HAITI TPS STRATEGY MEETING  
November 13, 2017

Objective:
- You called this meeting to assess actions taken by the Haitian government to prepare Haitian TPS beneficiaries for repatriation in the event Haiti’s TPS designation is terminated.
- By statute, you must review Haiti’s TPS designation and determine whether it should be extended, terminated, or redesignated by November 23, 2017. Note that November 23 is Thanksgiving Day and you may wish to make your decision earlier.

Key Messages
At former Secretary Kelly’s request, Haiti has taken some steps to prepare for the eventual end of its TPS designation, but it is unclear how extensive or effective these steps have been in preparing Haiti for the potential return of the tens of thousands of Haitian TPS beneficiaries in the United States who will have no lawful status to remain upon termination of the designation.

The Government of Haiti indicates that it understands TPS is temporary, but stresses it does not yet have the ability to accept back all of its TPS beneficiaries.

Haiti is generally a good partner with regard to repatriations and doesn’t require travel documents for most non-criminal Haitians ordered removed from the United States on charter flights. However, Haiti has not yet responded to ICE’s request that it accept back combined criminal and non-criminal removal flights, something that every other country in the region allows.

Haiti’s ability to accept back its nationals from the United States may be affected if deportations increase from elsewhere in the region, such as from the Bahamas and the Dominican Republic.

Key Issues:
DHS Priorities for Meeting
- There are approximately 58,600 Haitian TPS beneficiaries. Of these 58,600 individuals, over 16,000 have either filed for or been granted lawful permanent resident status since being granted TPS. USCIS estimates the filing of approximately 40,000 re-registration applications if Haiti’s designation for TPS is extended (Attachments B and C).
- Haiti was first designated for TPS on January 21, 2010, due to extraordinary and temporary conditions resulting from the devastating earthquake that occurred on January 12, 2010.
  - Haiti was redesignated on May 19, 2011, and its TPS has been extended four times since the May 2011 redesignation.
  - On May 24, 2017, former Secretary Kelly extended Haiti’s TPS designation for 6 months.
- Former Secretary Kelly requested that the Government of Haiti take steps to prepare for the eventual end of its TPS designation. Specific steps Haiti has taken to prepare include:
  - Establishing a Working Group: The Government of Haiti established a minister-level working group focused on efforts to mitigate factors which cause Haitians to migrate
illegally. A sub-group was created in order to focus specifically on preparations for the possible termination of TPS; understanding the need to ensure employment opportunities exist for TPS beneficiaries when they return to Haiti.

- **Conducting Outreach to Diaspora Leaders:** Haiti’s Ambassador in Washington has worked to raise awareness amongst influential diaspora leaders, so they can effectively share information with the Haitian community in the United States on how the termination of TPS will affect them.

- **Providing Legal Assistance:** The Haitian Mission in the U.S. established a hotline to provide legal assistance by way of immigration attorneys.

- **Analyst note:** *It is difficult to measure how these steps affect Haiti’s ability to accept back its current TPS beneficiaries.* In addition to the steps outlined above, Haiti has recently acquired an additional travel document (passport) printer. Haitian government officials have assured DHS and State that Haitians seeking travel documents have no difficulty getting them, and that wait times to receive a passport have dropped and production rates increased.

- The Government of Haiti continues to convey that, while it understands that TPS is a temporary program and it will be terminated eventually, Haiti is not currently able to accept back all its beneficiaries and has requested an 18-month extension of its TPS designation (Attachments D and E).

- Haiti generally cooperates with DHS on repatriations.
  - Following the 2010 earthquake, DHS suspended all criminal and non-criminal Haitian removals to Haiti. In 2011, DHS resumed removals for criminals, but non-criminal removals remained suspended. In 2016, there was a significant increase of Haitian migrants arriving to the Southwest Border due to declining economic conditions in Brazil (where many Haitians had relocated to after the earthquake utilizing Brazilian humanitarian visas that allowed them to work). In September 2016, former Secretary Johnson announced the resumption of non-criminal Haitian removals.
  - Haiti accepts manifest removals, meaning that they do not require passports for most Haitians ordered removed from the United States; this facilitates removals.
  - At the height of removals, ICE was sending three flights of 135 Haitians per week, in addition to a flight of 50 criminals per month. From October 1, 2016, to October 27, 2017, ICE removed 5,293 non-criminal and 368 criminal Haitians to Haiti. Haiti typically responds within two weeks for requests for travel documents and they are currently in compliance with ERO’s Recalcitrant Country Initiative (RCI) tool.
  - ICE has asked Haiti to begin permitting combined criminal and non-criminal flights to reduce costs; however, Haiti has not yet provided a formal response.

- Haiti’s ability to receive back migrants from the United States may depend, in part, on deportations from elsewhere in the region.
  - There are large numbers of Haitian migrants, asylum seekers, and diaspora communities across the Western Hemisphere. Countries in the region, including the Bahamas and the Dominican Republic, have announced measures to crack down on irregular Haitian migration (Attachment F).
  - Unrestrained deportations of Haitian migrants from the region could exacerbate social and economic challenges in Haiti, reduce Haiti’s ability to receive migrants returned from the United States, and lead to increased illegal immigration.
FOR OFFICIAL USE ONLY

Attachments:
A. Memorandum for the Secretary from USCIS Director Cissna on Haiti’s Designation for Temporary Protected Status
B. Department of State Recommendation Regarding Temporary Protected Status for Haiti – 2017
C. October 4th Letter from the Government of Haiti to the Secretary
D. TPS Memorandum from the Government of Haiti
E. Classified Product
F. Participant List

Staff Responsible for Briefing Memo: Deputy Director for the Caribbean and Southern Cone.

Reviewed and approved by: Assistant Secretary,

OGC Reviewer: DCOS,

(b)(6)
April 10, 2017

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: James W. McCamen
Acting Director
Attachment A – Temporary Protected Status Legal Authority

Pursuant to section 244(b)(1) of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a(b)(1), the Secretary of Homeland Security (Secretary), after consultation with appropriate agencies of the Government, may designate a foreign state (or part thereof) for Temporary Protected Status (TPS). The Secretary may then grant TPS to eligible nationals of that foreign state (or aliens having no nationality who last habitually resided in that state).

At least 60 days before the expiration of a TPS designation, the Secretary, after consultation with appropriate agencies of the Government, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met and, if so, the length of an extension of the TPS designation. See INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A)-(C). If the Secretary determines that the foreign state no longer meets the conditions for the TPS designation, the Secretary must terminate the designation. See INA § 244(b)(3)(B); 8 U.S.C. § 1254a(b)(3)(B). Although the Secretary must make a determination on extension or termination at least 60 days before the expiration of the TPS designation, publication of the required Federal Register notice announcing the decision must be “on a timely basis.” See INA § 244(b)(3)(A). There is also an automatic, minimum 6-month extension of a country’s TPS designation if the Secretary does not make a decision under INA § 244(b)(3)(A); 8 U.S.C. § 1254a(b)(3)(A) that the foreign state no longer meets the conditions for designation. See INA § 244(b)(3)(C); 8 U.S.C. § 1254a(b)(3)(C).

After the Secretary designates a country for TPS, nationals of the country (and persons without nationality who last habitually resided in the country) may apply for TPS, but they must individually demonstrate their eligibility pursuant to the criteria established in INA § 244(c) and the TPS regulations at 8 CFR § 244.1 et seq. These criteria include, but are not limited to, requirements that the applicant show continuous physical presence in the United States since the effective date of the country designation and continuous residence since such date as the Secretary determines; admissibility as an immigrant (with limited exceptions); that the applicant is not ineligible under certain mandatory criminal history, terrorism, and national security bars as specified in INA § 244(c)(2)(A-B); and that the applicant is registering for TPS in accordance with regulatory procedures in 8 CFR §§ 244.2–244.9.

If granted TPS, the individual receives employment authorization and an Employment Authorization Document, if requested, that is valid for the period that he or she holds TPS. TPS is a temporary benefit that does not lead to lawful permanent residence or confer any other immigration status. When a TPS country designation ends, TPS beneficiaries maintain the same immigration status, if any, that they held prior to TPS (unless that status has expired or been terminated) or any other status they may have acquired while registered for TPS.
Haiti remains affected by a series of humanitarian crises which were exacerbated by the impact of Hurricane Matthew in October 2016. In addition to causing an estimated $2.8 billion in damages and losses, Hurricane Matthew “added to pre-existing humanitarian needs throughout the country, notably related to the cholera epidemic, the El-Niño induced drought, the bi-national migration crisis, and the displaced following the 2010 earthquake.” Of the 2.1 million people who were impacted by Hurricane Matthew in Haiti, close to 1.4 million remain in need of some form of humanitarian assistance.

The international community is providing assistance to support Haiti’s recovery from Hurricane Matthew, with over $151 million dollars contributed as of February 6, including more than $86 million dollars from the United States. International organizations, foreign governments, and non-governmental organizations have worked with the government of Haiti to: distribute food and provide food assistance; seek solutions for displaced individuals; provide health, water, sanitation, and hygiene support to affected families; and to rehabilitate damaged schools. The number of people facing food insecurity in hurricane affected areas has fallen from one million people in late October 2016 to an estimated 400,000 people as of late December 2016.

However, it will likely take Haiti years to recover from the damages of Hurricane Matthew. Individuals in the most affected areas “still need immediate help to meet their basic needs,” with the impact of the storm continuing to affect “the provision of basic social services in the most affected areas of Grand’Anse, Nippes and South” departments. Damages from the hurricane “exacerbated three years of drought and severe flooding” in Haiti, leaving over 1.5 million people throughout the country food insecure as of late December 2016. Significant losses of crops and livestock in the south and southwest—particularly in Grand’Anse department (Haiti’s “bread basket”)—“renders communities dependent on imported food and increased food prices by 15 – 25 percent.” Hurricane Matthew struck Haiti as farmers were about to harvest their crops in the fall of 2016. A “very poor harvest” is projected for January and February 2017 due to damages from the storm in the most affected areas (where approximately 80 percent of the population relies on subsistence farming). Various non-governmental organizations have warned of a potential food crisis in Haiti; per the Famine Early Warning Systems Network (FEWSNET), emergency food needs in Haiti will likely “remain elevated until the July 2017 harvests.”

Haiti has witnessed a resurgence of cholera since May 2016, and Hurricane Matthew caused an increase in the number of suspected cases, particularly in affected departments. As of early February 2017, the United States Agency for International Development (USAID) reported that “suspected cholera case counts reported in affected areas continue to decline”; over 729,000 people have been vaccinated against cholera in affected regions since October 2016. An estimated 1.8 million people have been affected by the partial or total loss of health services in

Contact Us: RAIOResearch@uscis.dhs.gov
areas of Haiti that were impacted by Hurricane Matthew. Approximately 750,000 Haitians lack safe water, which has facilitated the spread of water-borne illnesses and diseases, such as cholera.

Displacement continues to remain a problem in Haiti. Over 55,000 internally displaced persons (IDPs) from the 2010 earthquake remain in camps without viable options to leave. An additional 175,000 people impacted by Hurricane Matthew have been left without housing. In addition, since June 2015, at least 158,000 Haitian migrants have returned to Haiti from the Dominican Republic “under pressure of various threats, lack of protection and fear of deportation.”

While humanitarian assistance has continued to reach affected populations as roads have been reopened and repaired, the security situation reportedly remained challenging during the three months after the hurricane, as “humanitarian convoys were regularly attacked and looted.” An increase in political demonstrations related to national elections has reportedly had a negative impact on humanitarian operations in Haiti. In early January 2017, humanitarian assistance efforts were interrupted by unrest in Grand’Anse department following the arrest of a newly-elected senator.

Elections

On January 4, 2017, Jovenel Moïse was officially declared the winner of Haiti’s presidential election that was held in November 2016. Sporadic protests occurred after the results were announced, but there were no reports of significant violence. On February 7, Moïse was sworn in as Haiti’s president. However, the election result “is still being contested by the opposition,” which held protests during Moïse’s inauguration.

On January 29, 2017, Haiti held elections for eight senators and one seat in the lower chamber of congress. Nationwide municipal elections were also held for the first time since December 5, 2006. The Haitian National Police reported that 49 incidents occurred during the elections, and 20 people were arrested for incidents ranging from “the theft of ballot papers, destruction of ballots, possession of weapons, to the possession of false documents and attempted fraud.” These elections represent the closure of Haiti’s “repeatedly derailed electoral cycle that started in 2015.”

5 Caribbean – Hurricane Matthew Fact Sheet #18, Fiscal Year (FY) 2017.
6 Caribbean – Hurricane Matthew Fact Sheet #18, Fiscal Year (FY) 2017.
7 Caribbean – Hurricane Matthew Fact Sheet #18, Fiscal Year (FY) 2017, p.1.
8 Hurricane Matthew: Three months later, Haiti at risk of food crisis, CARE, Jan. 4, 2017.
9 Haiti: 3 months after Hurricane Matthew, 7 years after the earthquake, UN Development Program, Jan. 11, 2017.

Contact Us: RAIOResearch@uscis.dhs.gov
Contact Us: RAIOResearch@uscis.dhs.gov
MEMORANDUM FOR THE SECRETARY

FROM: James W. McCament
Acting Director

SUBJECT: Addendum to USCIS Memo for Additional Information Related to Haiti’s Designation for of Temporary Protected Status
James,

Per your request, attaching a timeline for the Haiti TPS process that details the State-DHS consultations. (Also attaching the USCIS D1-S1 Dec Memo + attachments so you have everything in one place.) As shared on Saturday, State working-level colleagues have indicated the matters State is likely to raise include (1) the State-DHS consultative process on this decision (and others going forward), (2) the messaging strategy for terminating Haiti’s TPS should S1 decide to end it, and (3) possibly the decision itself.

Please do let us know if there is anything else you need for the call, and I are happy to field any Qs, pre-brief, and back bench the call itself as needed/desired.

(b)(6)

Chief, International and Humanitarian Affairs Division
Department of Homeland Security/U.S. Citizenship and Immigration Services
Office of Policy and Strategy
DECISION

MEMORANDUM FOR THE SECRETARY

FROM: L. Francis Cissna
       Director

SUBJECT: Haiti’s Designation for Temporary Protected Status

INTERNAL PRE-DECISIONAL RECOMMENDATION
DECISION

MEMORANDUM FOR THE SECRETARY

FROM: L. Francis Cissna
       Director

SUBJECT: Haiti’s Designation for Temporary Protected Status

(b)(5)

INTERNAL PRE-DECISIONAL RECOMMENDATION
**News Release**

May 22, 2017

**Secretary Kelly Statement on the Limited Extension of Haiti’s Designation for Temporary Protected Status**

WASHINGTON—Secretary of Homeland Security John F. Kelly today announced his decision to extend—for an additional six months—the Temporary Protected Status (TPS) designation for Haiti. This extension is effective July 23, 2017 through January 22, 2018.

“After careful review of the current conditions in Haiti and conversations with the Haitian government, I have decided to extend the designation of Haiti for Temporary Protected Status for a limited period of six-months,” said Secretary Kelly. “Haiti has made progress across several fronts since the devastating earthquake in 2010, and I’m proud of the role the United States has played during this time in helping our Haitian friends. The Haitian economy continues to recover and grow, and 96 percent of people displaced by the earthquake and living in internally displaced person camps have left those camps. Even more encouraging is that over 98 percent of these camps have closed. Also indicative of Haiti’s success in recovering from the earthquake seven years ago is the Haitian government’s stated plans to rebuild the Haitian President’s residence at the National Palace in Port-au-Prince and the withdrawal of the United Nations Stabilization Mission in Haiti.”

