United States Department of State

Washington, D.C.  20520

December 6, 2018

Case No. F-2017-17275
Segments S/ES-S-0023, 29, 30, 31

Sejal Zota
National Immigration Project of the National Lawyers Guild
89 South Street, Suite 603
Boston, MA  02111

Dear Ms. Zota:

I refer to our letter dated November 6, 2018, regarding the release of certain Department of State records under the Freedom of Information Act (the “FOIA”), 5 U.S.C. § 552. We have processed more than 1500 pages, and have located 6 responsive records. We have determined that 1 may be released in full and 5 may be released in part.

An enclosure explains the FOIA exemptions and other grounds for withholding material. Where we have made excisions, the applicable FOIA exemptions are marked on the document. All non-exempt material that is reasonably segregable from the exempt material has been released. All released material is enclosed.

If you have any questions, you may contact Assistant United States Attorney Jean-David Barnea by email at Jean-David.Barnea@usdoj.gov. Please refer to the associated FOIA request number, F-2017-17275, and the civil action number, 18-cv-00659, in all communications regarding this case.

Sincerely,

Susan C. Weetman
Chief, Programs and Policies Division
Office of Information Programs and Services

Enclosures: As stated.
The Freedom of Information Act (5 USC 552)

FOIA Exemptions

(b)(1) Information specifically authorized by an executive order to be kept secret in the interest of national defense or foreign policy. Executive Order 13526 includes the following classification categories:

1.4(a) Military plans, systems, or operations
1.4(b) Foreign government information
1.4(c) Intelligence activities, sources or methods, or cryptology
1.4(d) Foreign relations or foreign activities of the US, including confidential sources
1.4(e) Scientific, technological, or economic matters relating to national security, including defense against transnational terrorism
1.4(f) U.S. Government programs for safeguarding nuclear materials or facilities
1.4(g) Vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to US national security, including defense against transnational terrorism
1.4(h) Weapons of mass destruction

(b)(2) Related solely to the internal personnel rules and practices of an agency

(b)(3) Specifically exempted from disclosure by statute (other than 5 USC 552), for example:

ARMSEX P
CIA PERS/ORG
EXPORT CONTROL
FS ACT
INA
IRAN

Arms Export Control Act, 50a USC 2411(c)
Central Intelligence Agency Act of 1949, 50 USC 403(g)
Export Administration Act of 1979, 50 USC App. Sec. 2411(c)
Foreign Service Act of 1980, 22 USC 4004
Immigration and Nationality Act, 8 USC 1202(f), Sec. 222(f)
Iran Claims Settlement Act, Public Law 99-99, Sec. 505

(b)(4) Trade secrets and confidential commercial or financial information

(b)(5) Interagency or intra-agency communications forming part of the deliberative process, attorney-client privilege, or attorney work product

(b)(6) Personal privacy information

(b)(7) Law enforcement information whose disclosure would:

(A) interfere with enforcement proceedings
(B) deprive a person of a fair trial
(C) constitute an unwarranted invasion of personal privacy
(D) disclose confidential sources
(E) disclose investigation techniques
(F) endanger life or physical safety of an individual

(b)(8) Prepared by or for a government agency regulating or supervising financial institutions

(b)(9) Geological and geophysical information and data, including maps, concerning wells

Other Grounds for Withholding

NR Material not responsive to a FOIA request excised with the agreement of the requester
## TEMPORARY PROTECTED STATUS (TPS)

