencies.

⁴¹ INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

⁴² INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

⁴³ See INA sec. 244(b)(3)(A), (C).

⁴⁴ See INA sec. 244(b)(3)(A).

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USCIS Recommendation: USCIS recommends that you terminate the TPS Haiti designation, citing that the designation is contrary to the U.S. national interest.

USCIS Recommendation: USCIS recommends that you defer your decision on TPS for Haiti and allow the automatic 6-month extension based on the rapidly changing environment in Haiti. We also recommend the same because as of May 23, 2025, USCIS has not received information from the Department of State to further inform the country condition assessment. This will have the effect of extending TPS for Haiti back to Feb. 3, 2026, the original expiration date prior to your action to partially vacate prior Secretary Mayorkas' July 2024 TPS extension and redesignation.

Secretary's Decision:

1. Terminate: Terminate Haiti's designation

Approve/date _____

~~1.2. No Decision/Automatic Extension: Delay a decision on Haiti's designation, resulting in an extension of 6 months~~

Approve/date _____

~~2.1. Terminate: Terminate Haiti's designation~~

Approve/date _____

3. Extend: Extend Haiti's existing designation for 6, 12, or 18 months

Specify duration of extension (6, 12, or 18 months): _____

Approve/date _____

Attachments:

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS RAIO Country Conditions Report, Haiti
- Attachment C: USCIS OP&S Country Conditions Report, Haiti

INPUT	Providing Entity	Requesting Entity and person	RCD please prompt this entity	Needed by	Notes
Country Conditions, include IMPROVEMENTS	RAIO/RRU	HAD Chief	HAD Chief	4 months before S1 needs to make a decision	Haiti was vacated bc there is no discussion of why the 18-month period was selected in lieu of a 6- or 12-month, there was no discussion of contrary to national interest, and the information was four months old, or older.
Country Conditions and Recommendation <i>(ask them to include improvements?)</i>	DOS	OPS FO to DHS Policy to State	OPS FO		
Eligible population	OHHS	HAD SME	HAD SME		
Number of ICE Removals to a TPS country since its designation	OHHS (ICE data is already requested, can use as a fall back) *Andrew to set up meeting	HAD SME	HAD SME		
Number of NIVs given to aliens from a TPS designated country	PRD but we might need to get "initials only" from DOS *Andrew to look into further	HAD SME	HAD SME		
Number of NIV overstays from a TPS designated country	PRD or OHHS	HAD SME	SME		
I-131s advanced parole requests per year approved for folks from TPS designated country during period of designation	OPQ/	HAD SME	HAD SME		

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Fraud vetting problem statistics for aliens from a TPS designated country	OPQ and FDNS	HAD SME	HAD SME		
National security vetting problem statistics from a TPS country, including Known or Suspected Terrorists	OPQ and FDNS	HAD SME	HAD SME		
Specific updated country conditions related to the reason for the original designation, including improvements	PRD and/or RRU	HAD SME	HAD SME		
Decision Cycles for DM, FRN					

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Proposed TPS Tickler Language

[See chart below]

	Data Element	Provider	Whom to Tickle & When	Language
1	Country conditions (i.e., current conditions related to the reason for the original designation, including improvements)	RAIO/RRU	HAD Chief 6 months before designation end date	HAD Chief, The designation of [COUNTRY] for TPS ends on [END DATE]. Please contact RAIO and request receipt of the country conditions report by [END DATE MINUS 4 MONTHS].
2	Country conditions and recommendation	DOS	OP&S FO (cc Branch & Div Chiefs) 6 months before designation end date	OP&S FO, The designation of [COUNTRY] for TPS ends on [END DATE]. Please ask DHS PLCY to remind DOS to provide the report by [END DATE MINUS 4 MONTHS].
3	Country conditions (i.e., current conditions related to the reason for the original designation, including improvements)	PRD	PRD (cc HAD SME and Branch Chief) 5 months before designation end date	PRD, The designation of [COUNTRY] for TPS ends on [END DATE]. By [END DATE MINUS 4 MONTHS], please provide:
4	NIVs issued by nationality (by FY, through FY 2024)			<ul style="list-style-type: none"> Country conditions NIVs issued by nationality (by FY, through FY 2024) Please send this data to [HAD Analyst].
5	Potentially newly eligible population under a new designation	OHSS	OHSS (cc HAD SME and Branch Chief) 5 months before designation end date	OHSS, The designation of [COUNTRY] for TPS ends on [END DATE]. By [END DATE MINUS 4 MONTHS], please provide:
6	ICE ERO removals to a TPS-designated country (by FY, through 2025 YTD)			<ul style="list-style-type: none"> Potentially newly eligible population under a new designation ICE ERO removals to [Country] (by FY, through 2025 YTD) Overstay events by nationals of [Country] (by FY, through 2025 YTD) Please send this data to [HAD Analyst].
7	Overstay events from a TPS designated country (by FY, through 2025 YTD)			
8	Advance parole requests (I-131) for aliens from a TPS designated country (by FY, through 2025 YTD)	OPQ	HAD SME [REDACTED]	HAD SME, The designation of [COUNTRY] for TPS ends on [END DATE]. Please submit a data request to OPQ regarding applications for advance parole documents
9	Fraud, public safety, [REDACTED]	PRD and [REDACTED]		(Form I-131 receipts) using the PAER portal. Ask OPQ to provide the same categories of data as was given in report PAER0017480. Note that OP&S must receive this data no later than [END DATE MINUS 4 MONTHS].