Secretary Kelly was particularly encouraged by representations made to him directly by the Haitian government regarding their desire to welcome the safe repatriation of Haitian TPS recipients in the near future. “This six-month extension should allow Haitian TPS recipients living in the United States time to attain travel documents and make other necessary arrangements for their ultimate departure from the United States, and should also provide the Haitian government with the time it needs to prepare for the future repatriation of all current TPS recipients. We plan to continue to work closely with the Haitian government, including assisting the government in proactively providing travel documents for its citizens.”

Prior to the expiration of this limited six-month period, Secretary Kelly will re-evaluate the designation for Haiti and decide anew whether extension, re-designation, or termination is warranted. The Department of Homeland Security urges Haitian TPS recipients who do not have another immigration status to use the time before Jan. 22, 2018 to prepare for and arrange their departure from the United States—including proactively seeking travel documentation—or to apply for other immigration benefits for which they may be eligible. “I believe there are indications that Haiti – if its recovery from the 2010 earthquake continues at pace - may not warrant further TPS extension past January 2018. TPS as enacted in law is inherently temporary in nature, and beneficiaries should plan accordingly that this status may finally end after the extension announced today.”

Further details about this extension of TPS for Haiti, including the application requirements and procedures, will appear in a Federal Register notice later this week.

- ### -
Thank you

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

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One correction with the wording below. Reflective should be reflected. Typing too fast. Thanks all!

Thanks very much I'd not seen this story. Thanks for forwarding Adding for visibility.

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security

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From: [Redacted] (b)(6)
Sent: Tuesday, May 09, 2017 1:19:00 PM
To: [Redacted]
Cc: McCament, James
W: [Redacted]
Subject: RE: DHS official: Crime data on Haitians won't be used for TPS decision

Thanks for the vis, all. OCCOM worked this last night with TPs to the DHS press secretary reflective in the PoliticoPro story. [Redacted] and James for awareness. [Redacted] for vis.

Chief, Office of Communications | U.S. Citizenship and Immigration Services
20 Massachusetts Ave. NW, Suite 3100 | Washington, DC 20529-2160
Office: [Redacted] | Cell: [Redacted] (b)(6)
Fax: (202) 272-1323 | Email: [Redacted]

Subject: AP Exclusive: US looks for evidence of crimes by Haitians


AP Exclusive: US looks for evidence of crimes by Haitians
By ALICIA A. CALDWELL
29 minutes ago
WASHINGTON (AP) — The Trump administration is taking the unusual step of hunting for evidence of crimes committed by Haitian immigrants as it decides whether to allow them to continue participating in a humanitarian program that has shielded tens of thousands from deportation since an earthquake destroyed much of their country.

The inquiries into the community’s criminal history were made in internal U.S. Citizenship and Immigration Services emails obtained by The Associated Press. They show the agency’s newly appointed policy chief also wanted to know how many of the roughly 50,000 Haitians enrolled in the Temporary Protected Status program were taking advantage of public benefits, which they are not eligible to receive.

The emails don’t make clear if Haitian misdeeds will be used to determine whether they can remain in the United States. The program is intended to help people from places beset by war or disasters and, normally, the decision to extend it depends on whether conditions in the immigrants’ home country have improved enough for them to return. But emails suggest Homeland Security Secretary John Kelly, who will make the decision, is looking at other criteria.
“I do want to alert you ... the secretary is going to be sending a request to us to be more responsive,” Kathy Nuebel Kovarik, the USCIS head of policy and strategy, wrote on April 27. Addressing the inability of agency employees to gather the requested information about wrongdoing, she said: “I know some of it is not captured, but we'll have to figure out a way to squeeze more data out of our systems.”

The request for criminal data for an entire community is unorthodox. The law doesn't specify it should be a consideration for Temporary Protected Status and the government has never said it would use criminal rates in deciding if a country's citizens should be allowed to stay under this program. Introducing new criteria is likely to cause consternation among law-abiding Haitians who may feel they are being penalized for the wrongdoing of their compatriots.

But the request fits in with President Donald Trump’s broader, tough-on-immigration focus that is a core demand of his political supporters. He has enhanced efforts to arrest people living illegally in the United States and sought, unsuccessfully so far, to suspend refugee arrivals and temporarily block visitors from seven Muslim-majority countries. He has accused those in the U.S. illegally of fueling criminality in the U.S.

It is unclear if the agency is asking such questions about other recipients of the temporary protection, including immigrants from Honduras and El Salvador.

The Homeland Security Department said Kelly has not made a final decision about Temporary Protected Status for Haiti and declined to comment on the process. Temporary Protected Status is intended to be just that, temporary. The Obama administration included Haiti in the program shortly after the January 2010 earthquake that killed as many as 300,000 people and devastated schools, hospitals, homes and even entire neighborhoods. Since then, Haitians have been eligible to stay regardless of how they entered the United States — legally or illegally — as long as they were residing in the U.S. before Jan. 12, 2011.

Eligibility for Haitians has been extended several times and is set to expire July 22. The Trump administration must decide by May 23 so that it can provide 60 days' notice about its plans.

USCIS' acting director has recommended letting the program expire. In an April 10 memo first reported by USA Today, James McCament said Haiti is no longer in crisis despite its poverty and political instability. However, he wants to allow the Haitians to stay until January so they have time to make arrangements to voluntarily leave. If they don't depart the U.S. by then, the government could move to deport them.

Still, Homeland Security's Kelly has the final word.

The emails inquiring about misdeeds were sent from April 7 to May 1.
In her first week on the job, Kovarik, the policy chief, asked officials how often Haitians with temporary status have been convicted of “crimes of any kind,” and how many have taken advantage of public benefits. She asked for that information in four separate emails. She also asked how much money Haitians have sent home and how often they’ve traveled back to Haiti. Left unsaid is that frequent travel could suggest improved conditions.

“Please dig for any stories (successful or otherwise) that would show how things are in Haiti - i.e. rebuilding stories, work of nonprofits, how the U.S. is helping certain industries,” Kovarik wrote on April 28. “We should also find any reports of criminal activity by any individual with TPS. Even though it’s only a snapshot and not representative of the entire situation, we need more than ‘Haiti is really poor’ stories.”

The emails were largely directed to non-political employees. They responded by saying much of the data were not available or were difficult to find in government records systems.

Criminal fingerprint records, for instance, don’t generally indicate if a suspect has Temporary Protected Status. And the employees said the public benefits request was almost impossible to answer because TPS participants aren’t eligible for most.

About the only firm information Kovarik’s queries turned up, according to the emails, is that Haiti benefited from about $1.3 billion in remittances from the United States in 2015. Officials said they could only guess how much came from the temporarily protected group, which comprise only a fraction of the estimated 954,000-strong Haitian diaspora in the United States.

Maria Odom, a former Citizenship and Immigration Services ombudsman who served during the Obama administration, said she was puzzled by the inquiries about criminal activities. She said the government already checks criminal histories of applicants and denies protections to those who’ve broken U.S. laws.

“You should not craft a humanitarian policy based on the few,” Odom said.

---

From: [redacted]
Sent: Tuesday, May 09, 2017 1:12 PM
To: [redacted]
Cc: [redacted]
Subject: RE: DHS official: Crime data on Haitians won’t be used for TPS decision

(b)(6)

Hi [redacted]

Thank you for sharing. Below you’ll see a link to the NY Daily News article on a similar topic.
FYI.

By Ted Hesson

05/09/2017 12:34 PM EDT

Homeland Security Department spokesperson David Lapan today tamped down the idea that data on criminality could be used to decide whether to renew humanitarian protections for Haitians in the U.S.

Internal U.S. Citizenship and Immigration Services emails obtained by the Associated Press showed an official inquired into whether the agency could compile data on crimes committed by the roughly 50,000 Haitians living in the U.S. with Temporary Protected Status.

The official, USCIS policy chief Kathy Nuebel Kovarik, also asked if the agency could compile data that showed how many Haitians on TPS utilize public benefits, which they would not be eligible to receive under the program.

TPS allows people to temporarily remain in the U.S. after a natural disaster or ongoing armed conflict, but needs to be renewed periodically by the administration.

The status for Haiti is scheduled to expire in July, and DHS Secretary John Kelly has not yet decided whether to renew it, according to Lapan.
“The secretary’s decision on TPS for Haiti will hinge upon the conditions in that country,” Lapan said today in response to a question about the data gathering. “Separate and distinct from that, the secretary has asked questions of his staff about how the program operates.”

To view online:
Yep. I'll be there.

Don, sorry for the short notice can you come upstairs to meet with Tracy, Kathy and I to discuss this at 1030?

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

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From: Neufeld, Donald W
Sent: Wednesday, May 17, 2017 8:56 AM
To: McCament, James W; Renaud, Tracy L; Nuebel Kovarik, Kathy
Subject: FW: Draft Haiti TPS FRN for a 6-Month Extension

From: Neufeld, Donald W
Sent: Wednesday, May 17, 2017 8:25 AM
To: Neufeld, Donald W
Subject: FW: Draft Haiti TPS FRN for a 6-Month Extension

(b)(6)
I’ve attached the alternative draft TPS Haiti FRN that if signed would extend TPS benefits for Haiti for 6 months through January 22, 2018.

Thanks,

From: [Name]
Sent: Tuesday, May 16, 2017 9:28 PM
To: [Email]
Cc: [Email]
Subject: Draft Haiti TPS FRN for a 6-Month Extension

All,

We are passing this along to you for your expedited review. Can you please get back any edits/comments tomorrow morning, and we’ll work to fold them in? Many thanks in advance.

b-
James, and Kathy,

Attached is our TPS Haiti processing overview and ELIS timeline.

We pulled this together quickly and it has not been thoroughly vetted. We did get input from in OIDP.

In the interest of time I’m sharing this preliminary draft for your initial review and feedback. I still need review/input from (SCOPS’ Technology Coordination Division) on ELIS. I will also reach out to OIDP to see if they can provide any additional information on the timeline for ingesting into ELIS vs. C3.

Please let me know if there is anything in particular that you need us to address.

In the interest of time, I’m responding to everyone with the attached draft outline of what an extension of TPS Haiti for 6 months would look like operationally. Since there is some overlap with TCD and ELIS, I think the paper would benefit greatly from TCD’s review.

Don, there were a few items that popped up today that I wanted to give you visibility on now.
Please let me know if you have any questions or concerns.

Thank you,

(b)(6)
Will do.

Chief Counsel | Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Tel. ■■■■■■■■■ Cell ■■■■■■■■■

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Don, thanks for flagging this and for presenting the thorough pros/cons. It will be helpful to have your folks weigh in with the SCOPS team so that guidance can go forward tomorrow. From the quick review of the options, it seems holding everything currently pending might be the smoothest, given that the C3 and ELIS distinction may not translate to a large volume. Once OCC has weighed in, let us know your thoughts on the best, understandably not ideal, of the different options.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
■■■■■■■■■ Deputy Director’s Office)

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I just want to flag an issue we’ll need to address quickly. There are a number still pending and we expect a few more at the lockbox before the filing window opens on Wednesday.
Thank you for the update. Definitely echo thanks to all for the hard (and weekend) work!

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director's Office)

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Referred to Department of Homeland Security

From: [Blank]
Sent: Monday, May 22, 2017 12:14 PM
To: McCament, James W <james.W.McCament@uscis.dhs.gov>
Does anyone have the press release that we can embargo and send to the hill now? I have at least a dozen staffers trying to dial into the Media Call (wholly inappropriate) but we need to get them something.

From: McCament, James W
Sent: Monday, May 22, 2017 11:33 AM
To: Nuebel
Cc: Kovarik, Kathy

Subject: RE: TPS Materials

All, given that the DHS Press Call is at noon today, has the connection been made back to State so the Government of Haiti can be notified? If not, suggest that would now happen correct?

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
(Deputy Director’s Office)
Thank you All, I’d suggest that give State the green light to reach out to Haiti if the Congressional calls are about to begin any concerns with doing so?

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
(Deputy Director’s Office)
Hi all, adding Scott Krause to the email chain to be able to advise all once the FRN which OGC has provided is signed by S1.

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(202) 272-8000 (Deputy Director's Office)

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Hi all,

Just want to circle back to confirm the current state of play for communications with the notice now ready for signature by S1?

From the quick recap and schedule, we have the DHS press backgrounder; Congressional Notification (by USCIS as I understand?) to occur ideally 60 minutes prior to the backgrounder; and, finally, notification to the President of Haiti by DOS once DHS/USCIS advises State Department to do so.

Just wanted to reconfirm the final steps, specific timing and see what further is needed from USCIS?
Including if you need anything further regarding final communication materials which will be utilized?

Thanks again all, very glad we are very close to the finish line.

James

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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From: McCament, James W
Sent: Monday, May 22, 2017 9:09 AM
To: [Redacted]
Cc: Nuehel Kevarik, Kathy
Subject: RE: TPS Materials

All, also adding [Redacted] to the email chain. Thanks!

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

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From: McCament, James W  
Sent: Monday, May 22, 2017 8:37 AM  
To:  
Cc: Nuebel Kovarik, Kathy;  
Subject: RE: TPS Materials

Thanks once the timing is finalized, I’ll ask that DOS notify concurrent with your Congressional notification timing.

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Deputy Director’s Office

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From:  
Sent: Monday, May 22, 2017 7:38 AM  
To: McCament, James W  
Cc: Nuebel Kovarik, Kathy;  
Subject: RE: TPS Materials

We need at least 30 min before the media calls, and preferably 60 min. thanks, S

From: McCament, James W  
Sent: Monday, May 22, 2017 7:31 AM  
To:  
Cc: Nuebel Kovarik, Kathy  
Subject: RE: TPS Materials

Thanks I think that's a good point regarding the materials. If then, the media call
remains at 11. [redacted] what time will Congressional notifications go forward? Ideally, suggest [redacted] or I notify DOS and ask that the call to the Haitian President go at the same time as the Congressional notifications. (Not prior). If that makes sense. Thanks all.

(b)(6)

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

Deputy Director’s Office)

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Referred to Department of Homeland Security

From: McCament, James W  
Sent: Monday, May 22, 2017 7:16:54 AM  
To: [redacted]  
Cc: Nuebel Kovarik, Kathy; [redacted]  
Subject: RE: TPS Materials

Thanks [redacted] In addition, if the call happens in the afternoon that also would allow for the notifications (Congressional and Government of Haiti) to happen immediately prior to the call. With an 11:00 that would crib that time further. If the backgrounder is moved to the afternoon, and once the FRN is signed, I will contact DOS (an hour or so) before the media call to allow for notification of GOH-hopefully concurrent to the Congressional notifications-if [redacted] can advise on that timing.

(b)(6)
On behalf of the front office, I am clearing the TPS Haiti communication materials. Please send these along to OPA for review. Thanks!

And the PAG as well!

TPS Haiti – PAG 2017 (6 month extension)

Request expedited DO clearance of the below communications announcing the 6 month extension of TPS Haiti. The rollout is scheduled for tomorrow morning.

Name of product/document:

- TPS Haiti – News Release (6 month extension)
- TPS Haiti – LG (6 month extension)
- TPS Haiti – Landing page updates (6 month extension)
- TPS Haiti – Main TPS webpage updates (6 month extension)
- TPS Haiti – Tactical (6 month extension)
Clearance requested by: ASAP as publication and rollout are scheduled for tomorrow morning

Cleared by: OCOMM, OCC, CSPED, OLA, SCOPS, OPS

Tactical: See tactical above

Thanks,

(b)(6)
Communications Strategist, Office of Communications
Mobile:

This email was sent while teleworking.
Thanks for this further update on the Wednesday plan. Looks like we’ll be able to fully address all communities. Please thank your strategic communications team as well for the support.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security (Deputy Director’s Office)  

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FYSA: We’ve heard that OP&S has received confirmation that the FRN will post for public inspection tomorrow and be published on Wednesday. Barring any unforeseen changes, our comms materials will go out with publication on Wednesday. See below for vis, per our strategic communications team. Since reporters are writing their stories based on the DHS press call and release today and tomorrow, we will tweak the USCIS release a bit and target our beat list, of course, but also ethnic media.