<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>ORIGINAL DESIGNATION DATE(S)</th>
<th>EXPIRATION OR TERMINATION DATE</th>
<th>REASON FOR DESIGNATION</th>
<th>APPROXIMATE # OF TPS HOLDERS</th>
<th>NOTES</th>
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</thead>
<tbody>
<tr>
<td>Angola</td>
<td>March 29, 2000</td>
<td>March 29, 2003</td>
<td>Armed conflict</td>
<td>316</td>
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<td>Bosnia-Herzegovina</td>
<td>August 10, 1992</td>
<td>February 10, 2001</td>
<td>Armed conflict</td>
<td>400</td>
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<td>Burundi</td>
<td>November 4, 1997 November 9, 1999</td>
<td>May 2, 2009</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>13</td>
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<tr>
<td>El Salvador</td>
<td>March 9, 2001</td>
<td>September 9, 2013</td>
<td>2001 Earthquakes</td>
<td>212,000</td>
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<td>Guinea Bissau</td>
<td>March 11, 1999</td>
<td>September 10, 2000</td>
<td>Ongoing civil strife constituting extraordinary and temporary conditions</td>
<td>300</td>
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<td>Haiti</td>
<td>January 15, 2010 January 12, 2011</td>
<td>January 22, 2013</td>
<td>2010 Earthquake</td>
<td>51,000</td>
<td>Eligible persons arriving up to one year after could apply for TPS.</td>
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<tr>
<td>Country</td>
<td>Date 1</td>
<td>Date 2</td>
<td>Event</td>
<td>1998 Hurricane Mitch</td>
<td>Years</td>
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<tr>
<td>Honduras</td>
<td>January 5, 1999</td>
<td>July 5, 2013</td>
<td>1998 Hurricane</td>
<td>64,000</td>
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<td></td>
<td></td>
<td></td>
<td>Mitch</td>
<td></td>
<td></td>
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<td>Kosovo</td>
<td>June 9, 1998</td>
<td>December 8, 2000</td>
<td>War</td>
<td>5,000</td>
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<td>Kuwait</td>
<td>March 27, 1991</td>
<td>March 27, 1992</td>
<td>Gulf War</td>
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<td>Lebanon</td>
<td>March 27, 1991</td>
<td>March 28, 1993</td>
<td>End of Civil War</td>
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<td>Liberia</td>
<td>March 27, 1991</td>
<td>September 28, 1999</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>Deferred Enforced Departure from September 1999 – September 2002</td>
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<td>April 7, 1997</td>
<td>September 28, 1999</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
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<td>Liberia</td>
<td>October 1, 2002</td>
<td>September 30, 2007</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>Deferred Enforced Departure since October 2007; President Obama extended DED in March 2009, March 2010, August 2011</td>
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<td>Montserrat</td>
<td>August 28, 1997</td>
<td>February 27, 2005</td>
<td>Volcanic eruption</td>
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<td>Nicaragua</td>
<td>January 5, 1999</td>
<td>July 5, 2013</td>
<td>1998 Hurricane</td>
<td>3,000</td>
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<td></td>
<td></td>
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<td>Mitch</td>
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<tr>
<td>Country</td>
<td>Event Dates</td>
<td>Event Dates</td>
<td>Genocide Description</td>
<td>Number</td>
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<tr>
<td>Rwanda</td>
<td>June 7, 1994</td>
<td>December 6, 1997</td>
<td>Genocide</td>
<td>200</td>
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<td>November 4, 1997</td>
<td>May 3, 2004</td>
<td>Ongoing armed conflict</td>
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<td>November 9, 1999</td>
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<td>Sierra Leone</td>
<td>September 16, 1991; September 4, 2001</td>
<td>September 17, 2012</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>252</td>
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<td>Somalia</td>
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<td></td>
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<td>Sudan/North</td>
<td>November 4, 1997; November 9, 1999; October 7, 2004</td>
<td>May 2, 2013</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>340</td>
<td></td>
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<tr>
<td>Sudan</td>
<td></td>
<td></td>
<td>(estimated total for North and South Sudan)</td>
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<td></td>
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<tr>
<td>South Sudan</td>
<td>November 3, 2011</td>
<td>May 2, 2013</td>
<td>Ongoing armed conflict, and extraordinary and temporary conditions</td>
<td>Designated following the July 9, 2011 independence of South Sudan</td>
<td></td>
</tr>
</tbody>
</table>

*Countries in bold currently have TPS.*
Department of State Recommendation Regarding
Extension of Temporary Protected Status for Haiti
May 2012

I. Statutory Basis for Designation

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?
Page Denied
III. Recommendation

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UNCLASSIFIED U.S. Department of State Case No. F-2017-17275 Doc No. C06545906 Date: 11/30/2018
I. Statutory Basis for Designation

Have the conditions under which the foreign state was designated for temporary protected status ceased to exist?
Page Denied
Page Denied
III. Recommendation
• On April 20, Michel Martelly met with Secretary Clinton for the first time in his new capacity as Haitian president-elect. President-elect Martelly expressed his interest in establishing a strong partnership with the international community, including the United States, and highlighted the top priorities of his administration, including universal education, resettlement of Haitians displaced after the earthquake, rule of law, and agricultural reform.

• The Martelly administration’s priorities are very much in line with the U.S. strategy in Haiti which includes a focus on investments in infrastructure, energy, agriculture, economic security, health, governance, and rule of law. We look forward to the opportunity to collaborate in these areas with the new government, and reaffirm our commitment to supporting the Haitian people throughout the reconstruction process and beyond.