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From:

Sent:

To:

CC:

[Redacted email header content]

Deshommes, Samantha

[Redacted email header content]

Stiefel, Nathaniel I

Subject: Haiti TPS DM | Requesting DO review by 10am ET Friday, 5/30/25

Attachments: Haiti_Decision Memo Draft_5.29.25.docx; Attachment A - Temporary Protected Status (TPS) Legal Authority.pdf; Attachment B - USCIS RAO Country Conditions, Haiti.pdf; Attachment C - USCIS OP&S Country Conditions, Haiti.pdf

Good morning,

Attached please find the draft Decision Memo for Haiti TPS and the corresponding supplementary attachments. We are requesting DO review, clearance, and signature of the decision memo. If possible, we are requesting clearance **by 10am ET Friday, 5/30/25**. Expedited clearance is requested because the S1 statutory deadline for this action is June 4th, 2025.

Please ensure any watermarks and deliberative headers/footers are removed prior to signature.

Clearance History:

- SCOPS, Karla Moran 5/27 Concur
- OCC, [Redacted] r 5/28 [Redacted]
- RAIO, Rebecca Tanner, 5/28 Concur with edits
- OP&S, Samantha Deshommes 5/28 Concur with edits

Documents Attached:

Decision Memo:

- Haiti_Decision Memo Draft_5.29.25

Supplementary Attachments:

- Attachment A – Temporary Protected Status (TPS) Legal Authority
- Attachment B – USCIS RAO Country Conditions, Haiti
- Attachment C – USCIS OP&S Country Conditions, Haiti

Following DO signature, this memo will be routed to DHS for S1’s decision.

Please let me know if you have any questions or concerns.

Respectfully,

[Redacted signature]

Project Manager, Office of Policy & Strategy, RCD
U.S. Citizenship and Immigration Services
Cell: [REDACTED]

U.S. Department of Homeland Security
 U.S. Citizenship and Immigration Services
 Office of the Director
 Camp Springs, MD 20588-0009



U.S. Citizenship
 and Immigration
 Services

[Date]

DECISION

MEMORANDUM FOR THE SECRETARY

THROUGH: (if applicable)

FROM: Angelica Alfonso-Royals
 Acting Director

SUBJECT: **Temporary Protected Status for Haiti**

Recommendation: U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of “No Decision/Automatic Extension” for Temporary Protected Status for Haiti based on a review of current conditions in Haiti.

Purpose: Haiti’s existing designation for Temporary Protected Status (TPS) will expire August 3, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.¹ If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.² If the Secretary does not make a timely decision about whether the country continues to meet the conditions for TPS designation, the designation is automatically extended for an additional period of at least six months.³ Accordingly, USCIS has completed review of the conditions in Haiti to inform the consideration of the TPS action and is presenting a recommendation of “No Decision/Automatic Extension” for your consideration. This recommendation is being made in light of recent escalation of violence; the rapidly evolving nature of the security environment makes it premature to commit to any permanent policy decision at this time.

As part of the review process, USCIS consulted with the Department of State (DOS). As of May 27, 2025, DOS has not provided an assessment of conditions nor a recommendation to inform the

¹ See Immigration and Nationality Act (INA) sec. 244(b)(3)(A); see also Attachment A: Temporary Protected Status Legal Authority.

² See INA sec. 244(b)(3)(B).

³ See INA sec. 244(b)(3)(C).

Temporary Protected Status for Haiti

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consultation requirement. That is another reason why USCIS does not believe that decision making is ripe and that the Secretary should defer her decision.

Temporary Protected Status, as the name itself makes clear, is an inherently temporary status. TPS designations are time-limited and must be periodically reviewed. The statute requires a decision by the Secretary at least 60 days before the current expiration date. *See* INA sec. 244(b)(3); 8 U.S.C. 1254a(b)(3).

TPS Overview: Haiti was initially designated in 2010 on the basis of extraordinary and temporary conditions in Haiti that stemmed from an earthquake and prevented nationals of Haiti from returning in safety.⁴ Following the initial designation, TPS for Haiti was extended and redesignated once from July 23, 2011, through January 22, 2013, based on extraordinary and temporary conditions.⁵ Thereafter, TPS for Haiti was extended four times based on extraordinary and temporary conditions: (1) from January 23, 2013, through July 22, 2014;⁶ (2) from July 23, 2014, through January 22, 2016;⁷ (3) from January 23, 2016, through July 22, 2017;⁸ and (4) from July 23, 2017, through January 22, 2018.⁹ Subsequently, the Secretary announced the termination of the TPS designation of Haiti effective July 22, 2019.¹⁰

The termination of Haiti's 2011 TPS designation was challenged in several lawsuits, and court injunctions required DHS to temporarily continue TPS for Haiti pending a final court order.¹¹ Former Secretary Mayorkas newly designated Haiti on the basis of extraordinary and temporary conditions effective August 3, 2021, through February 3, 2023.¹² Thereafter, TPS for Haiti was extended and redesignated effective February 4, 2023, and ending on August 3, 2024.¹³ In July 2024, DHS issued a notice stating that Secretary Mayorkas had once again determined to extend and redesignate Haiti for TPS for an 18-month period, set to expire on February 3, 2026.¹⁴ Finally, DHS announced in February 2025 that Secretary Noem had decided to partially vacate the July 2024 decision of Secretary Mayorkas regarding the extension and redesignation of Haiti for TPS. Secretary Noem reduced the designation period from the statutory maximum of 18 months to 12

⁴ *See Designation of Haiti for Temporary Protected Status*, 75 FR 3476 (Jan. 21, 2010).

⁵ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 76 FR 29000 (May 19, 2011).

⁶ *See Extension of the Designation of Haiti for Temporary Protected Status*, 77 FR 59943 (Oct. 1, 2012).

⁷ *See Extension of the Designation of Haiti for Temporary Protected Status*, 79 FR 11808 (Mar. 3, 2014).

⁸ *See Extension of the Designation of Haiti for Temporary Protected Status*, 80 FR 51582 (Aug. 25, 2015).

⁹ *See Extension of the Designation of Haiti for Temporary Protected Status*, 82 FR 23830 (May 24, 2017).

¹⁰ *See Termination of the Designation of Haiti for Temporary Protected Status*, 83 FR 2648 (Jan. 18, 2018).

¹¹ On Dec. 28, 2023, the U.S. District Court for the Northern District of California dismissed *Ramos v. Nielsen*, 18-cv-01554 (N.D. Cal. Dec. 28, 2023). *Bhattarai v. Nielsen*, 19-cv-731 (N.D. Cal. Mar. 12, 2019) was consolidated with *Ramos* in August 2023. The court agreed with the government position that subsequent TPS designations rendered the pending litigation moot.

¹² *See Designation of Haiti for Temporary Protected Status*, 86 FR 41863 (Aug. 3, 2021).

¹³ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 88 FR 5022 (Jan. 26, 2023).

¹⁴ *See Extension and Redesignation of Haiti for Temporary Protected Status*, 89 FR 54484 (July 1, 2024).