TPS Haiti

<table>
<thead>
<tr>
<th>Timeline</th>
<th>Activity</th>
</tr>
</thead>
<tbody>
<tr>
<td>8:45 am – Notice publishes in Federal Register</td>
<td></td>
</tr>
<tr>
<td>• Share link with rollout team (Strat Comm)</td>
<td></td>
</tr>
<tr>
<td>• Update materials link to notice (Strat Comm)</td>
<td></td>
</tr>
<tr>
<td>• Update Web content in Drupal (EComm)</td>
<td></td>
</tr>
<tr>
<td>• Share final materials (English and Spanish) with entire group (Strat Comm)</td>
<td></td>
</tr>
</tbody>
</table>
| Day of publication in the Federal Register  
(Wednesday, May 24, 2017) | 9:00 am  
- Issue Leadership Guidance (ECE)  
- Congressional notifications (OLA)  
- Embassy notifications (CSPED)  
- Share news release and updated PAG and Talking Points with external communicators (Media)  

| 10:00 am  
- Publish news release, web banner, and updated Web content to uscis.gov (EComm)  
- Distribute news release to media contacts (Media)  
- Social media push and distribution of GovDelivery (Please check the CSPED and OLA GovDelivery boxes) (EComm)  
- Distribute stakeholder engagement invitation (CSPED)  
- Issue USCIS Today article at earliest opportunity (ECE) |

---

**From:**  
**Sent:** Monday, May 22, 2017 3:19 PM  
**To:**  
**Cc:** Renaud, Tracy L; Neufeld, Donald W  
**Subject:** RE: Putting everything on one chain - Haiti TPS

The documents (press release and TPs) that I sent were all final, per DHS OPA. The attached (watermark removed) was the release that went out via OPA distro (the one you attached earlier).

Thanks!

---

**From:**  
**Sent:** Monday, May 22, 2017 2:57 PM  
**To:**  
**Cc:** Renaud, Tracy L; Neufeld, Donald W  
**Subject:** RE: Putting everything on one chain - Haiti TPS

Thanks! The DHS materials still have the draft watermarks. I believe the DHS release was tweaked a little before the final was issued (attached). I just want to make sure we have the final documents given the considerable back and forth this morning. Can you confirm these are the final talking points/QA?

Thanks!

---

**From:**  
**Sent:** Monday, May 22, 2017 2:47 PM  
**To:** McCament, James W  
**Cc:** Renaud, Tracy L; Neufeld, Donald W  
**Subject:** Putting everything on one chain - Haiti TPS
All: For your convenience, I have attached the final DHS Haiti TPS press release, talking points and press call readout. Please let me know if you have any questions. CSPE has the TPs for their stakeholder engagement use.

(b)(6)
Will review in the morning.

Still haven’t had any time to even look at that DV op-ed. Will try Wednesday morning.

At our briefing with AS1 on Haiti TPS, [REDACTED] asked that I follow up and provide a summary of efforts to help Haitians return home. Attached is a paper outlining their govt efforts and what USCIS has done to remind folks.

We still need to work on Honduras’ action plan...

Okay to send this Haiti one pager to [REDACTED]

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

[REDACTED] (b)(6)
Thanks for working this issue for us. This morning, the Secretary refined the question a bit and asked whether we are seeing more Haitians pursue other avenues of regularizing their status through means other than TPS since the most recent announcement was made that there would be only a 6-month extension with an indication that they should use that time to make plans for their return to Haiti. For those indicated below as seeing other status, can you parse those out between pre- and post-announcement and see if there are any upward trends?

The most recent number of Haitians approved for TPS is 58,945. Note that this statistic applies to persons who were approved for TPS prior to May 24, 2017, the most recent reregistration date, and did not have a subsequent TPS denial after an approval. The current re-registration period is from May 24, 2017 to July 24, 2017. The figures below will change as more beneficiaries apply for TPS during the latest re-registration window. As of July 12, 2017:

- 24,777 have filed for re-registration
- 34,168 have not filed for re-registration

Additionally, there are 672 beneficiaries who have applied for TPS since May 24, 2017 who fall outside of the 58,945 population listed above.

- 18 are beneficiaries applying for late initial registration
- 654 are beneficiaries applying for re-registration who are not within the 58,945 population.
- 124 of the 654 had their most recent TPS application denied
- The remaining 530 may have A-number mismatch issues or were possibly improperly filed
Beneficiaries seeking some other status

The following list provides the status of the 58,945 beneficiaries with approved TPS prior to May 24, 2017. By matching A-numbers when available to the Central Index System and CLAIMS3 receipts for immigrant petitions (I-130, I-140, and I-360) and adjustment of status (I-485) filed after January 21, 2010 (the date of initial TPS Haiti designation), we find:

- 8,623 have an immigrant status (based on the Central Index System)
- 1,107 are U.S. Citizens (based on the Central Index System)
- 5,783 have filed an I-485 since January 21, 2010 but do not have immigrant or U.S. Citizenship status
- 4,024 are the beneficiaries of an immigrant petition (I-130, I-140, or I-360) filed since January 21, 2010, but have not applied for an I-485
- 39,408 were not included in the above categories. They have no record of LPR or U.S. citizenship status, and no record of being the beneficiary of an immigrant petition since January 21, 2010, and no record of an I-485 filed since January 21, 2010. Matching was performed based on A-numbers. Note that some of these 39,408 TPS re-registrants may have applied filed for immigrant or nonimmigrant status but we cannot determine whether they have or not due to the lack of A-numbers in some petition data (see note below).

Note: All TPS applicants have A-numbers, but not all petition records have A-numbers. Form I-130 does not require an A-number for data entry; therefore, some of the approved TPS beneficiaries may have an I-130 filed on their behalf that was not identified in the figures above. In addition, nonimmigrant petitions do not require an A-number and are excluded from the matching.

Please let me know if you have any questions.

(b)(6)

Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

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From: Renaud, Tracy L
Sent: Saturday, July 08, 2017 10:06 AM
To: Neufeld, Donald W
Cc: Nuebel Kvarik, Kathy; McCament, James W
Subject: FW: Haiti

(b)(6)
SCOPS and OPQ-- can you guys pull together whatever data we can gather to address 

(b)(6)

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

desk

Referred to Department of Homeland Security
From: Cissna, Francis
To: Nuebel Kovarik, Kathy
Subject: RE: Haiti TPS Action Steps
Date: Wednesday, November 15, 2017 9:22:41 AM
Attachments: Haiti TPS - Repatriation of Former TPS Beneficiaries (USCIS) rev.docx

Suggested edits in the attached.

From: Nuebel Kovarik, Kathy
Sent: Wednesday, November 15, 2017 9:49 AM
To: [Redacted]
Cc: Cissna, Francis; Nealon, James; [Redacted]
Subject: RE: Haiti TPS Action Steps

Absolutely. We have a document ready for you, but Francis wanted to review this morning. And, I just reached out to State to make sure I didn’t miss anything that they were aware of. We’ll have something to Amb. Nealon today.

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

Referred to Department of Homeland Security
thanks for the detailed summary including the clips information. Adding Kathy with the great help.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office)

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From: 
Sent: Monday, May 22, 2017 2:35 PM
To: McCament, James W
Cc: Neufeld, Donald W; Renaud, Tracy L
Subject: Haiti TPS readout - DHS Press Call

All: Please see the attached Haiti TPS readout from the DHS press call to include published clips. Also see below for easy viewing.

Press Call on Haiti TPS
May 22, 2017 at noon

The press called lasted just over an hour. [began the call and asked that the information about to be shared be embargoed until about 1 p.m. when a news release would be issued with a statement from the Secretary. were introduced as USCIS experts but asked for them to be referred to as “senior DHS officials” in reporting.

He ended his statement by saying that the Secretary is highly encouraging Haiti TPS beneficiaries to handle their affairs as appropriate including obtaining travel documents from the Haitian Government.

Background information
then provided background information about the overall TPS program. They stressed that it is a temporary program and does not lead to lawful permanent residency. They stated that 58,700 Haitians have TPS and named the ten countries that are currently designated for TPS. They further gave general information on the re-registration process and stated that prior to January 22, 2018; the Secretary has to evaluate country conditions to determine the future of Haiti TPS.

**Reporter questions**
The remainder of the call (approximately 45 minutes) was dedicated to taking questions from reporters. They took questions from 14 reporters, most with multiple questions. The questions fell into several categories: explaining the evidence and information that the Secretary looked at to make the decision and what went into his determination that conditions were improving; if crime and public benefits data that was referred to in the leaked memos was used to make the determination and will it be used in making future TPS determinations, why six months was chosen as the extension time and what happens during that time, will the Secretary evaluate other TPS countries similarly, and what discussions occurred with the Haitian Government.

**DHS responses**  
(b)(6)answered the majority of the questions, with input from and The most common response was that the Secretary was doing exactly what Congress asked us to do via the INA and that is to determine whether conditions that led to Haiti’s initial designation in 2010 remain. In relation to the crime and public benefits data, he repeated several times that the Secretary asked common sense questions so that he can answer the American people about foreign populations present in the United States, not meant to denigrate any group. He also stated the Secretary is taking a look at the TPS program with a fresh set of eyes to ensure it is administered in the way Congress intended.

**Media inquiries**

**Note:** Press inquiries will be handled by DHS OPA. Once our press release is issued – when the FRN publishes – our PAOs will then answer questions using the final Haiti TPS talking points, per DHS OPA.

**Published Clips**

**Miami Herald**
Temporary Protected Status for Haitians to be extended for six months

**Newsweek**
Haitian Tps Extended For Six Months By Trump Administration, Leaving Immigrant Community Uncertain About Future

**Washington Times**
DHS grants temporary deportation reprieve to Haitians, but warns end is coming

**CNN**
Trump administration extends protected status for Haitians

Tampa Bay Times
Haitians get a reprieve from Trump administration

Daily Caller
DHS Secretary Extends Temporary Protected Status For Nearly 60,000 Haitians By Six Months

WPLG Local 10 (ABC, Miami)
TPS program for Haitians in US extended for six months

Politico
Trump extends legal protection for Haitians in U.S.

Washington Post
Federal officials: DHS to extend temporary protected status to Haitians

Miami Herald
Temporary Protected Status for Haitians to be extended for six months

Tampabay.com (blog)
Haitians get a reprieve from Trump administration

Mother Jones
Trump Administration Could Send Thousands to Crisis-Plagued...

NBC 6 South Florida
Groups Rallying for Haitian TPS Extension in Little Haiti

The Boston Globe
Arguable: Nothingburger in Riyadh
Hello Tracy – Attached is the requested information.

Let me know if you have any questions.

Deputy Chief
Office of Performance and Quality (OPQ)
U.S. Citizenship and Immigration Services

From: [Redacted]
Sent: Monday, August 07, 2017 3:49 PM
To: [Redacted]
Cc: [Redacted]
Subject: FW: Haiti TPS

Hi

Per our discussion, please work with SCOPS on completing this request. This has a due date of August 18th.

Thank you,

Chief of Staff
Office of Performance and Quality
DHS/U.S. Citizenship and Immigration Services

From: [Redacted]
Sent: Monday, August 07, 2017 12:27:39 PM (UTC-05:00) Eastern Time (US & Canada)
To: Neufeld, Donald W; [Redacted]
Cc: McCament, James W; [Redacted]
Subject: FW: Haiti TPS

Don

I liked the detailed info regarding Haiti TPS. Can we replicate for the other TPS countries
(especially given that we will have a number of decisions that AS1 will need to be making in the next several months). I've attached the chart that OP&S shared with me last week that outlines all the countries—we only need data for those that are still active which are in the first section.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

Referred to Department of Homeland Security

From: Renaud, Tracy L
Sent: Friday, August 4, 2017 5:49 PM
To: McCament, James W
We don't have it but we can certainly run it. We will get working on it.

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

Referred to Department of Homeland Security

From: Renaud, Tracy L
Sent: Friday, August 4, 2017 3:26 PM
To: McCament, James W
Subject: RE: Haiti TPS

I have been asking some questions about the low number of re-reg applicants and below is what I received. It makes a bit more sense but the number who did not file is still extraordinarily high. The ~58k is the total number of individuals that ever had TPS and over time some would have opted out if they found other means to regularize or if they departed the US. The last re-reg resulted in ~46k who were actually still TPS recipients. With that clarification, the number that have not filed is closer to ~12k. More detail from our SME below.

----------

Tracy,

In follow up to your question this afternoon, the expected number of TPS Haiti re-registrants for the current extension period was 46,000 (this figure is also reflected in the most recent
FRN). The reason the total number of TPS Haiti beneficiaries (58,945) is not used is because the estimate is determined from previous filing trends. Historically, there is a gradual decrease in the overall population for each TPS country after a new extension period is announced. This is due to a variety of factors such as individuals who may have adjusted status, departed the U.S., etc.

That being said, the number of TPS Haiti re-registrants for the current extension period is significantly lower when compared to prior extension periods. Please see additional information below which compares the current extension to the two previous periods (note this would include late re-registrations but my team doesn’t believe this to be a significant number):

- 2017 Extension Period (current)
  - Estimated: 46,000
  - Actual to date: 33,672
  - Difference: 12,328
- 2015 Extension Period
  - Estimated: 50,000
  - Actual: 46,000
  - Difference: 4,000
- 2014 Extension Period
  - Estimated: 51,000
  - Actual: 50,000
  - Difference: 1,000

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

Referred to Department of Homeland Security

From: Renaud, Tracy L
Sent: Friday, August 4, 2017 12:09 PM
To: McCament, James W
    Nuebel Kovarik, Kathy

(b)(6)
The number of individuals who have filed for re-registration in the most recent re-registration period (May 24, 2017 to July 24, 2017) is 33,672. The number of individuals that were approved for Haiti TPS prior to May 24, 2017 is 58,945. Just to do the math for you, that means 25,273 did not file for re-registration during the designated timeframe.

In addition, as of July 31, 2017 below is information regarding filings for other immigration benefits by individuals who previously held Haiti TPS:

Since the July 25 report, there have been 123 more matches in the most recent extension period.

Here is a brief explanation of our procedure to determine the rate of Haitian TPS recipients applying for LPR status:

- For the 58.9K beneficiaries, search for any I-130, I-140, I-360, or I-485 that was filed on or after Jan 21, 2010 (initial TPS Haiti designation date) by matching the A-number on the I-821 TPS application with the beneficiary A-number on the immigrant petition or I-485.
- For each matching A-number, find the earliest receipt date if there is a multiple match.
- To estimate the if there is a upward trend since the May 24, 2017 FRN publication, determine the number of weeks between each of the previous FRN publication dates, then calculate the average number of individuals filing per week in each reregistration period.

The following table and graph demonstrate a recent increase in applications / petitions in the current 6-month registration period, but also an increase in December 2016, preceding the fee increase.