• In the 15 months since the earthquake, progress has been made in important areas: rubble removal, private sector development, and health.

  o **Rubble:** More than two million cubic meters of rubble – 20 percent of the total rubble generated in the earthquake – has been cleared, with U.S.-funded programs funding the clearance of 1.5 million cubic meters, three quarters of that total, through a program that has employed more than 350,000 people.

  o **Private Sector:** A new industrial park is making progress near Cap Haitien through a joint effort by the Government of Haiti, the United States, and the Inter-American Development Bank. It has its first tenant, the global textile firm, Sae-A [say-AH], which alone is projected to create 20,000 permanent export-oriented jobs. We anticipate more manufacturing companies like Sae-A will be drawn to Haiti, thanks to Congress’s generous Haiti Economic Lift
Program, which significantly increased U.S. trade preferences for Haitian apparel exports.

- Health: Thanks to a successful response by the Haitian Ministry of Health and Population and the international community, the cholera epidemic that broke out last October is being curtailed. At the worst point, the mortality rate was as high as 10 percent; now it has dropped to under two percent.

Background

Secretary Napolitano designated Haiti for TPS on January 21, 2010, following the devastation caused by the January 12, 2010 earthquake. There are approximately 47,500 Haitian nationals (or aliens having no nationality who last habitually resided in Haiti) who have been granted TPS and who may be eligible for re-registration if the Secretary of Homeland Security extends the TPS designation. Additionally, it is estimated that approximately 10,000 additional individuals may be eligible for TPS if the Secretary re-designates Haiti. This designation would be open to Haitians who arrived in the United States following the January 12, 2010 earthquake and subsequent January 21, 2010 designation, thus ensuring that eligible Haitians who arrived in the United States between January 22, 2010 and January 12, 2011 will not be subject to removal.

President-elect Michel Martelly defeated opponent Mirlande Manigat by a wide margin in the second round of national elections held on March 20, winning 67.5 percent of the vote. Préval’s ruling party won a majority in the Senate and a plurality in the Chamber, suggesting a difficult road of compromises ahead for Martelly. Martelly campaigned on a platform of change and has specifically championed the need for education reform. Martelly has publicly expressed a desire for the Haitian military to be reconstituted, a statement which has raised some concerns given the historic role of the military in Haiti. Martelly has repeatedly expressed his intent to strengthen ties with the international community, particularly the United States. Martelly will be inaugurated on May 14, 2011.

The Interim Haiti Recovery Commission has identified a sector-by-sector list of policy obstacles, the resolution of which will require concerted problem-solving led by the new Martelly administration. The Government of Haiti can, for example, speed up the process for rubble removal and construction of affordable housing by making it easier to transfer ownership of State-owned land, and by establishing new policies for registering land ownership and resolving land disputes. There are also opportunities for the government to improve the business climate by streamlining the
process for registering a new business and getting construction permits approved. Removing stumbling blocks and establishing a “one-stop-shop” for these procedures is critical for attracting investment, encouraging economic growth, and speeding up the post-earthquake economic recovery.
ACTION MEMO FOR THE SECRETARY

FROM: S/HSC – Thomas C. Adams
PRM – David M. Robinson, Acting

SUBJECT: (SBU) Recommendation to the Department of Homeland Security to Haiti

Recommendation

Background

(U) A 7.0 magnitude earthquake struck Haiti on January 12, 2010, causing extensive damage to infrastructure and the health, agricultural, transportation, and education sectors. Based on the severity of the destruction and the related humanitarian challenges, Secretary of Homeland Security Janet Napolitano designated Haiti for TPS in January 2010 on the grounds that “extraordinary and temporary conditions” existed.
Attachments:
Tab 1 – Proposed Letter to Secretary Napolitano
Tab 2 – Recommendation Regarding Haiti
Release in Part B5

THE SECRETARY OF STATE
WASHINGTON

November 16, 2010

The Honorable Janet Napolitano
Secretary of Homeland Security
Washington, DC 20528

Dear Madam Secretary:

You granted Temporary Protected Status (TPS) to Haitians living in the United States on January 21, 2010, after a 7.3-magnitude earthquake struck Haiti on January 12. TPS for Haitians living in the United States is set to expire on July 21, 2011.
Sincerely yours,

Hillary Rodham Clinton

Enclosure: