

Congress of the United States

Washington, DC 20515

March 18, 2024

The Honorable Antony J. Blinken
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Alejandro Mayorkas
Secretary of Homeland Security
U.S. Department of Homeland Security
301 7th Street, SW
Washington, DC 20528

Dear Secretaries Blinken and Mayorkas,

We write to urge you to redesignate Haiti for Temporary Protected Status (TPS), which offers temporary relief from removal and access to work permits for eligible foreign nationals who are unable to return safely to their home country. We also request that you halt all deportations to Haiti until conditions in the country improve. Armed gangs control much of Haiti's territory, including the capital city of Port-au-Prince. This exposes people living in Haiti to pervasive human rights abuses, including killings, kidnappings, and sexual violence. Returning Haitians now present in the United States would expose them to extreme danger and life-threatening conditions. TPS for Haitians and a cessation of deportation flights to Haiti are therefore urgently warranted.

Haiti is in a state of security and humanitarian crisis that has forced many Haitians to flee. Haiti did not constitutionally appoint Prime Minister Ariel Henry and has not held elections since 2017.¹ Now that Prime Minister Henry has yielded to public pressure and announced his intention to resign after the formation of a transitional council, Haiti is likely to experience a period of continued instability as interim leadership begins to facilitate elections.

This instability is exacerbated by the presence of armed gangs throughout Haiti. Lacking democratic legitimacy, the Henry government ceded control to these gangs, which now control approximately 80 percent of Port-au-Prince and have significant presence across the country.² Recently, Prime Minister Henry was unable to return to Haiti because of gang assaults on Port-au-Prince's Toussaint Louverture International Airport.³ These gangs are contributing to a rise in

¹ U.S. Dep't of State, Bureau of Democracy, Human Rights, and Labor, Haiti Human Rights Report at 1 (2022) (hereinafter "Haiti Human Rights Report"), <https://www.state.gov/reports/2022-country-reports-on-human-rights-practices/haiti>.

² Associated Press, *Gangs in Haiti Try to Seize Control of Main Airport in the Newest Attack on Government Sites*, Politico (Mar. 4, 2024) <https://www.politico.com/news/2024/03/04/gangs-in-haiti-try-to-seize-control-of-main-airport-in-newest-attack-on-government-sites-00144796>.

³ Simon Romero & Maria Abi-Habib, *Haiti Engulfed by Crisis as Gangs Press Prime Minister to Step Down*, N.Y. Times (Mar. 6, 2024), <https://www.nytimes.com/2024/03/06/world/americas/haiti-gangs-prime-minister.html>.

crime across Haiti. Kidnappings and homicides reached their highest recorded rate in 2023;⁴ the number of reported homicides for 2023 more than doubled that of 2022;⁵ and rates of child abduction also spiked in 2023.⁶

These gangs, operating with impunity, have also weaponized sexual violence to inflict pain and fear to expand their influence. The United Nations Integrated Office on Haiti and the Office of the High Commissioner for Human Rights found that most armed gangs “deliberately use sexual violence against local populations as a means to expand and consolidate their control over certain areas.”⁷ We are deeply concerned about the risk of gender-based and sexual violence that deporting people to Haiti would create.

TPS provides protection to foreign nationals in the United States whose home countries are experiencing temporary and extraordinary conditions, including armed conflict, natural disasters, and other extraordinary conditions that render return unsafe.⁸ TPS has been granted for countries such as Afghanistan, Burma, Cameroon, Sudan, and Ethiopia, where human rights abuses have prevented a safe return home.⁹ The United States has previously paused deportation flights amid ongoing humanitarian crises in countries such as Russia, Ukraine, Belarus, Georgia, Hungary, Moldova, Poland, Romania, and Slovakia.¹⁰

Approximately 731,000 Haitian-born people live in the United States.¹¹ The escalation of the grave danger Haitians face in their home country fully satisfies the requirements for a TPS redesignation and a pause on all deportation flights to Haiti. Both of these steps are necessary to ensure that the United States does not return Haitian nationals to a government incapable of protecting its citizens — often subjecting them to repression and violence — and gangs that brutally victimize residents and operate without restrictions. Due to the quickly worsening gang violence in Haiti, the uncertain political future following Prime Minister Henry’s resignation announcement, and the lack of accountability for human rights violations, we urge you to extend

⁴ Sophie Rutenbar, *Haiti’s struggle for safety and security will intensify in 2024*, Brookings (Jan. 24, 2024), <https://www.brookings.edu/articles/haitis-struggle-for-safety-and-security-will-intensify-in-2024/>.