Number of individuals with Approved TPS from Haiti as of May 23, 2017 who were the beneficiary of an immigrant petition (I-130, I-140, or I-360) or filed an I-485

<table>
<thead>
<tr>
<th>FRN Date</th>
<th>Type</th>
<th>Count of Persons</th>
<th>Avg. Persons per Week</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/21/2010</td>
<td>Initial Designation - 18 Months</td>
<td>2,321</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>5/19/2011</td>
<td>Extension and Re-designation - 18 Months</td>
<td>2,441</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>10/1/2012</td>
<td>Extension - 18 Months</td>
<td>2,075</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>8/25/2015</td>
<td>Extension - 18 Months</td>
<td>5,471</td>
<td>60</td>
<td>Fee Increase in Dec 2016</td>
</tr>
<tr>
<td>5/24/2017</td>
<td>Extension - 6 Months</td>
<td>1,253</td>
<td>128</td>
<td></td>
</tr>
<tr>
<td>Grand Total</td>
<td></td>
<td>16,418</td>
<td>42</td>
<td></td>
</tr>
</tbody>
</table>
Referred to Department of Homeland Security
Hi,

Following up on our earlier conversations, by way of this email I am providing 5 sets of information (7 memos) in connection with the determination regarding Temporary Protected Status for Haiti (with apologies for the bulk):

1. TPS for Haiti Designation Memorandum Addendum: The attached memo is being provided to supplement my earlier TPS Haiti Recommendation Memo. In that memo, as you requested, the following points are addressed (and please let us know if we missed any points):

   a. Haiti GDP growth – longer-term trend. The memo addresses the
information available for the year-over-year numbers/trends for the years preceding the earthquake to the present (or the most recent following the earthquake for which data is available);
b. Clarification on visa demand being down by 30% c. Information regarding the UN’s decision to conclude its peacekeeping mission in October 2017.
d. Information regarding the status of, and motive for, reconstruction of the Presidential Palace, and analysis regarding the Government of Haiti’s post-earthquake recovery and capacity.

2. Federal Register Notice (FRN): Attached is the draft FRN announcing the extension. This language is an update to the draft FRN which was transmitted to DHS last week.

3. Extension Process Mechanics:

Attached is a memo explaining the mechanical process for a six month extension of the current designation. This analysis compares the process and impact of an extension versus the proposed termination. We have also included in a separate memo information regarding how the USCIS ELIS system will process these cases. Below is a summary of the information. Just wanted to be sure that we had provided full visibility regarding the operational aspects of a one-time six month extension vs a termination.

A. Extension Process: If the Secretary determines an extension is best, there are 2 options:

1) Option I: Auto Extension:
   a. Under this option, DHS would be silent regarding the decision itself and would issue a federal register notice only to auto-extend the employment authorization documents (EAD) of the Haiti TPS recipient. Under this scenario, the work authorizations and status simply remain valid for an additional 6 months.

   b. Normally, USCIS automatically extends the work authorization document for the TPS holder through a Federal Register Notice. If not auto-extended, they won’t have evidence of work authorization. If the Secretary chooses not to automatically extend the EAD, as in the below scenario, then the TPS holder may not be able to work while their registration application is pending.

2). Option II: Require re-registration when issuing a 6 month extension:
   a). We anticipate 46,000 people would apply via mail for TPS renewal within 60 days after the FRN. 1 month after the TPS renewal goes into effect, USCIS would start processing. The average processing time goal is 90 days (although individual cases may take longer if additional review is required). USCIS would process these through the ELIS system, which has experienced technological problems for other immigration benefits. The ELIS system has not been broadly tested for this type, so there is a potential for unforeseen difficulties and/or delays.
b). Procedurally, the applicants all have to go to an ASC, USCIS will schedule an appointment to appear in person at one of our centers to take biometrics. Background checks are conducted and any hits must be resolved. To caution, USCIS could not collect additional/new data absent form changes which require a notice/comment process.

c). When the 6 month extension expires, based on the above factors, the agency will have just finished processing most of the applications. Some people may not get an approval before the six month extension expires. The effect may therefore be a significant additional burden on the process and adjudicators without sufficient time to effectuate approval and participation of the Haitian government to obtain new documents.

3). Option III: Termination:
If the Secretary chooses to terminate and provide a 6 month wind down, the TPS holder could have their status and work permits automatically extended until the termination. This termination would create little additional work for the agency, allowing more time to share data during the 6 months with the Haitians.

4. TPS Designation Chart: Attached is a user-friendly list of all TPS designations we have made in the last ten years, and how many have been terminated during the same period.

5. Finally, attached is a companion analysis to the Haiti country conditions that analyzes economic factors, humanitarian issues, healthcare, stability, etc., of Guinea, Liberia, and Sierra Leone.

(b)(6) Thanks please let us know if you need further information?

James

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6) (Deputy Director’s Office)

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Sure. I’ll pull something together for [ ] and get back to him.

Acting Chief of Staff
U.S. Citizenship and Immigration Services
20 Massachusetts Avenue, N.W.
Washington, DC 20529

From: Renaud, Tracy L
Sent: Friday, July 14, 2017 5:21 PM
To: Neufeld, Donald W; DeStefano, Ernest
Cc: Nuebel Kovarik, Kathy; Risch, Carl C; McCament, James W;
Subject: RE: Haiti

Thanks [ ] based on our previous exchange do you plan to get something to [ ] based on the info [ ] had provided?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

From: Renaud, Tracy L
Sent: Friday, July 14, 2017 4:01:35 PM
To: Renaud, Tracy L; Neufeld, Donald W; Nuebel Kovarik, Kathy; Risch, Carl C; McCament, James W;
Subject: RE: Haiti

Tracy,

Here is a brief explanation of our procedure to determine the rate of Haitian TPS recipients applying for LPR status:

- For the 58.9K beneficiaries, search for any L-130, L-140, L-360, or L-485 that was filed on or after Jan 21, 2010 (initial TPS Haiti designation date) by matching the A-number on the L-821 TPS application with the beneficiary A-number on the immigrant petition or L-485.
- For each matching A-number, find the earliest receipt date if there is a multiple match.
- To estimate the if there is a upward trend since the May 24, 2017 FRN publication, determine the number of weeks between each of the previous FRN publication dates, then calculate the average number of individuals filing per week in each reregistration period.

The following table and graph demonstrate a recent increase in applications / petitions in the current 6-month registration period, but also an increase in December 2016, preceding the fee increase.

Number of individuals with Approved TPS from Haiti as of May 23, 2017 who were the beneficiary of an immigrant petition (I-130, I-140, or I-360) or filed an I-485

<table>
<thead>
<tr>
<th>FRN Date</th>
<th>Type</th>
<th>Count of Persons</th>
<th>Avg. Persons per Week</th>
<th>Notes:</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/21/2010</td>
<td>Initial Designation - 18 Months</td>
<td>2,321</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>5/19/2011</td>
<td>Extension and Re-designation - 18 Months</td>
<td>2,441</td>
<td>34</td>
<td></td>
</tr>
<tr>
<td>10/1/2012</td>
<td>Extension - 18 Months</td>
<td>2,075</td>
<td>28</td>
<td></td>
</tr>
<tr>
<td>8/25/2015</td>
<td>Extension - 18 Months</td>
<td>5,471</td>
<td>60</td>
<td>Fee Increase in Dec 2016</td>
</tr>
<tr>
<td>5/24/2017</td>
<td>Extension - 6 Months</td>
<td>931</td>
<td>123</td>
<td></td>
</tr>
<tr>
<td><strong>Grant Total</strong></td>
<td></td>
<td><strong>16,096</strong></td>
<td><strong>41</strong></td>
<td></td>
</tr>
</tbody>
</table>

The attached graph shows the data by month (excluding the incomplete month of July) and clearly demonstrates the recent increases starting in March, following an increase in December associated with the fee rule.

Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

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From: Renaud, Tracy L
Sent: Friday, July 14, 2017 10:43 AM
To: Neufeld, Donald W; McCamant, James W
Cc: Nuebel Kovarik, Kathy;
Subject: RE: Haiti

I think this is fine since we will be comparing apples to apples even if there is some imperfection in the information. Thanks very much.
Tracy,

I think the only way to do this is to look at windows on monthly petitions (I-130, I-140, I-360) and I-485 applications so the numbers may be look different than previously provided. Also, as we indicated, we don’t have all the information on I-130 petitions because beneficiary A-number is not consistently collected. The data provided yesterday are hierarchal so the 8,623 LPRs may show up in the I-130 or I-485 counts in what we propose to answer his question. I think this is the best we can do to identify the pace in applications pre- and post-announcement.

We’ll proceed with this plan unless I hear otherwise.

Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services

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Thanks for working this issue for us. This morning, the Secretary refined the question a bit and asked
whether we are seeing more Haitians pursue other avenues of regularizing their status through means other than TPS since the most recent announcement was made that there would be only a 6-month extension with an indication that they should use that time to make plans for their return to Haiti. For those indicated below as seeing other status, can you parse those out between pre- and post-announcement and see if there are any upward trends?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security

(b)(6)

From: [Redacted]
Sent: Wednesday, July 12, 2017 5:30 PM
To: Renaud, Tracy L; Neufeld, Donald W
Cc: Nuebel Kovarik, Kathy; McCament, James W
Subject: RE: Haiti

Tracy,

The most recent number of Haitians approved for TPS is 58,945. Note that this statistic applies to persons who were approved for TPS prior to May 24, 2017, the most recent re-registration date, and did not have a subsequent TPS denial after an approval. The current re-registration period is from May 24, 2017 to July 24, 2017. The figures below will change as more beneficiaries apply for TPS during the latest re-registration window. As of July 12, 2017:

- 24,777 have filed for re-registration
- 34,168 have not filed for re-registration

Additionally, there are 672 beneficiaries who have applied for TPS since May 24, 2017 who fall outside of the 58,945 population listed above.

- 18 are beneficiaries applying for late initial registration
- 654 are beneficiaries applying for re-registration who are not within the 58,945 population.
- 124 of the 654 had their most recent TPS application denied
- The remaining 530 may have A-number mismatch issues or were possibly improperly filed

**Beneficiaries seeking some other status**

The following list provides the status of the 58,945 beneficiaries with approved TPS prior to May 24, 2017. By matching A-numbers when available to the Central Index System and CLAIMS3 receipts for immigrant petitions (I-130, I-140, and I-360) and adjustment of status (I-485) filed after January 21, 2010 (the date of initial TPS Haiti designation), we find:

- 8,623 have an immigrant status (based on the Central Index System)
- 1,107 are U.S. Citizens (based on the Central Index System)
• 5,783 have filed an I-485 since January 21, 2010 but do not have immigrant or U.S. Citizenship status
• 4,024 are the beneficiaries of an immigrant petition (I-130, I-140, or I-360) filed since January 21, 2010, but have not applied for an I-485
• 39,408 were not included in the above categories. They have no record of LPR or U.S. citizenship status, and no record of being the beneficiary of an immigrant petition since January 21, 2010, and no record of an I-485 filed since January 21, 2010. Matching was performed based on A-numbers. Note that some of these 39,408 TPS reRegistrants may have applied filed for immigrant or nonimmigrant status but we cannot determine whether they have or not due to the lack of A-numbers in some petition data (see note below).

Note: All TPS applicants have A-numbers, but not all petition records have A-numbers. Form I-130 does not require an A-number for data entry; therefore, some of the approved TPS beneficiaries may have an I-130 filed on their behalf that was not identified in the figures above. In addition, nonimmigrant petitions do not require an A-number and are excluded from the matching.

Please let me know if you have any questions.

Chief, Office of Performance and Quality
U.S. Citizenship and Immigration Services  

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From: Renaud, Tracy L
Sent: Saturday, July 08, 2017 10:06 AM
To: Neufeld, Donald W; Nuebel Kovarik, Kathy; McCament, James W
Cc: (b)(6)
Subject: FW: Haiti

SCOPS and OPQ-- can you guys pull together whatever data we can gather to address question below?

Tracy L. Renaud
Acting Deputy Director
US Citizenship & Immigration Services
Department of Homeland Security
(b)(6)

(desk)

Referred to Department of Homeland Security
Thanks. He does want to review electronically and has asked D2 to sign off in his absence after he reviews, if that's possible. Adding Mr. McC.

Good Morning All,

Just a heads-up that the RCD team will be sending the Federal Register Notice for TPS Haiti to EXSO in the next 1-2 hours. They are currently working with others to consolidate all the edits and responses from the G-1056 review that occurred yesterday and earlier this morning. Please note that we have been informed that D1 wants to see the FRN today so that he can review and approve for DHS submission as soon as possible, so I wanted to make sure to put this on your radar. I recognize he's on travel, so I'm assuming that he will be reviewing electronically (?).

The email will be sent from the USCIS Regs mailbox, as usual.

Please let me know if you have any questions or concerns. Again, this is just a heads-up notification for you.

Thanks,
The PAG says termination + 18 months, so I guess that’s the decision.

From: Nuebel Kovarik, Kathy  
Sent: Monday, November 20, 2017 6:08 PM  
To: Cisnna, Francis  
Subject: RE: HOLD - Media Call on Haiti TPS

Standing by to hear; but sounds like it could be termination plus 18 months. Heard you have to call [redacted] too. I’m going to shut down for the night soon.

From: Cisnna, Francis  
Sent: Monday, November 20, 2017 6:05 PM  
To: Nuebel Kovarik, Kathy  
Subject: FW: HOLD - Media Call on Haiti TPS

FYI

From: [redacted]  
Sent: Monday, November 20, 2017 5:32 PM  
To: Neufeld, Donald W; Cisnna, Francis  
Cc: McCament, James W  
Subject: RE: HOLD - Media Call on Haiti TPS

We JUST got the cleared PAG back from DHS – please see attached. The call is now scheduled for 6:45.

From: Neufeld, Donald W  
Sent: Monday, November 20, 2017 5:28 PM  
To: Cisnna, Francis; [redacted]  
Cc: McCament, James W  
Subject: RE: HOLD - Media Call on Haiti TPS

Gillian – are there draft materials I can review?

From: [redacted]  
Sent: Monday, November 20, 2017 5:08 PM  
To: Neufeld, Donald W; Cisnna, Francis; [redacted]  
Cc: McCament, James W  
Subject: RE: HOLD - Media Call on Haiti TPS

Sounds good! I'll be in touch as I get updates from OPA on timing.
since I think you are 5 hours earlier that makes sense. I can call in from home and everyone else can get on with their life. 😊

DHS just confirmed. We will not be dialing into a call at 5:45. For now we are on stand-by until they send out a new invite. It’s very possible the background media call could slip until 8 p.m. or so tonight. If that’s the case, Don, I am happy to staff you over the phone.

FYI Folks – AS1 still hasn’t signed the memo. If that doesn’t happen in the next hour, the timing of the call will likely slip. I’ve attached an e-mail chain between DHS and the NSC, etc, on this topic. I don’t want to unnecessarily clog your inboxes but am happy to add folks to the other chain, if desired.

Apparently that’s when we learn as well. (Or at least me.). I’ve not seen or heard anything yet.

Is this the call where DHS OPA tells the media what the Haiti TPS decision is?
Hi all – we can use Wilcox will send invite. + D1/D2/COS in case they want to join.

-----Original Appointment-----
From: Neufeld, Donald W On Behalf Of
Sent: Monday, November 20, 2017 2:55 PM
To: 
Subject: FW: HOLD - Media Call on Haiti TPS
When: Monday, November 20, 2017 5:45 PM-7:00 PM (UTC-05:00) Eastern Time (US & Canada).
Where: 

(b)(6)

Are we huddling anywhere at 20 Mass?

All times listed are in the following time zone:(UTC-05:00) Eastern Time (US & Canada)

From: 
Sent: Monday, November 20, 2017 12:10:01 PM
To: Neufeld, Donald W
Cc: 
Subject: HOLD - Media Call on Haiti TPS
When: Monday, November 20, 2017 5:45 PM-7:00 PM.
Where: 

(b)(6)

Please dial-in as the leader at 5:45PM for a call pre-brief. When the operator answers, ask to be put in the pre-conference.

Dial-in 
Leader passcode: 
Participant passcode: 

(b)(6)
Thanks Kathryn, I do have this printed out for today’s meeting.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office

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Thanks for sharing this. We just received it from our State PRM colleagues, as well. James, they asked that we make sure you had it prior to your call with WHA on Haiti TPS this morning.

Adding as well.
Senior Advisor  
Office of Policy & Strategy  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  

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From: [Redacted]  
Sent: Friday, May 05, 2017 8:56 AM  
To: [Redacted]  
Cc: [Redacted]  

Subject: RE: Meeting Request for Haitian Foreign Minister Antonio Rodrigue with Secretary Kelly and TPS Extension Request

Thanks so much for passing this along. I’m adding colleagues in our FO and in the Office of Policy and Strategy for their awareness and thoughts.

Referred to Department of Homeland Security

Referred to U.S. Department of State
Thanks. Sure, Kathys team should be able to provide both (with emphasis on the user friendly element).

James W. McCament  
Acting Director  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Washington, DC 20529-2150

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We’re on it. Will pull and send shortly.

I need three attachments for Haiti TPS memo. I have two of the three attached, which will print. Can you respond with the RAIO country conditions report please? Need by 4:15. Thanks.

Attachments:
Attachment A: Temporary Protected Status Legal Authority
Attachment B: USCIS RAIO Research Unit Report on Conditions in Haiti
Attachment C: DOS Recommendations

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct: (b)(6)
Cell: (b)(6)
From: Nuebel Kovarik, Kathy
Sent: Thursday, May 18, 2017 2:45 PM
To: McCament, James W; Renaud, Tracy L
Subject: RE: new TPS notice

I sent it last night and then replaced again this morning with the stronger version. was calling OCC to ask a few questions. is on this email.

They have it. I believe Kathy sent it up last night.
Referral to Department of Homeland Security

From: Nuebel Kovari, Kathy
Sent: Thursday, May 18, 2017 2:21 PM
To: McCament, James W
Renaud, Tracy L
Subject: RE: new TPS notice

Question: Are we now taking these FRNs to OMB for clearance or just FYI? I'm afraid we won't get sign off in time if we have to wait for them.
Thank you, Kathy. From reading the edited version I think this reads well.

James W. McCament
Acting Director
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

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Please see the updated FRN for Haiti TPS. This was changed this morning to incorporate new language encouraging Haitians to get their affairs in order. For ease of those who saw the last draft, I have highlighted the newest language. Please take a look as soon as you can. Many thanks.
From: Nuebel Kovarik, Kathy
To: McCament, James W; Renaud, Tracy L
Subject: RE: new TPS notice
Date: Thursday, May 18, 2017 1:45:26 PM
Attachments: image001.png

I sent it last night and then replaced again this morning with the stronger version. [redacted] was calling OCC to ask a few questions [redacted] is on this email.

From: [redacted]
Sent: Thursday, May 18, 2017 2:42 PM
To: Nuebel Kovarik, Kathy; McCament, James W; Renaud, Tracy L
Subject: RE: new TPS notice

They have it. I believe Kathy sent it up last night.

Chief Counsel | Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Tel. [redacted] Cell [redacted]

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Referred to Department of Homeland Security
Question: are we now taking these FRNs to OMB for clearance or just FYI? I’m afraid we won’t get sign off in time if we have to wait for them.

Thank you, Kathy. From reading the edited version I think this reads well.
James W. McCament  
Acting Director  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Washington, DC 20529-2150

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From: Nuebel Kovarik, Kathy  
Sent: Thursday, May 18, 2017 10:18:33 AM  
To: McCament, James W; Renaud, Tracy L  
Subject: new TPS notice

Please see the updated FRN for Haiti TPS. This was changed this morning to incorporate new language encouraging Haitians to get their affairs in order. For ease of those who saw the last draft, I have highlighted the newest language. Please take a look as soon as you can. Many thanks.
Hi

The documents (press release and TPs) that I sent were all final, per DHS OPA. The attached (watermark removed) was the release that went out via OPA distro (the one you attached earlier).

Thanks!

---

From: McCament, James W
Sent: Monday, May 22, 2017 2:57 PM
To: McCament, James W
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: RE: Putting everything on one chain - Haiti TPS

Thanks! The DHS materials still have the draft watermarks. I believe the DHS release was tweaked a little before the final was issued (attached). I just want to make sure we have the final documents given the considerable back and forth this morning. Can you confirm these are the final talking points/QA?

Thanks!

---

From: McCament, James W
Sent: Monday, May 22, 2017 2:47 PM
To: McCament, James W; McCament, James W
Cc: Renaud, Tracy L; Neufeld, Donald W
Subject: Putting everything on one chain - Haiti TPS

All: For your convenience, I have attached the final DHS Haiti TPS press release, talking points and press call readout. Please let me know if you have any questions. CSPE has the TPs for their stakeholder engagement use.

---
Great. I'll let James know and get it back up to HQ.

I failed to mention the Rep. Barr issue on the phone. There are a handful of emails on that. Barr looking for a call this weekend. But it requires you digesting background info in the emails first. Please just let [redacted] and I know how you want to proceed on that.

Thanks.

Chief of Staff
U.S. Citizenship and Immigration Services
Department of Homeland Security

---

From: Cissna, Francis
Sent: Friday, December 01, 2017 4:50 PM
To: [redacted]
Subject: RE: Ready For D1 Review: [Directors Office Clearance Request] TPS Haiti FRN

Looks ok to me.

---

From: [redacted]
Sent: Friday, December 01, 2017 4:16:57 PM
To: Cissna, Francis
Subject: FW: Ready For D1 Review: [Directors Office Clearance Request] TPS Haiti FRN

---

From: McCament, James W
Sent: Friday, December 01, 2017 2:27 PM
To: [redacted]
Cc: Cissna, Francis
Subject: Ready For D1 Review: [Directors Office Clearance Request] TPS Haiti FRN
Importance: High

I've reviewed and concurred with the minor edits and added one of my own. Director, this is ready for your electronic review. OP&S is requesting your electronic approval by 4 pm or earlier
today in order to submit today to DHS for S1’s signature.

James W. McCament  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(Deputy Director’s Office)

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From:  
Sent: Friday, December 01, 2017 1:15 PM  
To:  
Cc: Cissna, Francis; McCament, James W;  
Subject: FW: [Directors Office Clearance Request] TPS Haiti FRN  
Importance: High

Just a few minor revisions from and me. On to you for review.

From:  
Sent: Friday, December 01, 2017 12:05 PM  
To:  
Cc:  
Subject: FW: [Directors Office Clearance Request] TPS Haiti FRN  
Importance: High

I will take a look and review the folder then give it to when I am finished.

Senior Advisor | Office of the Director  

From: USCIS Exec Sec  
Sent: Friday, December 01, 2017 11:55 AM  
To: DDCLEAR  
Cc: Cissna, Francis;  
Subject: [Directors Office Clearance Request] TPS Haiti FRN  
Importance: High  

Good afternoon,
Please see the below and the attached for Director’s Office review and clearance. A folder will be delivered to the Directors Office shortly.

OP&S has submitted the Federal Register Notice (FRN), **Termination of the Designation of Haiti** for your consideration.

MGT (OIDP, OCFO, and OPQ), OP&S, RAIO, SCOPS, IRIS, and OCC cleared today 12/1/17.

OP&S has requested an expedited review to be completed by **4pm today, Friday, December 01, 2017**

Thank you.

Respectfully, (b)(6)

Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
Department of Homeland Security

(b)(6)

From

Sent: Friday, December 01, 2017 11:07 AM
To: USCIS Exec Sec
Cc: (b)(6)

Subject: For Expedited FO Approval due 4pm TODAY Friday 12/1/17 or Soonest: TPS Haiti FRN

Good morning EXSO,

For expedited FO approval, please find attached:

- The Federal Register Notice (FRN), **Extension of the Designation of Haiti**
- AS1 Signed Decision Memo

**Summary**

On Monday, Nov. 20, Acting Secretary Duke announced her decision with respect to TPS designation for Haiti, which is set to terminate 1/22/18. The attached Federal Register Notice reflects the decision as well as provides details for renewing employment authorization documents for the country.

**Clearance:**

- MGT (OIDP, OCFO, and OPQ), OP&S, RAIO, SCOPS, IRIS, and OCC cleared by 12/1/17;
- Requires D1’s approval by 4pm 12/1/17 or soonest to submit the FRNs to DHS for S1’s signature.

We apologize for the short turnaround time but the FRNs need to publish in the Federal Register
ASAP.

Please let me know if you have any questions.

Thank you,

Project Manager, Regulatory Management Branch
Regulatory Coordination Division
Office of Policy & Strategy
U.S. Citizenship & Immigration Services Headquarters
Department of Homeland Security
Desk:
Work:
Fax: (111) 234-5678

(b)(6)
Great news, thanks Todd!

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

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FYI

Good News!

I confirmed with OLA that the Members that wrote received email notification that TPS was extended.

I confirmed with the Executive Secretary --- that we can close out all our TPS actions by attaching a copy of the email notification to the IQ workflow. No written response is necessary.

ESEC will return the 2 letters they have (Markley and Schumer/Gillabrand) to EXSO to attach the email notification then they will close it out.

By the time ESEC runs a Stoplight report --- we will be down by 10. Woo Hoo!!!
I'll contact ESEC regarding the ones they have --- I would think they will reassign it back to USCIS, but I'll validate.

OLA got back to me and they sent a mass notification to Members at 12:45 today.

I am checking to ensure the Members OLA sent the message too are the same Members that we received letters from.

I can then advise ESEC that we closed out the actions with the email notification.

I just had this same conversation with James, great minds think alike! Thanks for staying ahead of me! Do we know what DHS wants to do with the letters already drafted and up there for clearance? Wasn’t sure if they will be revised since the decision is now made.

Since S1 extended TPS for Haiti --- I am checking with USCIS OLA if they plan to send out a mass email to all the Members that have contacted them or wrote S1 with concerns.

If they are, we can use that email to close out over 10 letters. (Note we received 2 new ones – and
ESEC has not assigned all to USCIS yet, but we know they exist.)

I'll keep you posted.
FYI — unless there is some additional language you want used, James will be using various talking points from both of these documents and the point that S1 has not made a final decision, if/when a member calls to speak to him about Haiti TPS.

Best,

Associate Chief
Legislative Branch
Office of Legislative Affairs
U.S. Citizenship and Immigration Services
Dept. of Homeland Security

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Looping in [redacted] who cleared these last month in response to inquiries from stakeholders but as far as I know, the DO did clear on these then. Not sure if anything should be updated in response to this story. Perhaps something similar to what [redacted] just mentioned in the other email chain?

As noted in the story, Secretary Kelly hasn’t yet made a decision, and we don’t discuss pre-decision documents. Documents that have not been released publically may be available through the FOIA process."

This email was sent while teleworking.

are these the talking points that James should use if Rep. Wilson calls him?

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We can expect more direct involvement by affected Members when they return to the Capitol next week... staff calls, e-mails, letters and Member calls to try to affect the review process.

Hi James, just got a call from [Redacted] from Rep. Frederica Wilson’s (D-FL-24) office and she may be giving you a call about this article and specifically, she would like to get a copy of your “letter”, cited in the article below, that states that “conditions in Haiti have improved enough to end “temporary protected status” for Haitians.” They will call me back if the congresswoman wants to set it up the call.

Associate Chief
Legislative Branch
Office of Legislative Affairs
U.S. Citizenship and Immigration Services
Dept. of Homeland Security

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And I will need your guidance on Monday about the limits of what we can say about this article on Haiti TPS...inquiring congressional staff are likely to ask about the validity of the story, internal process re: Haiti extension, etc.

THANKS.

Trump immigration agency wants to kick 50,000 Haitians out of the USA

Alan Gomez, USA TODAY Published 5:57 p.m. ET April 20, 2017 | Updated 31 minutes ago
President Trump's immigration agency wants to end protective status for 50,000 Haitians living in the U.S. Venor's Nick Caridona (@nickcaridona93) has that story. Buzz60

A mother and her children stand on the site of their destroyed home amid destruction from Hurrican Matthew in the area of Chahut, commune of Roche-a-Bateau, in southwestern Haiti, on October 18, 2016. (Photo: Hector Retamal, AFP/Getty Images)

16015 CONNECT TWEET 20 LINKEDIN 128 COMMENT EMAIL MORE

President Trump's immigration agency is recommending that the U.S. end temporary protections by next January for 50,000 Haitians allowed to remain in the United States following a series of natural disasters that have crippled the poverty-stricken Caribbean nation.

James McCament, acting director of U.S. Citizenship and Immigration Services, concluded in a letter last week that conditions in Haiti have improved enough to end "temporary protected status" for Haitians, according to a copy of the letter obtained by USA TODAY.

The Obama administration first offered temporary protection to Haitians following the devastating 2010 earthquake. The protection has been extended several times, the latest set to expire July 22. McCament proposed an extension to January to allow for a "period of orderly transition" but said the program should not be extended beyond then.

A final decision on the Haitians' fate rests with Department of Homeland Security Secretary John Kelly. Spokesman David Lapan said Thursday that Kelly has not yet made that decision.

The recommendation upset Republican and Democratic members of Congress who have pleaded with Kelly to extend the protections. Last month, 10 lawmakers from Florida, where many Haitians reside, wrote to Kerry outlining recent disasters that have slammed Haiti.

That started with the 2010 earthquake that displaced hundreds of thousands and destroyed government buildings throughout the country. Haiti was struck by Hurricane Matthew six months ago, killing 1,000 people and crippling ongoing reconstruction work. All the while, Haiti has dealt with the worst cholera outbreak in its history, which has killed 9,000 people and continues to plague the country.

"Haiti is still struggling to recover from two major natural disasters that killed more than 200,000 people. Haiti is one of the poorest countries in the world and right now it's unable to support the roughly 50,000 Haitians that are currently receiving protected status here in the U.S.,” Sen. Bill Nelson, D-Fla., said Thursday. "The U.S. should be focused on helping Haiti recover, not sending people back to a country that can't support them."

Temporary Protected Status is offered to foreign nationals, including legal residents and undocumented immigrants, who cannot return to their home country because of armed conflict, a natural disaster or "other extraordinary and temporary conditions."

The U.S. is currently giving protection to those from 13 countries: El Salvador, Guinea, Haiti, Honduras, Liberia, Nepal, Nicaragua, Sierra Leone, Somalia, Sudan, South Sudan, Syria and Yemen.

The recommendation is a sharp departure from the immigration agency's report in December, when President Barack Obama was still in office.

"Many of the conditions prompting the original January 2010 ... designation persist, including a housing shortage, a cholera epidemic and limited access to medical care, damage to the economy ... political instability, security risks, food insecurity, and environmental risks (as exemplified by the impact of Hurricane Matthew in October 2016)," the report said.

That prompted then-Secretary of State John Kerry to ask the Department of Homeland Security to extend protections for Haitians because "certain extraordinary and temporary conditions related to the 2010 earthquake continue to exist."

In the new report, agency acting director McCament said he tried to solicit a recommendation from Secretary of State Rex Tillerson but received no response.

McCament said Haiti has not completely recovered from the earthquake, but enough progress has been made. He said the Obama administration started sending some Haitians home in 2016.

The conclusion came as a shock to Esther Olavarria, a senior counselor at Homeland Security under Obama who helped institute the first protected status for Haiti in 2010. She said if Kelly follows through on the recommendation, "it would be a travesty."

"What they're trying to argue is the temporary aspect of this has ended and we've returned to 'Haiti as it was, always poor,'"
she said. "But that's just not the case."
From: 
Sent: Monday, May 22, 2017 9:20 AM
To: 
Cc: McCament, James W

Subject: RE: TIMELY REQUEST: Informational material re: Haiti decision

I have not received any materials yet.