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months, providing that the Haiti TPS extension and new designation will now expire on August 3, 2025.¹⁵ Secretary Noem's vacatur has been challenged in the courts.¹⁶

To be eligible for TPS under Haiti's current designation, along with meeting the other eligibility requirements, aliens must have continuously resided in the United States since June 3, 2024, and have been continuously physically present in the United States since August 4, 2024. There are currently approximately 348,187¹⁷ beneficiaries and approximately 345,143¹⁸ pending applications under Haiti's TPS designation.¹⁹

Description of Country Conditions: Haiti's TPS designation is based on the extraordinary and temporary conditions provision in the TPS statute. That provision requires a determination that extraordinary and temporary conditions in Haiti prevent Haitian nationals from safely returning to Haiti, unless the Secretary finds that permitting Haitian nationals to remain temporarily in the U.S. is contrary to the national interest of the U.S.²⁰

USCIS conducted a review of conditions in Haiti. Analysis of these conditions shows that Haiti continues to struggle with the collapse of state authority, with pervasive and escalating violence driven by heavily armed gangs who now control much of Port-au-Prince and surrounding areas. As of early 2025, Haitian officials report that gangs control approximately 85% of Port-au-Prince, with violence spreading to other regions.²¹ Criminal groups "have rapidly expanded into previously secure areas of Port-au-Prince, as well as key regions such as the Ouest and Artibonite departments, Haiti's agricultural hub. Many of these groups have alleged ties to police officers and political and economic elites."²² The United Nations has documented a significant increase in gang-related violence, including killings, kidnappings, and sexual violence against civilians.²³ Law enforcement is essentially nonfunctional, and there is no meaningful government presence to protect civilians. The Haitian National Police are critically understaffed, poorly equipped, and largely ineffective against gang activities.²⁴ The United Nations High Commissioner for Human Rights has emphasized the indiscriminate nature of the violence, stating that all individuals in Haiti

¹⁵ See *Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti*, 90 FR 10511 (Feb. 24, 2025).

¹⁶ *Haitian American United, Inc et al v Trump*, 1:25-cv-10498 (D.Mass); *Haitian Evangelical Clergy et al v Trump*, 1:25-cv-01464 (D.Md.).

¹⁷ Estimate as of May 1, 2025 ,

¹⁸ Estimate as of May 1, 2025..

¹⁹ The DHS Office of Homeland Security Statistics has estimated that an additional 70,000 nationals of Haiti who have entered the United States since June 3, 2024, could become newly eligible for TPS if Haiti is newly designated. Estimate as of April 14, 2025.

²⁰ INA sec. 244(b)(1)(C).

²¹ See *Haitian Gangs Control 85% of Port-au-Prince, Officials Say*, Associated Press, March 28, 2025, available at: <https://apnews.com/article/65be39eaad9c5a1fd9e2592d4fcb4b3f> (last visited May 23, 2025).

²² World Report 2025 – Haiti, Human Rights Watch (HRW), Jan. 16, 2025, available at: <https://www.ecoi.net/en/document/2120084.html> (last visited Mar. 17, 2025).

²³ See "Situation of Human Rights in Haiti," Report of the United Nations High Commissioner for Human Rights UN Press Release A/HRC/58/76, March 27, 2025, available at: <https://www.ohchr.org/en/documents/country-reports/ahrc5876-situation-human-rights-haiti-report-united-nations-high> (last visited May 23, 2025).

²⁴ See "Haitian Police Overwhelmed by Gang Violence," Associated Press, March 28, 2025, available at: <https://apnews.com/article/65be39eaad9c5a1fd9e2592d4fcb4b3f> (last visited May 23, 2025).

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are at risk, regardless of their background.²⁵

Improvements

Haiti has experienced some improvements in its infrastructure and risk management and international partnerships.

Although the U.S. Federal Aviation Administration (FAA) has extended its ban on U.S. commercial flights to Port-au-Prince through September 8, 2025 due to ongoing security risks from gang violence, in December 2024, Haiti reopened its main international airport in Port-au-Prince to international flights from non-U.S. markets, marking a significant step toward economic revitalization and improved connectivity.²⁶ The airport in Les Cayes became operational for international flights in early 2025, offering an alternative route for aid delivery and commerce, especially beneficial for the southern regions.²⁷

The deployment of other international forces has bolstered efforts to combat gang violence, with the U.S. providing substantial financial assistance to support these initiatives.²⁸

In March 2025, the World Bank released a plan to make approximately US\$320 million in grant financing available with the aim of building resilience among Haiti's most vulnerable populations.²⁹

Since April 23-25, 2025, UNICEF has reached more than 8,500 displaced individuals and members of the host community through multisectoral interventions, including safe drinking water distribution.³⁰

The American Red Cross has also improved access to safe drinking water for thousands of households through construction of over 5300 water points that serve over 246,000 people.³¹

²⁵ See *UN Experts Urge Immediate Action to End Spiraling Violence in Haiti*, Report of the Office of the High Commissioner for Human Rights (OHCHR), April 5, 2025, available at:

<https://www.ohchr.org/en/stories/2025/04/restoring-dignity-global-call-end-violence-haiti> (last visited May 23, 2025).

²⁶ "FAA Extends U.S. Flight Ban to Haiti's Capital Through Summer 2025," *Haitian Times*, March 12, 2025, available at <https://haitiantimes.com/2025/03/12/faa-extends-u-s-flight-ban-to-haitis-capital-through-summer-2025> (last visited May 27, 2025).

²⁷ "Flights Resume at Haiti's Second International Airport." *Associated Press*, January 19, 2025, available at <https://apnews.com/article/974f97f68a9a01c0a73436bc592fa515>, (last visited May 23, 2025).

²⁸ "Haiti Receives Support from Kenyan Police as Multinational Security Mission Begins," *Associated Press*, February 6, 2025, available at <https://apnews.com/article/58a8297e9e495ad0ba329407cf8628a6> (last visited May 23, 2025).

²⁹ "World Bank Announces New Strategy for Haiti," *World Bank*, March 4, 2025, available at <https://www.worldbank.org/en/news/immersive-story/2024/12/20/glimmers-of-hope-as-haiti-navigates-its-lingering-crisis> (last visited May 12, 2025).

³⁰ UNICEF, *Haiti Humanitarian Flash Update No. 2*, May 2025, available at

<https://www.worldbank.org/en/news/immersive-story/2024/12/20/glimmers-of-hope-as-haiti-navigates-its-lingering-crisis> (last visited May 12, 2025).

³¹ Red Cross, *Preventing disease and improving health care factsheet*, November 2024, available at https://www.redcross.org/content/dam/redcross/atg/Photos/What_We_Do/Preventing_Disease_and_Improving_Healthcare_Factsheet.pdf?srsId=AfmBOor7uRPPpGVqOzAjhWTi4b5ssffhMzK4Q7SZxbK1H-73K9kUTC7e3 (last visited May 12, 2025).

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A citizen of a foreign country who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa by showing an intent to return to their country of residence. In Fiscal Year (FY) 2024, 7,938 nonimmigrant visas (NIV) were issued to Haitian nationals. In FY2025 (October 2024 through February 2025), 3,840 nonimmigrant visas were issued to Haitian nationals. If this trend continues, FY2025 will see an estimated 9,200 nonimmigrant visas issued to Haitian nationals.³²

Haitian nationals in the United States have requested advance parole documents (APDs) for travel back to Haiti, suggesting that nationals may safely travel there. From October 1, 2022, through April 24, 2025, approximately 3,900 Haitian nationals requested APDs, of which approximately 2,506 were for intended travel to Haiti (64%).³³

Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Haiti. From January through April 2025, ICE removed approximately 210 aliens to Haiti.³⁴

TPS and Alignment with National Interest

By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that “permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”³⁵

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).³⁶ Determining whether permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary's expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies. Additionally, Executive Order 14150, “America First Policy Directive to the Secretary of

³² Estimates as of May 12, 2025.

³³ Estimates as of April 24, 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

³⁴ Estimates as of April 18, 2025. Note that unable to confirm whether all aliens removed to a particular country are actually nationals of that country.

³⁵ See INA 244(b)(1)(C), 8 U.S.C. 1254a(b)(1)(C).

³⁶ See, e.g., *Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684-86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89-90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D-J-*, 23 I&N Dec. 572, 579-81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890-91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

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State” (January 20, 2025), assists in further explaining “national interest”, as the EO clearly sets out the President’s vision that “the foreign policy of the United States shall champion core American interests and always put America and American citizens first.”³⁷

Regarding foreign policy, as of May 27, 2025, DOS has not provided a recommendation as to whether or not it is contrary to the national interest of the United States to permit those who would meet the eligibility requirements of TPS to remain in the United States temporarily. This is another instance where USCIS does not believe that ample information on relevant statutory considerations on TPS for Haiti are presently available, and that the Secretary should therefore defer her decision.

National Security Considerations

DHS records indicate that there are Haitian nationals (or aliens who last habitually resided in Haiti) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security.³⁸ Of the approximately 348,187 TPS recipients and 345,143 pending applications from Haiti, there are 897 alien numbers associated with a fraud record, and 275 numbers associated with an egregious public safety record. [REDACTED]

Approximately 70,000 nationals of Haiti have entered the United States since June 6, 2024.³⁹ Of these new entrants, approximately 3,000 are nonimmigrants in valid status, approximately 700 entered as nonimmigrants but are now out of status, and approximately 66,000 were encountered at a border or port of entry and have no lawful immigration status. DHS OHSS also estimates that approximately 300 entered the United States unlawfully and were not apprehended by U.S. government officials. Overstays and unlawful entry conflict with the national interest.

Options

Your options include the following actions:

1) No Decision/Automatic Extension (USCIS Recommendation)

- After review of the assessment, you could choose not to make a determination about whether Haiti’s TPS designation should be extended or terminated at this time. If you do not make a decision at least 60 days prior to its expiration date, by statute, its period of designation will be automatically extended for 6 additional months (or, in your discretion, a period of 12 or 18 months).
- Should you choose not to make a decision about whether the conditions supporting Haiti’s designation continue to be met, an announcement of the automatic extension is

³⁷ See *America First Policy Directive to the Secretary of State*, Executive Order 14150, 90 FR 8337 (Jan. 29, 2025), available at <https://www.whitehouse.gov/presidential-actions/2025/01/america-first-policy-directive-to-the-secretary-of-state/> (last viewed on Feb. 10, 2025).

³⁸ Estimates as of May 7, 2025.

³⁹ Estimates as of April 15, 2025.

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required via *Federal Register* notice, including information to beneficiaries and employers about continued employment authorization and the period of extension. Note that you would then have to review conditions prior to the expiration of that extension.

2) *Terminate Haiti's Designation for TPS*

- If you determine that Haiti no longer meets the statutory requirements for its TPS designation, you must terminate TPS for Haiti. Termination would end TPS benefits for existing Haiti TPS beneficiaries after notice in the Federal Register. Upon the termination of TPS benefits, former beneficiaries without another immigration status or authorization to remain would no longer have permission to work and remain in the United States. They may, however, apply for any other immigration benefits for which they may be otherwise eligible (e.g., asylum, lawful permanent residence).
- If you decide to terminate Haiti's designation, the effective date of termination may not be earlier than 60 days after the date the Federal Register notice announcing the termination is published or, if later, the expiration of the most recent previous extension.

3) *Extend Haiti's Designation for TPS*

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.⁴⁰ Haiti was initially designated for TPS on January 21, 2010, based on extraordinary and temporary conditions in Haiti that stemmed from an earthquake.
- Should the decision be made to extend the designation of TPS for Haiti, only existing TPS Haiti beneficiaries may re-register for TPS, and any Haitian nationals who may have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.

Signature Level Justification: The decision to designate any foreign state (or part thereof) is a discretionary decision, and the statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.⁴¹ At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.⁴²

Timeliness: You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.⁴³ For Haiti's designation, which expires on

⁴⁰ Along with an extension of the TPS designation, the statute also provides that the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1), 8 U.S.C. 1254a(b)(1).

⁴¹ INA sec. 244(b)(5)(A), 8 U.S.C. 1254a(b)(5)(A).

⁴² INA sec. 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

⁴³ See INA sec. 244(b)(3)(A), (C).

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August 3, 2025, you must make a decision by June 4, 2025, or the automatic extension occurs. You are further required to provide timely notice of your decision through publication in the *Federal Register*.⁴⁴ Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures to TPS beneficiaries, their employers, and benefit-granting agencies.

Draft

⁴⁴ See INA sec. 244(b)(3)(A).

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USCIS Recommendation: USCIS recommends that you defer your decision on TPS for Haiti and allow the automatic 6-month extension based on the rapidly changing environment in Haiti. We also recommend the same because as of May 23, 2025, USCIS has not received information from the Department of State to further inform the country condition assessment. This will have the effect of extending TPS for Haiti back to Feb. 3, 2026, the original expiration date prior to your action to partially vacate prior Secretary Mayorkas’ July 2024 TPS extension and redesignation.

Secretary’s Decision:

1. *No Decision/Automatic Extension: Delay a decision on Haiti’s designation, resulting in an extension of 6 months*

Approve/date _____

2. *Terminate: Terminate Haiti’s designation*

Approve/date _____

3. *Extend: Extend Haiti’s existing designation for 6, 12, or 18 months*

Specify duration of extension (6, 12, or 18 months): _____

Approve/date _____

Attachments:

- Attachment A: Temporary Protected Status Legal Authority
- Attachment B: USCIS RAIO Country Conditions Report, Haiti
- Attachment C: USCIS OP&S Country Conditions Report, Haiti

From: [REDACTED]
Sent: 6/2/2025 2:25:12 PM
To: Deshommes, Samantha L [REDACTED]; LAW, ROB
[REDACTED]
CC: Calkins, Aaron L [REDACTED]; BURKE, WILLIAM
[REDACTED]
Subject: RE: TPS Expiration Dates & DOS Reports - Urgent Request: Haiti

Sam and Rob,

State recommendation for Haiti TPS has not come in despite of many outreach. PRM told me [REDACTED] office is handling that directly with DHS FO. Since our posture changed late last week, State recommendation would be helpful to have.

I am making calls to unstick but I wanted to flag now.

Thanks!

[REDACTED]
Deputy Assistant Secretary (A), Border Policy
Border and Immigration Policy
Office of Strategy, Policy, and Plans | Department of Homeland Security
(M): [REDACTED]
(O): [REDACTED]

From: Deshommes, Samantha L [REDACTED]
Sent: Friday, May 9, 2025 6:27 PM
To: LAW, ROB [REDACTED]; BURKE, WILLIAM
[REDACTED]
Cc: Calkins, Aaron L [REDACTED]
Subject: RE: TPS Expiration Dates & DOS Reports - Urgent Request: Haiti

Will do! Hi Rory – pleasure to virtually meet you.

Standing by,
Sam

From: LAW, ROB <[REDACTED]>
Sent: Friday, May 09, 2025 6:26 PM
To: Deshommes, Samantha L <[REDACTED]>
[REDACTED]
Cc: [REDACTED]
Subject: Re: TPS Expiration Dates & DOS Reports - Urgent Request: Haiti

Hi Sam,

Thank you for flagging.

Adding Rory Burke who started this week as the PLCY DAS for border & immigration.

Please loop him in on all immigration matters going forward.

-RTL

From: Deshommes, Samantha L <[REDACTED]>
Sent: Friday, May 9, 2025 6:16 PM
To: [REDACTED] LAW, ROB [REDACTED]
Cc: Calkins, Aaron L [REDACTED]
Subject: TPS Expiration Dates & DOS Reports - Urgent Request: Haiti

Hi Rob and [REDACTED],

Happy Friday! Please let me know if I should be including others from DHS HQ on these reminders. Sending a bump for DOS input for Haiti; S1 must make a decision NLT June 4th. USCIS is preparing the recommendation memo now and would appreciate having State's recommendation to incorporate in the memo to S1.

Country	TPS Expiration Date	S1 statutory deadline for decision	DOS Input Needed NLT:	Notes
Haiti	8/3/2025	6/4/2025	4/5/2025	
Venezuela (2021 Designation)	9/10/2025	7/12/2025	5/13/2025	
Syria	9/30/2025	8/1/2025	6/2/2025	

37a

S. Sudan	11/3/2025	9/4/2025	7/6/2025	S1 did not make a decision on March 4, 2025 due to stale country conditions/recommendation from DOS (rec'd Nov 2024), which triggered the automatic 6-month extension. S1 did not elect to provide a longer extension period than 6 months.
Burma	11/25/2025	9/26/2025	7/28/2025	
Ethiopia	12/12/2025	10/13/2025	8/14/2025	
Yemen	3/3/2026	1/2/2026	11/3/2025	
Somalia	3/17/2026	1/16/2026	11/17/2025	
Lebanon	5/27/2026	3/28/2026	1/27/2026	
El Salvador	9/9/2026	7/11/2026	5/12/2026	
Sudan	10/19/2026	8/20/2026	6/21/2026	
Ukraine	10/19/2026	8/20/2026	6/21/2026	

Also, sending the full list and schedule in support of continuing request to DOS for other countries. Thanks, and I hope you both have a great weekend!

Sam

Samantha Deshommes
 (Acting) Chief,
 Office of Policy & Strategy
 U.S. Citizenship & Immigration Services, DHS
 Tel: [REDACTED]

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From: Deshommes, Samantha L [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]
Sent: 6/2/2025 9:18:26 PM
To: [REDACTED]
CC: [REDACTED]
Subject: FW: USCIS Requests Expedited Clearance - Haiti Decision Memo
Attachments: [REDACTED]

Importance: High

Just seeing that [REDACTED] included [REDACTED] in later emails on this, so adding her here just in case she's covering evening shift tonight. Thanks!