⁵ U.N. Integrated Office in Haiti — Report of the Secretary General, ¶11, U.N. Doc. S/2024/62 (Jan. 15, 2024), <https://reliefweb.int/report/haiti/united-nations-integrated-office-haiti-report-secretary-general-s202462-enarruzh>.

⁶ Press Release, Kidnappings of Children and Women Spiking at Alarming Rates in Haiti, UNICEF (2023) <https://www.unicef.org/press-releases/kidnappings-children-and-women-spiking-alarming-rates-haiti>.

⁷ Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear, U.N. Office of the High Commissioner on Human Rights at 9 (Oct. 14, 2022), <https://www.ohchr.org/sites/default/files/2022-10/20221014-Report-on-Sexual-Violence-haiti-en.pdf>.

⁸ 8 U.S.C. § 1255.

⁹ Jill H. Wilson, *Temporary Protected Status and Deferred Enforced Departure*, Congressional Research Serv. (updated July 28, 2023), https://www.everycrsreport.com/files/2023-07-28_RS20844_98441e067ca6016e66ac8f3323ba1cd862fec999.pdf.

¹⁰ Camilo Montoya-Galvez, *U.S. Suspends Deportations to Ukraine, Russia and 7 Other European Countries, Citing “Humanitarian Crisis,”* CBS News (Mar. 3, 2022), <https://www.cbsnews.com/news/ukraine-russia-ice-deportations-suspended/>.

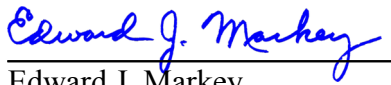
¹¹ Beatrice Dain & Jeanne Batalova, *Haitian Immigrants in the United States*, Migration Policy Institute (Nov. 8, 2023), <https://www.migrationpolicy.org/article/haitian-immigrants-united-states>.

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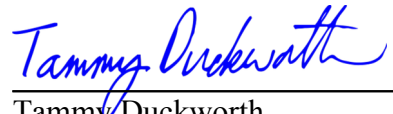
and redesignate TPS for Haiti and use your discretion to halt deportation flights to the country. These actions will prevent further suffering and unnecessary loss of life.

Thank you in advance for your attention to this matter.

Sincerely,



Edward J. Markey
United States Senator



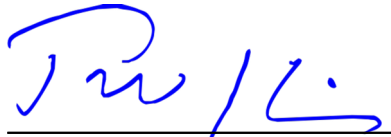
Tammy Duckworth
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United States Senator



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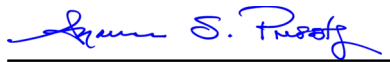
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United States Senator



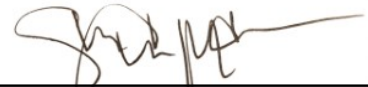
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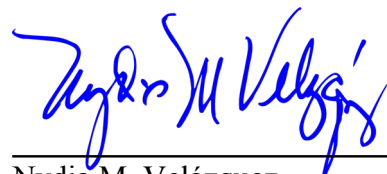
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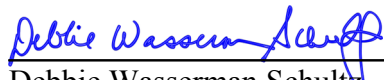
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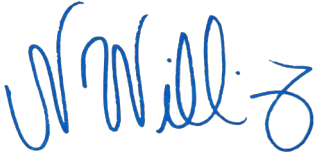
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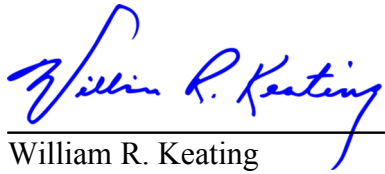
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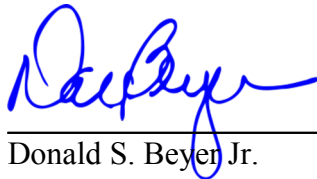
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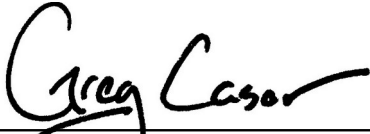
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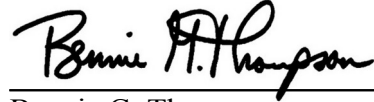
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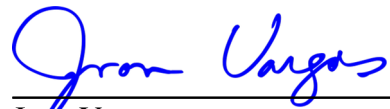
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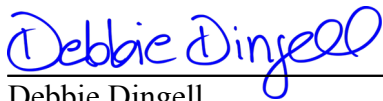
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Andy Kim
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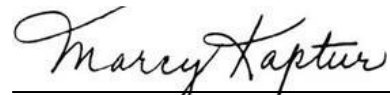
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