Congressional Liaison Specialist
Office of Legislative Affairs
US Citizenship and Immigration Services

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Referred to Department of Homeland Security

From: [Redacted]
Sent: Monday, May 22, 2017 8:51 AM
To: [Redacted]
Cc: McCament, James W <James.W.McCament@uscis.dhs.gov>

Subject: TIMELY REQUEST: Informational material re: Haiti decision

I just talked to [Redacted] as he was driving to the NAC for a 9:30 briefing this morning. He asked that I contact you to ask for any specific informational material (S1 statement, OPE media announcement?) that DHS is using to share information about the specifics of the Haiti TPS decision.

Regards.

Congressional Liaison Specialist
Office of Legislative Affairs
US Citizenship and Immigration Services

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I will get “official word” from our TPS Experts who are involved with the consultation with other agencies and share it with all of you.

Congressional Liaison Specialist
Office of Legislative Affairs
US Citizenship and Immigration Services

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SFRC minority staff (Cardin) asked whether DHS has been in consultation with DOS or sent a request for DOS comment/assessment with respect to TPS extension for El Salvador and Honduras. Note that Cardin along with 19 other Senators recently sent a letter to AS1 and Secretary Tillerson on Oct 19 in support of TPS extension for El Salvador and Honduras. Thanks.
Correct. And, perhaps, links to the stories back in May from various publications. There are no new memos nor an AD1 for that matter...

James W. McCament
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

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From: Nuebel Kovarik, Kathy
Sent: Tuesday, October 24, 2017 1:54 PM
To: McCament, James W; Nuebel Kovarik, Kathy
Cc: 
Subject: RE: TIMELY review: Copy of AD1 Memo on Haiti published in a Miami Herald story

Since that was leaked, the Secretary extended the designation for 6 months. Send the committee a copy of the FRN.

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct: 
Cell: 

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From: 
Sent: Tuesday, October 24, 2017 1:32 PM
To: McCament, James W; Nuebel Kovarik, Kathy
Cc: 
Subject: RE: TIMELY review: Copy of AD1 Memo on Haiti published in a Miami Herald story

It is the original Haiti Memo you signed back in April...leaked in May....who should handle the response back to the Foreign Relations Committee that [ ] has received ??

Congressional Liaison Specialist
Office of Legislative Affairs
US Citizenship and Immigration Services

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From: McCament, James W
Sent: Tuesday, October 24, 2017 1:30 PM
To: Nuebel Kovarik, Kathy
Cc: 
Subject: RE: TIMELY review: Copy of AD1 Memo on Haiti published in a Miami Herald story

If its an AD1 Memo on Haiti, isn’t this the one leaked back in May? AD1 didn’t write a Haiti II
James W. McCament  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(Deputy Director’s Office)  

(b)(6)

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From:  
Sent: Tuesday, October 24, 2017 1:27 PM  
To: McCament, James W; [Redacted]; Nuebel Kovarik, Kathy; [Redacted]  
Cc:  
Subject: TIMELY review: Copy of AD1 Memo on Haiti published in a Miami Herald story

Colleagues:  
(b)(6)

Your timely review and comments please about [Redacted] message below— he has received a call from the Senate Foreign Relations Committee about the AD1 MEMO on Haiti.

Congressional Liaison Specialist  
Office of Legislative Affairs  
US Citizenship and Immigration Services  

Visit "The Resources Guide for Congress" on the USCIS Website: http://www.uscis.gov/congressionalresources

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From:  
Sent: Tuesday, October 24, 2017 1:22 PM  
To:  
Subject: FW: Memo
Greetings. Any developments on TPS Haiti? I received a call from SFRC for a return call. It appears USCIS’s recommendation on TPS memo was leaked to the press. See below.

From: Yoder, Brandon (Foreign Relations) [mailto:Brandon_Yoder@foreign.senate.gov]
Sent: Tuesday, October 24, 2017 12:56 PM
To: [REDACTED]
Subject: Memo

Hi,

I think I caught all of the extras ‘o’ in subject line and spacing issues.

Thank you,


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Great, thanks I really appreciate the catches. Im en route to the NAC now and will need to reschedule our policy meeting to tomorrow I think. Will likely be there all day but will plan to catch Adding

James W. McCament
Acting Director
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

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Hi James,

I took out an extra 'o' in the subject line and fixed a few spacing issues - please see attached.

Chief Counsel | Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Tel. [Redacted] | Cell [Redacted] (b)(6)

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From: McCament, James W
Sent: Sunday, May 14, 2017 7:45:58 PM
To: Nuebel Kovarik, Kathy; [Redacted]
Subject: RE: TPS addendum

Thanks Kathy, and thanks to all 3 of you for the Sunday afternoon review/analysis. Please thank [Redacted] and the team for pulling together the supporting information. Kathy, your summary and itemized list fits with my recollection of all of the points which [Redacted] wanted covered.

I've made just a few edits to the memo-mainly to conform it as an addendum to the original memo. Process-wise, I thought this would fit better given the memo from the Haitian Government as well as the data questions received. As well as that the original recommendation has not changed. However, if the desire is to integrate and update I think that can be done quickly.

Please take a quick look and we can discuss tomorrow (we'll have to do so by phone as I’ll be at the NAC in the AM and staying for the TPS meeting in the afternoon). If you have any edits please advise and I’ll then plan to send to [Redacted] as a draft with the materials. I’d anticipate that the Foreign Minister may provide additional information in tomorrow afternoon’s meeting. If so, we can reference the meeting, and any additional information, in the memo before finalizing and sending forward. As well if Secretary Tillerson should provide an updated recommendation.

Thanks again,
James

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

DHS ICON

(b)(6)

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From: Nuebel Kovarik, Kathy
Sent: Sunday, May 14, 2017 4:54 PM
To: McCament, James W
Subject: RE: TPS addendum

James – take a look at your convenience and we can discuss in our meeting tomorrow morning.
Thanks!

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

From: Nuebel Kovarik, Kathy
Sent: Sunday, May 14, 2017 3:38 PM
To: McCament, James W
Subject: RE: TPS addendum

It's probably too late anyway, but I have no further edits. I think the inclusion of the information about how USAID and IOM have been helping Haiti with absorbing those removed by ICE will be of interest to S1.

From: Nuebel Kovarik, Kathy
Sent: Monday, May 15, 2017 1:56:22 AM
To: McCament, James W
Subject: RE: TPS addendum

Please see my attached redline. I only had two small suggested changes.
Hi. For TPS, we need to get our supplemental information to [redacted] as soon as possible. He originally asked for a revised decision memo, but James asked for an addendum to send up. I have made slight changes to the memo addendum that [redacted] have drafted, but think this is a decent document overall. Do you think it’s missing anything?

My notes suggest that this is what we were tasked to provide.

Additional documents attached, for [redacted] per his request.

5. Can we get a user-friendly list of all TPS designations we have made in the last ten years, and how many have been terminated during the same period?

6. Can we get a companion analysis to the Haiti country conditions that analyzes economic factors, humanitarian issues, healthcare, stability, etc., of Guinea, Liberia, and Sierra Leone? I'm
pretty sure that those TPS designations were made under the same subsection of 244.

Kathy Nuebel Kovarik  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Direct:  
Cell:  

(b)(6)
Chief Counsel | Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Tel. Cell

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From: McCament, James W
To: Nuebel Kovarik, Kathy;
Cc: Prater, Jocelyn S
Subject: RE: TPS addendum

Great, thanks I really appreciate the catches. Im en route to the NAC now and will need to reschedule our policy meeting to tomorrow I think. Will likely be there all day but will plan to catch

James W. McCament
Acting Director
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

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I’ve attached the latest version of the FRN, which has already gone to OMB. Can you advise on the necessary timing to get OMB a revised version to avoid delaying publication and announcement of the Secretary’s decision (targeted for Monday)?

Thanks,

Deputy Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
Desk Phone:
Mobile:
E-mail:

From: McCament, James W
Sent: Friday, May 19, 2017 3:33 PM
To:
Cc: Nuebel Kovarik, Kathy
Subject: FW: TPS Auto-extensions

FYI as well. See you shortly.

James W. McCament
Acting Director
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150
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From: McCament, James W  
Sent: Friday, May 19, 2017 3:19:11 PM  
To: Neufeld, Donald W; Nuebel Kovarik, Kathy; Renaud, Tracy L  
Subject: RE: TPS Auto-extensions

Yes, thanks Don and thanks for the follow up call. Adding [redacted]

James W. McCament  
Acting Director  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Washington, DC 20529-2150

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From: [redacted]  
Sent: Friday, May 19, 2017 3:00:18 PM  
To: Neufeld, Donald W; McCament, James W; Nuebel Kovarik, Kathy  
Subject: RE: TPS Auto-extensions

Very good to know.

Chief, Office of Legislative Affairs  
U.S. Citizenship and Immigration Services  
Office  
Mobile

From: Neufeld, Donald W  
Sent: Friday, May 19, 2017 7:58:02 PM  
To: McCament, James W; Nuebel Kovarik, Kathy; [redacted]  
Subject: TPS Auto-extensions
Heads up, folks here have reminded me that after the AC-21 rule went final in January, TPS renewals get their EADs automatically extended 180 days if they file within the 60-day window. Their receipt notices will reflect this.

Donald Neufeld
Associate Director
Service Center Operations
U.S. Citizenship and Immigration Services
20 Massachusetts Ave NE, Suite 2125
Washington, DC 20002
Adding [ ] for the auto extension aspect. Will forward the attachments separately.

Referred to Department of Homeland Security
Francis has the clean version printed at the NAC, is reading now and is ready to sign. After he signs, he is going to scan back to me, but is likely to personally hand AS1 the memo at the 4:30 meeting he has with her. ANY problems with that?

Kathy Nuebel Kovarik  
Chief, Office of Policy and Strategy  
U.S. Citizenship and Immigration Services  
Direct:  
Cell:  

-----Original Message-----  
From: McCament, James W  
Sent: Friday, November 03, 2017 3:11 PM  
To: Nuebel Kovarik,  
Cc:  
Subject: RE: TPS decision memo on Haiti  

I agree that given the timeline its okay but that we need to send an FYI. He will not be back downtown today (as I understand).

James W. McCament  
Deputy Director  
U.S. Citizenship and Immigration Services Department of Homeland Security  

-----Original Message-----  
From: Nuebel Kovarik, Kathy  
Sent: Friday, November 03, 2017 3:06:56 PM  
To: McCament, James W;  
Cc:  
Subject: RE: TPS decision memo on Haiti  

I think we should send a clean version as an FYI to RAIQ, SCOPS, FOD and MNGMT. Then give to Exec Sec once he signs it. But, no formal clearance process. What do you think of that plan? Or is there something I'm missing?

-----Original Message-----  
From: McCament, James W  
Sent: Friday, November 03, 2017 3:05 PM  
To: Nuebel Kovarik, Kathy;  
Cc:  
Subject: RE: TPS decision memo on Haiti  

Thanks Kathy, I had no edits to the earlier version but have reviewed and concur. Francis is at the NAC now and has the earlier version. I will send to him now, for his final review. If comfortable, we have it printed and he can sign there. If so, will this need to go through Exec Sec or he provides directly?
Great, thank you. James – will you be done soon?

Attached please find my edits. Please let me know if you have any questions.

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I don’t have any comments on the Haiti memo. Per Kathy’s read out of today’s PC, this needs to go to AS1’s office today.

Thank you.
We have finalized the decision memo for D1 to send AS1 on Haiti’s TPS designation. We have included background on the original determination and have added State’s recommendation. Please take a look as soon as you possibly can. [Redacted] can help me make any necessary edits. I would like Francis to review and send up before the leadership conference next week.

I don’t anticipate sending this formally through the clearance process, but rather, after you provide your input and we amend, we’ll share with appropriate directorates for FYI before getting D1’s signature.

Thank you for reviewing.

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct: [Redacted]
Cell: [Redacted]
I don’t have any comments on the Haiti memo. Per Kathy’s read out of today’s PC, this needs to go to AS1’s office today.

Thank you.

Chief of Staff (Acting)
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: Nuebel Kovarik, Kathy
Sent: Wednesday, November 01, 2017 11:37 PM
To: Symons, Craig M; McCament, James W; Ries, Lora L
Cc: Law, Robert T
Subject: TPS decision memo on Haiti

We have finalized the decision memo for D1 to send AS1 on Haiti’s TPS designation. We have included background on the original determination and have added State’s recommendation. Please take a look as soon as you possibly can. [Redacted] can help me make any necessary edits. I would like Francis to review and send up before the leadership conference next week.

I don’t anticipate sending this formally through the clearance process, but rather, after you provide your input and we amend, we’ll share with appropriate directorates for FYI before getting D1’s signature.

Thank you for reviewing.

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
What time do you need it by? Or ideally, what time do you want it by this morning? It's basically done, but OGC needs a chance to sign off on the final language this morning.

Reflected to Department of Homeland Security

From: McCament, James W
To: Nuebel Kovarik, Kathy
Cc: Nuebel Kovarik, Kathy
Subject: RE: TPS Haiti
OK, thanks for continuing to work this through today.

James W. McCament  
Acting Director  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Washington, DC 20529-2150

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From:  
Sent: Sunday, May 21, 2017 9:19:41 PM  
To: McCament, James W; Nuebel Kovarik, Kathy  
Cc:  
Subject: RE: TPS Haiti

I think we’re close [ ] raised a great question that I just responded to. Once that last piece is settled, I think we’ll be good to go.

Chief Counsel | Office of the Chief Counsel  
U.S. Citizenship and Immigration Services  
U.S. Department of Homeland Security  
Tel. [ ] Cell [ ]

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Referred to Department of Homeland Security
Referred to Department of Homeland Security

From: McCament, James W
Sent: Sunday, May 21, 2017 9:15:25 AM
To: Nuebel Kovarik, Kathy
Cc: RE: TPS Haiti

Hope that helps clarify?

Also, and all, when I spoke with DOS leadership on Friday afternoon, initially there was a strong push to advise the Haitian President immediately on Friday. (Embassy PAP was on the line as well). However, they backed down when I advised that the Notice had not yet left DHS with the Secretary's signature and any announcement would be premature. Main DOS WHA backed me up and agreed no communication would go forward without
coordination. And would not go until Monday. However, I also noted that we would advise them Monday AM before a public announcement went forward and they agreed to hold until that notification. To keep to that, I'd suggest that once the press release is ready to go forward that I contact State by call, including advising. And ask they advise the specific time when the Haitian President will be notified. And that the press release goes 15 minutes (or less-defer to you all) following that notification. It will go well for both our DOS colleagues but also regarding the partnership with the Haitian government.

Just wanted to flag. Kathy also shared the talking points of this morning which look fine to me as well.

Thanks all,

James

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Referred to Department of Homeland Security
Thanks!

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: McCament, James W
Sent: Saturday, May 20, 2017 9:05 AM
To: 
Subject: RE: TPS Haiti

Thanks for the coordination.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office

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Referred to Department of Homeland Security

From: 
Sent: Friday, May 19, 2017 9:28:28 PM
To: McCament, James W; 
Cc: 
Subject: RE: TPS Haiti

Thanks The OCC team is on it. We’ll hopefully have the proposed revisions soon, but it may not be finalized until tomorrow.
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Referred to Department of Homeland Security
It's either CSC or NSC right?? We will do it in ELIS.

---

From: Neufeld, Donald W
Sent: Friday, February 24, 2017 8:28:36 PM
To: McCament, James W;
Cc: 
Subject: RE: TPS Haiti ELIS confirmation

---

Hello Don,

Adding both [redacted] and Jim for Capacity Planning and [redacted] as well.

---

SCOPS and the centers will arrange for discussions next week. On a positive note, the TPS team indicates that we can change the filing addresses at a later point during the FRN clearance process so we have flexibility and don’t need to square away the ultimate filing address by this Monday.

Please let me know if you have any additional questions.