From: Deshommes, Samantha L
Sent: Monday, June 02, 2025 9:17 PM
To: [REDACTED]
[REDACTED]
Cc: Stiefel, Nathaniel I [REDACTED]
[REDACTED]
Subject: RE: USCIS Requests Expedited Clearance - Haiti Decision Memo
Importance: High

Good Evening,

Please accept our apologies for the delay. We have incorporated Rob's edits, received at 5:31 pm, into the version containing DHS PLCY [REDACTED]. Please see attached redline edits (and please note that Rob's edits appear under my redline marker). We have also included a clean version that is ready for EXSO formatting and [REDACTED]'s signature prior to routing to S1.

Thank you,
Sam

*Samantha Deshommes
(Acting) Deputy Chief,
Office of Policy & Strategy
U.S. Citizenship & Immigration Services, DHS*
[REDACTED]

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From: [REDACTED]
Sent: Monday, June 02, 2025 5:31 PM
To: Deshommes, Samantha L [REDACTED] Stiefel, Nathaniel I
[REDACTED]

Cc: [Redacted]

Subject: FW: USCIS Requests Expedited Clearance - Haiti Decision Memo

Good afternoon, OP&S,

Forwarding the attached and below from Rob Law. Let EXSO know if we can provide any additional support.

Respectfully,

[Redacted]
Deputy Chief (acting)
Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
Department of Homeland Security
[Redacted]

From: LAW, ROB <[Redacted]>

Sent: Monday, June 2, 2025 5:25 PM

To: [Redacted]
[Redacted]

Cc: [Redacted]
[Redacted]

Subject: RE: USCIS Requests Expedited Clearance - Haiti Decision Memo

Edits attached. This needs to move if it will get to S1 before the statutory deadline of June 4 to make a decision.

Rob Law
Senior Counselor, Office of the Secretary
U.S. Department of Homeland Security
[Redacted]

From: [Redacted] On Behalf Of USCIS Exec Sec

Sent: Friday, May 30, 2025 5:29 PM

To: [Redacted]

Cc: LAW, ROB <[Redacted]>
[Redacted]

Subject: USCIS Requests Expedited Clearance - Haiti Decision Memo

Good afternoon OGC, PLCY,

USCIS is requesting expedited clearance of the attached TPS Haiti Decision Memo by 10 a.m. on Monday, June 2, 2025. USCIS submitted a formal clearance request to your agency via STORM INT-2025-14427. We are sending via email for ease of reference. The DOS information will be added when USCIS receives it on Monday.

Thank you,

[Redacted]

[Redacted]
Acting Chief
Office of the Executive Secretariat



From: Deshommès, Samantha L [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP
[REDACTED]]
Sent: 6/3/2025 1:44:32 PM
To: [REDACTED] Stiefel, Nathaniel I
CC: [REDACTED]
 (FYDIBOHF23SPDLT)/cn=Recipients/cn=abe231147bfc46bf9f225a9dc5706afa-0dd2f748-e0]
Subject: RE: Haiti TPS - URGENT
Attachments: Haiti_Decision Memo Draft CLEAN (post-DHS passbacks) 6.2.25.docx

Hi – yes, the switch happened quickly. I'm attaching the close-hold draft DM (unsigned) that the DO had for action as of this AM. Please keep review limited to you and [REDACTED] for now; once S1 makes a decision, I will definitely circle back.

Thanks,
Sam

*Samantha Deshommès
 (Acting) Deputy Chief,
 Office of Policy & Strategy
 U.S. Citizenship & Immigration Services, DHS*
 [REDACTED]

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From: [REDACTED]
Sent: Tuesday, June 03, 2025 12:37 PM
To: Deshommès, Samantha L [REDACTED] Stiefel, Nathaniel I
 [REDACTED]
Cc: [REDACTED]
Subject: Haiti TPS - URGENT

Hi Sam and Nathan – we are about to go into TPS warp speed based on word we just got from DHS – S1 decision to terminate Haiti tomorrow.
 What underlying content do you all have that you can share with us please?
 Are you hearing the same?
 Thanks

[REDACTED]
 Deputy Chief
 Office of Public Affairs
 External Affairs Directorate, USCIS
 Department of Homeland Security
 [REDACTED]