Thanks,
From: Neufeld, Donald W
Sent: Friday, February 24, 2017 11:59 AM
To: McCament, James W
Cc: Neufeld, Donald W; McCament, James W
Subject: RE: TPS Haiti ELIS confirmation

Unless this was re-thought at the quarterly meeting I understood this was going to the NSC. I've been out this week so may not have the latest info.

From: Neufeld, Donald W
Sent: Friday, February 24, 2017 11:47:54 AM
To: McCament, James W
Cc: Neufeld, Donald W; McCament, James W
Subject: RE: TPS Haiti ELIS confirmation

Thank you for confirming that we're all set to move forward with the use of ELIS (side email chain) and that the language is cleared.

James and Don, can you please verify that leadership had decided that the ELIS TPS Haiti workload will be sent exclusively to the CSC. The WATS branch also wanted to know if this has been communicated to center leadership; if not we can reach out to the ACDs to let them know this workload is coming and also copy their center leadership for visibility.

Thank you,
We are confirming with OIT/TDD.

Good morning.

The TPS team is looking for confirmation that ELIS will be used for TPS Haiti since the draft Federal Register Notice will go into the clearance process this Monday, 2/27. The official projection is for 46,000 re-registrants.

Below you’ll also find language for ELIS e-filing that was previously published in the Nicaragua FRN. The TPS team plans to modify the language for TPS Haiti use, but wanted to confirm that your division doesn’t have any edits or suggested modifications.

If you can please confirm today that we’re clear to use ELIS and that your division has cleared the general language we’d appreciate it.

Thanks for your help.

E-filing

In May 2016, USCIS will begin processing applications for Nicaragua TPS in its electronic immigration system. After you file by paper at the designated USCIS mailing address noted above, USCIS will scan your application(s) and supporting documents for adjudication electronically. You will receive a USCIS Account Acceptance Notice in the mail with instructions on how to create a USCIS online account. USCIS will continue processing your application for TPS Nicaragua even if you choose not to access your online account right away. USCIS also will continue to send you copies of notifications about your case by mail through the U.S. Postal Service.
Having a USCIS online account allows you to:

Check the status of your case;
Receive notifications and case updates;
Respond to requests for evidence; and
Manage your contact information online, including updating your address.

(b)(6)

Service Center Operations
Employment Professional Immigrant Classification Team (EPIC)
Branch Chief

Cell:
From: [Name]
Sent: Monday, May 22, 2017 6:29:39 AM
To: McCament, James W.; Nuebel Kovarik, Kathy
Cc: [Name]
Subject: RE: TPS Haiti

What time do you need it by? Or ideally, what time do you want it by this morning? It's basically done, but OGC needs a chance to sign off on the final language this morning.

Chief Counsel | Office of the Chief Counsel
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
Tel. [Phone Number] Cell [Phone Number]

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From: McCament, James W
To: Nuebel Koverik, Kathy
Cc: RE: TPS Haiti
Date: Monday, May 22, 2017 6:14:09 AM
Attachments:  

Thanks Good point-once OGC signs off, defer to Joe on that timing, I think the timing may still be a bit tight to mention on the background call. If, as mentioned separately, the call can happen in the afternoon that also would allow for the notifications (Congressional and Government of Haiti) to happen immediately prior to the call. (Given it is set at 11:00 and understanding there is not much time for those points in finalizing OGC review and providing to S1).

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(Deputy Director’s Office)

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Referred to Department of Homeland Security

From:  
Sent: Monday, May 22, 2017 6:29:39 AM  
To: McCament, James W; Nuebel Koverik, Kathy  

Thank you for completing that per protocol. Thanks all.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

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All, given that the DHS Press Call is at noon today has the connection been made back to State so the Government of Haiti can be notified? If not, suggest that would now happen correct?

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Deputy Director’s Office

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From: McCament, James W  
Sent: Monday, May 22, 2017 9:47 AM  
To:  
Cc: Nuebel Kovarik, Kathy;  
Subject: RE: TPS Materials

Thank you All, I’d suggest that David give State the green light to reach out to Haiti if the Congressional calls are about to begin? Gene and Ben, any concerns with doing so?

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Deputy Director’s Office

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Referred to Department of Homeland Security

From: McCament, James W
To: 
CC: Nuebel Kovarik, Kathy; 
Subject: RE: TPS Materials

Hi all, adding [redacted] to the email chain to be able to advise all once the FRN which OGC has provided is signed by S1.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office

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From: McCament, James W
Sent: Monday, May 22, 2017 9:35 AM
To: 
CC: Nuebel Kovarik, Kathy; 

Subject: RE: TPS Materials

Hi all,

Just want to circle back to confirm the current state of play for communications with the notice now ready for signature by S1?

From the quick recap and schedule, we have the DHS press backgrounder; Congressional Notification (by USCIS as I understand?) to occur ideally 60 minutes prior to the backgrounder; and, finally, notification to the President of Haiti by DOS once DHS/USCIS advises State Department to do so.

Just wanted to reconfirm the final steps, specific timing and see what further is needed from USCIS? Including if you need anything further regarding final communication materials which will be utilized?

Thanks again all, very glad we are very close to the finish line.

James

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
(Deputy Director's Office)

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From: McCament, James W
Sent: Monday, May 22, 2017 9:09 AM
To: [Redacted]
Cc: Nuebel.Kovarik, Kathy;

Subject: RE: TPS Materials

All, also adding [Redacted] to the email chain. Thanks!

James W. McCament (b)(6)
Director (Acting) | Deputy Director
From: McCament, James W  
Sent: Monday, May 22, 2017 8:37 AM  
To:  
Cc: Nuebel Kovalik, Kathy:  
Subject: RE: TPS Materials  

Thanks once the timing is finalized, I’ll ask that DOS notify concurrent with your Congressional notification timing.

James W. McCament  
Director (Acting) | Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Deputy Director's Office)  

Referral to Department of Homeland Security
From: McCament, James W
Sent: Monday, May 22, 2017 7:31 AM
To: Kovarik, Kathy; Nuebel
Subject: RE: TPS Materials

(b)(6)

Thanks I think that's a good point regarding the materials. If then, the media call remains at 11, what time will Congressional notifications go forward? Ideally, suggest or I notify DOS and ask that the call to the Haitian President go at the same time as the Congressional notifications. (Not prior). If that makes sense. Thanks all.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office

(b)(6)

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From: McCament, James W
Sent: Monday, May 22, 2017 7:16:54 AM
To: 
Cc: Nuebel Kovarik, Kathy;
Subject: RE: TPS Materials

Thanks David. In addition, if the call happens in the afternoon that also would allow for the notifications (Congressional and Government of Haiti) to happen immediately prior to the call. With an 11:00 that would crib that time further. If the backgrounder is moved to the afternoon, and once the FRN is signed, I will contact DOS (an hour or so) before the media call to allow for notification of GOH-hopefully concurrent to the Congressional notifications-if can advise on that timing.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Deputy Director’s Office

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Referred to Department of Homeland Security
Thank you for the heads-up. Much appreciated.

James

James W. McCament
Acting Director
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
Washington, DC 20529-2150

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Adding James and Tracy for FO visibility on the AP article on TPS Haiti publishing tonight.
Subject: FW: TPS

Kathy, et al.:

The article is expected to publish tonight. In the end, OPA decided to stick with our cleared talker.

Thanks,

Chief, Media Relations Division
U.S. Citizenship and Immigration Services
(office)
(cell)

Please visit www.uscis.gov for news and information.

From: 
Sent: Monday, May 8, 2017 5:41:11 PM
To: 
Cc: 
Subject: RE: TPS

fysa. Story is expected to publish tonight. We provided Alicia the following:

To answer your inquiry, Secretary Kelly has not yet made a decision and we don’t discuss pre-decisional process.

From: 
Sent: Monday, May 8, 2017 5:03 PM
To: 
Cc: 
Subject: FW: TPS
Importance: High

Please see reply to my question below. Bottom line: TPS Haiti is scheduled to expire on July 22; S1 would have to sign the decision three to five business days before the scheduled Federal Register publication which should take place NLT May 23 (two months ahead of expiration).

I hope that helps.
These dates are basically correct – for the FRN publication on May 23rd the Secretary would have to sign sometime the week before to allow for Federal Register publication – usually 3 – 5 business days.

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Heads-up – the Associated Press has a copy of a string of emails between you and others discussing the potential TPS Haiti termination and has asked DHS OPA for comment.

OPA is asking us to clarify when the decision on TPS Haiti is due to be made by S1 and when TPS actually expires. My understanding is the decision is due NLT May 22 to publish the FRN on May 23, which would be two months before the scheduled expiration on July 22 – is that correct?
Thanks,

(b)(6)

Chief, Media Relations Division
U.S. Citizenship and Immigration Services

Please visit www.uscis.gov for news and information.

From: [Name]
Sent: Monday, May 8, 2017 3:15 PM
To: [Name] (b)(6)
Cc: [Name]
Subject: FW: TPS
Importance: High

Hi [Name], Just tried to call you to give you heads up on this.

We are being asked by Alicia Caldwell on the status of TPS for Haiti and this “string” of emails she has on the topic (see below).

First, we need to clarify when is the decision due. The TPS web page on uscis.gov says the TPS for Haiti expires July 22, 2017 but the NBC story that aired this past weekend and Alicia’s email below said the decision is due May 22.
Could you please help? We need a response.

Thanks!

(b)(6)

From: [Name]
Sent: Monday, May 8, 2017 3:10 PM
To: [Name]
Subject: FW: TPS

From: Caldwell, Alicia [mailto:acaldwell@ap.org]
Sent: Monday, May 8, 2017 3:01 PM
To: [Name]
Subject: TPS
Thanks for your help with this, Jenny. As I mentioned, I have obtained a string of emails from Kathy Nuebel Kovarik, head of policy and strategy at USCIS, asking for info on how many Haitians enrolled in TPS had been convicted of crimes “of any kind,” how many were on public or private benefits, how often they traveled back to the island and info about remittances and some other demographic info.

In the back and forth with a variety of career officials, Kathy makes it clear that the request was at the behest of the secretary, saying in an April 27 note: “I do want to alert you, however, that the secretary is going to be sendin a request to us to be more responsive. I know that some of this is not captured, but we’ll have for figure out a way to squeeze more data out of our systems.”

So, looking for comment on the request and the status of the decision on TPS for Haiti – a final call is due next week.

Thanks much.

Cheers -- Alicia

Alicia A. Caldwell
The Associated Press
Washington
202-641-9077 (o)
915-471-0640 (c)
Twitter: acaldwellap
Hi Don,

I’ve attached a TPS Haiti talking points document which contains the timeline and figures for TPS Haiti. (The first page of the document is a generic TPS overview).

I included a final bullet regarding the plan to implement TSP Haiti into ELIS and use a streamlined processing model for this workload. I’ve added ______ for visibility.

The other document is a chart outlining which countries are currently designated for TPS and when they’re current designations expire. I’m still following-up on the questions regarding how TPS West Africa was handled when the decision was to terminate the West African countries’ TPS designation after a 6 month TPS extension/ auto extension of the EAD.

Thanks,

(b)(6)

Hi Don/James,

OPS contacted _______ yesterday about the meeting at the NAC regarding TPS. It appears they will be attending as well, but as of yesterday did not know the details of what was to be discussed. I’ve attached the TPS CY16 congressional report that was shared with OPS this morning.

Additionally, _______ are currently working on a one pager for TPS Haiti with a high-level overview of TPS Haiti to-date.

Thank you,
As requested.

TPS Program Manager
Service Center Operations
U.S. Citizenship and Immigration Services
Office:
Mobile:

From:
Sent: Tuesday, March 21, 2017 7:35 AM
To:
Cc:
Subject: RE: TPS Annual Report

Many thanks.

From
Sent: Tuesday, March 21, 2017 7:01 AM
To: (b)(6)
Cc:
Subject: RE: TPS Annual Report

Good morning

I’ve attached the most recent redline version of the TPS CY16 congressional report that we relayed to the SCOPS FO on 3/6. This version of the report has our response to concerns within comment bubble KFT1 on page 2, and comment bubbles KFT2 and KFT3 on page 3, which were due at the USCIS FO on 3/7.

Thank you

Guillermo Roman-Riefkohl
TPS Program Manager
Service Center Operations
U.S. Citizenship and Immigration Services
Office:
Mobile:

From
Sent: Monday, March 20, 2017 5:09 PM
To:  
Cc:  
Subject: TPS Annual Report  (b)(6)

There’s a meeting at the NAC tomorrow afternoon to discuss all the TPS designations (we don’t know details of what will be discussed at this point). In preparation, we were hoping to have the most up-to-date version of the annual congressional report. Could you send us the version that you sent to the FO, or any later version that you’ve seen?

Thanks!

Deputy Chief, International and Humanitarian Affairs Division
Office of Policy and Strategy, U.S. Citizenship and Immigration Services
Department of Homeland Security
Desk Phone
Mobile
E-mail  (b)(6)
Don,

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

Don, (b)(6)

I asked (b)(6) to work with FDNS to determine if we can develop a process like we did for the DACA
I just want to make sure everyone is on the same page with correct information:

- The bulk resubmission process was initiated years ago to ensure FP results would be available at time of adjudication. There was a time when FP results could be delayed for several months.
- SCOPS suspended the bulk resubmission of fingerprints for TPS re-registration on January 10, 2017 (not 1/20/17) based on our understanding that the re-fresh process had been supplanted by new processes implemented by the Biometrics Division.
I hope this is helpful.

Don

From:
Sent: Wednesday, March 01, 2017 5:37 PM
To:
Cc: Neufeld, Donald W:
Subject: TPS Registration

confirms that as of 1/20/2017, SCOPS no longer conducts fingerprint resubmissions (refreshes) for TPS re-registrations. Instead, the TPS applicant submits his or her prints again via the ASCs when they file the TPS re-registration. I know in the past the refresh was done to get ahead of the 90 day processing window but in many cases there may have been applicants that had prints refreshed but did not actually re-register. This caused the FBI to charge us for refreshes when the applicant did not actually file a re-registration. I am copying and Don in case any of this is wrong. In terms of waiting for the FP results prior to adjudicating the re-registration, I will defer to and Don on that answer.

Thanks,

Acting Deputy Associate Director
Fraud Detection and National Security Directorate
U.S. Citizenship and Immigration Services
U.S. Department of Homeland Security
111 Massachusetts Avenue, NW
Washington, DC 20529

(b)(6)
is planning a trip to USCIS, probably in late April. I think has some questions too.

In this case, I think just expected PLCY and USCIS to collaborate on the document, and ESEC got involved because of the need to get final clearance for a briefing document. That confused Francis & company who figured we'd contribute during the clearance process. Now we know.

Thanks much. I think that generally is how things work with ESEC over the years. But, maybe I/we should chat with Scott to be sure that remains the protocol now.

James W. McCament
Director (Acting) | Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security
(Deputy Director's Office)

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Correct. I think ESEC just didn’t include us in the clearance process. The original tasker said we would “coordinate” with PLCY. I think that means we were supposed to work with the lead office (DHS PLCY) in preparing the document, and then we would be cut out of the rest of the process due to time constraints.
(b)(6)

So Im pretty sure the answer is not until after 6 correct? (Excepting our own data of course).

---

James W. McCament  
Acting Director  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
Washington, DC 20529-2150

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Thank You.

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From:  
Sent: Friday, April 07, 2017 8:10:37 PM  
To: McCament, James W; Cissna, Francis; Shah, Dimple; Dougherty, Michael  
Cc: Nuebel Kvarik, Kathy; Symons, Craig M  
Subject: RE: TPS

So am I to understand that you all did not see any of the materials?

(b)(6)

---

From: McCament, James W  
Sent: Friday, April 7, 2017 8:09 PM  
To: Cissna, Francis  
Cc: Nuebel Kvarik, Kathy  
Subject: RE: TPS

Yes, thank you all for closing the loop!

James
Great. Thanks!

Senior Counselor to the Secretary
U.S. Department of Homeland Security

Hi, It appears that ESEC did not include USCIS on this. I called up Francis and got a copy around 6:00 p.m. once I grew suspicious about the silence. Anyway, this evening Kathy will send around what USCIS was able to collect today.

Carl
Hi everyone,

Thanks,

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: [Redacted]
Sent: Friday, April 7, 2017 8:19 AM
To: McCament, James W; Cissna, Francis
Cc: [Redacted]
Subject: RE: TPS

Thanks

Senior Counselor to the Secretary
U.S. Department of Homeland Security

From: McCament, James W
Sent: Friday, April 07, 2017 8:11:54 AM
To: Cissna, Francis; Nuebel Kovarik, Kathy
Cc: [Redacted]
Subject: RE: TPS

Hi

Thanks for the heads-up. With respect to the data set, if HQ needs additional information USCIS Policy & Strategy should be able to pull those additional statistics. Kathy, if needed can you ask one poc of your team to pull that data into a one pager-deadline for today? If needed, I’m fine for you to note I asked for the overview data (since I just did). We can then deliver to

Thanks again

James

James W. McCament
Hey team,

Thanks for your assistance,

Senior Counselor to the Secretary
U.S. Department of Homeland Security
We can’t wait for State to give us recommendations or we’d wait until the last minute. The memos are nearly revised to take out DED and add info on their original designation. I should have them to you tomorrow. We’ll need to ask DPC to coordinate some interagency comment period and then report that back up to her, along with any recommendation from Tillerson.

See below. Seems like [redacted] office would be their best POC for this sort of thing, and he can reach back to our EXA.

On substance, I assume we’re still waiting for State’s recommendation(s) to complete our TPS recommendation memos to AS1?

Referred to Department of Homeland Security
Thank you.

Here are the state memos.

Here are Sec State docs re TPS – terminate all 3 with 18-month wind-down.

Good Morning,

Just wanted to share Secretary Tillerson’s memo to AS1 stating that he has assessed the conditions and El Salvador, Honduras, Nicaragua, and Haiti and they no longer meet the requirements for TPS.

State Dept delivered the memo to ESEC yesterday.

Also attached is DHS PLCY’s memo to AS1 recommending extension. PLCY sent to ESEC yesterday as well.
From: McCament, James W  
Sent: Thursday, October 26, 2017 3:42 PM  
To:  
Cc:  
Subject: RE: TPS  

Thanks, I agree. Let’s keep the process moving.

Thanks all,  

James  

James W. McCament  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(b)(6)  

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From:  
Sent: Thursday, October 26, 2017 3:10 PM  
To: McCament, James W  
Cc:  
Subject: RE: TPS  

James,  
I read the most recent versions and don’t have additional edits. So I see no reason to alter ExecSec’s process.

Thanks.  

(b)(6)
Chief of Staff (Acting)
U.S. Citizenship and Immigration Services
Department of Homeland Security

From: (b)(6)
Sent: Thursday, October 26, 2017 1:47 PM
To: McCament, James W; Ries, Lora L
Cc: Button, Maria G (Gemma)
Subject: FW: TPS

These are the clean and redline versions of what OP&S sent us and the Director signed. We are currently preparing the IQ workflow to transmit to DHS ESEC for Component Clearance prior to it going to AS1.

Thanks,

Supervisor, Operational Liaison
USCIS Office of the Executive Secretariat

From: (b)(6)
Sent: Thursday, October 26, 2017 1:10 PM
To: Nuebel Kvarik, Kathy
Cc: 
Subject: RE: TPS

Here they are – redline and clean!

From: 
Sent: Thursday, October 26, 2017 1:04 PM
To: 
Cc: 
Subject: RE: TPS

We are working it fast and furious. Will flip them as quickly as we can. The adds are very minor. Gemma, look out for an email from Kathryn shortly.

From: (b)(6)
Sent: Thursday, October 26, 2017 1:01:05 PM
To: 
Cc: 
Subject: FW: TPS
Just spoke with [redacted] and the plan is for [redacted] to work on updating the electrons of the rec memos ASAP and we’ll get them back to [redacted]. As of now, we’re assuming those are the only changes that have been made from Director’s Office review of the packages, but [redacted] is going to pull the hard copy folders to confirm.

[redacted] Considering the below, do you think we can have those updates in the next 10 min?

Samantha Deshommes
Chief, Regulatory Coordination Division
USCIS, Office of Policy & Strategy

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From: [redacted]
Sent: Thursday, October 26, 2017 12:56 PM
To: McCament, James W; Cissna, Francis;
Cc: Nuebel Kovarik, Kathy;
Subject: RE: TPS

Good Afternoon James,

The 3 folders are up front and I understand from Samantha that D1 has some edits to the decision memos.

EXSO is sending the latest version to [redacted] to edit and will hand-carry the revised memo and switch them with the ones in the folders.

Once D1 signs, EXSO will obtain expedited Component clearance.

US Citizenship and Immigration Services
Chief | Office of the Executive Secretariat
Office:
E-mail:

From: McCament, James W
Sent: Thursday, October 26, 2017 12:52 PM
To: Cissna, Francis;
Cc: Nuebel Kovarik, Kathy;
Thanks Brandon, please advise asap to confirm status and delivery as D1 is leaving for a meeting at 115 and will not be back until 4. It would be very helpful for him to have to read in transit if possible. Thanks all.

James W. McCament  
Deputy Director  
U.S. Citizenship and Immigration Services  
Department of Homeland Security  
(Deputy Director’s Office)

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From:  
Sent: Thursday, October 26, 2017 12:49 PM  
To: Cissna, Francis; McCament, James W; Nuebel Kovarik, Kathy  
Cc:  
Subject: RE: TPS

Our understanding from EXSO was that the material was packaged up for you yesterday evening and delivered. Adding here to confirm and/or help direct you to the folder.

In substance, we will fill in the requested added content on other potentially available benefits former beneficiaries may apply for (or may have availed themselves of already), including asylum or adjustment.

Let us know your preference, and we will get the amended docs flipped back to you ASAP.

From: Cissna, Francis  
Sent: Thursday, October 26, 2017 12:26:29 PM  
To: McCament, James W;  
Subject: TPS  

How're things looking on the TPS memos? We have to get those to DHS HQ through the formal execsec system by COB today. I looked through the hard copies and I would have only one suggested addition. In the part recommending termination it says

F.

(b)(5)
From: Nuebel Kovarik, Kathy  
To: Cissna, Francis  
Subject: RE: TPS Strategy Meeting  
Date: Sunday, November 12, 2017 6:01:34 PM

From: Cissna, Francis  
Sent: Sunday, November 12, 2017 6:58 PM  
To: Nuebel Kovarik, Kathy  
Subject: RE: TPS Strategy Meeting  

From: Nuebel Kovarik, Kathy  
Sent: Sunday, November 12, 2017 6:35:26 PM  
To: Cissna, Francis  
Subject: TPS Strategy Meeting

F – got the briefing memo and will forward an email from Ian Smith in a bit. This email should have all the materials you need. I can make two copies in the morning and bring them, if you’d like.

The first attachment here is what DHS PLCY came up with but two key additions from my staff.
Yes, it does address that concern.

https://cjs.org/Cadman/Rep-Brooks-Introduces-TPS-Reform-Bill

**Aliens Lacking Lawful Immigration Status.**—Section 244(c)(2)(B) of the Immigration and Nationality Act (8 U.S.C. 1254a(c)(2)(B)) is amended—

1. in clause (i), by striking “, or” at the end and inserting a semicolon;

2. in clause (ii), by striking the period at the end and inserting “; or”; and

3. by adding at the end the following:

   “(iii) the alien lacks a lawful immigration status.”

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
of the policy underlying TPS.

From: Cissna, Francis  
Sent: Friday, November 10, 2017 10:25 PM  
To: Nuebel Kovarik, Kathy  
Subject: RE: TPS  

(b)(5)

From: Cissna, Francis  
Sent: Friday, November 10, 2017 10:06:40 PM  
To: Nuebel Kovarik, Kathy  
Subject: TPS

In advance of this meeting on Monday on Haiti TPS...  
(b)(5)
Adding Kathy, Chief of USCIS Policy.

USCIS is on it, although we won’t likely have stats on some of these items (e.g., public assistance, unemployment).

Hi James,

S1 would like to know:

(1) How many current Haitian TPS folks were illegal pre-TPS designation?
(2) Since designation, how many have committed crimes?
(3) Since designation, how many are on public assistance? Out of work?
(4) Can we describe what has changed in Haiti warranting the recommended change (this may be in the memo but I have not seen it yet)- would include if verified items such as rebuild of palace, build of army, change in UN list, 4-5% growth in GDP

Could we have be end of day?

Best,
I've reviewed and concurred with the minor edits and added one of my own. Director, this is ready for your electronic review. OP&S is requesting your electronic approval by 4 pm or earlier today in order to submit today to DHS for S1's signature.

James W. McCament
Deputy Director
U.S. Citizenship and Immigration Services
Department of Homeland Security

This email (including any attachments) is intended solely for the use of the addressee(s) and may contain information that is sensitive or otherwise protected by applicable law. If you are not the intended recipient, please notify USCIS immediately by replying to this message and destroy all copies of this message and any attachments. Thank you.

Just a few minor revisions from Toni and me. On to you for review.

I will take a look and review the folder then give it to □ when I am finished.

[Redacted] Senior Advisor | Office of the Director
Good afternoon,

Please see the below and the attached for Director’s Office review and clearance. A folder will be delivered to the Directors Office shortly.

OP&S has submitted the Federal Register Notice (FRN), *Termination of the Designation of Haiti* for your consideration.

MGT (OIDP, OCFO, and OPQ), OP&S, RAIO, SCOPS, IRIS, and OCC cleared today 12/1/17.

OP&S has requested an expedited review to be completed by *4pm today, Friday, December 01, 2017*

Thank you.

Respectfully,

Office of the Executive Secretariat
U.S. Citizenship and Immigration Services
Department of Homeland Security

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Good morning EXSO,

For expedited FO approval, please find attached:

- The Federal Register Notice (FRN), *Extension of the Designation of Haiti*
- AS1 Signed Decision Memo

**Summary**

On Monday, Nov. 20, Acting Secretary Duke announced her decision with respect to TPS designation for Haiti, which is set to terminate 1/22/18. The attached Federal Register Notice reflects the
decision as well as provides details for renewing employment authorization documents for the country.

Clearance:
- MGT (OIDP, OCFO, and OPQ), OP&S, RAIO, SCOPS, IRIS, and OCC cleared by 12/1/17;
- Requires D1’s approval by 4pm 12/1/17 or soonest to submit the FRNs to DHS for S1’s signature.

We apologize for the short turnaround time but the FRNs need to publish in the Federal Register ASAP.

Please let me know if you have any questions.

Thank you,

Project Manager, Regulatory Management Branch
Regulatory Coordination Division
Office of Policy & Strategy
U.S. Citizenship & Immigration Services Headquarters
Department of Homeland Security
Desk: [Redacted]
Work Cell: [Redacted]
Fax: (316) 251-2250

(b)(6)
Hi. For TPS, we need to get our supplemental information to [redacted] as soon as possible. He originally asked for a revised decision memo, but James asked for an addendum to send up. I have made slight changes to the memo addendum that [redacted] have drafted, but think this is a decent document overall. Do you think it’s missing anything?

My notes suggest that this is what we were tasked to provide.

1. GDP growth – longer-term trend. 2% growth in 2015 is noted in the Decision Memo. In your report, you note it was 5.5% in 2011 and slowed to 2% in 2015 for various reasons. Can we get the year-over-year numbers/trends for some period of years preceding the earthquake to the present (or the most recent year following the earthquake for which GDP is tracked)?
2. Clarification on visa demand being down by 30%
3. Information regarding the UN’s decision to conclude its peacekeeping mission in October 2017. In particular, what served as the basis for the decision to end the mission? What will replace it and in what capacity will it serve?
4. Information regarding the status of reconstruction of the Presidential Palace, and what that suggests regarding the Government of Haiti’s post-earthquake recovery and capacity.

Additional documents attached, for [redacted] per his request.

5. Can we get a user-friendly list of all TPS designations we have made in the last ten years, and how many have been terminated during the same period?
6. Can we get a companion analysis to the Haiti country conditions that analyzes economic factors, humanitarian issues, healthcare, stability, etc., of Guinea, Liberia, and Sierra Leone? I’m pretty sure that those TPS designations were made under the same subsection of 244.

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services
Direct:
Cell: (b)(6)
Leadership Guidance

May 24, 2017
#00-YY

Temporary Protected Status Extended for Haiti

Secretary John F. Kelly has extended the designation of Haiti for Temporary Protected Status (TPS) for six months, effective July 23, 2017, through January 22, 2018.

Current TPS Haiti beneficiaries who want to maintain their TPS must re-register during the 60-day re-registration period, from May 24, 2017, through July 24, 2017.

The six-month extension also allows TPS re-registrants to apply for a new Employment Authorization Document (EAD). Eligible beneficiaries of Haiti’s TPS designation who re-register and request a new EAD during the 60-day period may receive an automatic extension of their expiring EAD for up to 180 days from the date their current EAD expires. If USCIS approves the new EAD application, the TPS beneficiary will receive a new EAD with an expiration date of Jan. 22, 2018.

During this six-month extension, beneficiaries are encouraged to prepare for their return to Haiti in the event Haiti’s designation is not extended again, including requesting updated travel documents from the government of Haiti. At least 60 days before Jan. 22, 2018, Secretary Kelly will re-evaluate the designation for Haiti and will determine whether another extension, a redesignation, or a termination is warranted, in full compliance of the Immigration and Nationality Act.

More information on the application requirements and procedures is available at uscis.gov/tps and in the Federal Register notice.

The USCIS Leadership Guidance is a product of the USCIS Office of Communications. Archive | Leadership in Focus | Contact Us
News Release

Temporarily Protected Status for Haiti Extended for Six Months
DHS Secretary will Re-Evaluate Designation Later This Year

WASHINGTON— Secretary of Homeland Security John F. Kelly has extended Temporary Protected Status (TPS) for eligible nationals of Haiti (and eligible individuals without nationality who last habitually resided in Haiti) through Jan. 22, 2018. After consulting with the appropriate U.S. government agencies and reviewing country conditions, Secretary Kelly has determined that a limited, six-month extension is warranted. Although Haiti has made significant progress in recovering from the January 2010 earthquake that prompted its designation, conditions in Haiti supporting its designation continue to be met at this time.

Current beneficiaries of Haiti’s TPS designation seeking to extend their TPS must re-register by July 24, 2017. TPS beneficiaries who re-register may request a new Employment Authorization Document (EAD). Those who re-register and request a new EAD during the 60-day re-registration period may receive an automatic extension of their expiring EAD for up to 180 days from the date their current EAD expires. Current EADs will not be automatically extended without a new EAD request. If a beneficiary’s EAD request is approved, they will receive a new EAD with an expiration date of Jan. 22, 2018. TPS beneficiaries are strongly encouraged to re-register and file their EAD applications as early as possible to avoid lapses in documentation of employment authorization.

During this six-month extension, beneficiaries are encouraged to prepare for their return to Haiti in the event Haiti’s designation is not extended again, including requesting updated travel documents from the government of Haiti. At least 60 days before Jan. 22, 2018, Secretary Kelly will re-evaluate the designation for Haiti and will determine whether another extension, a redesignation, or a termination is warranted, in full compliance with the Immigration and Nationality Act. The designation of TPS was intended by Congress to be temporary, and the Secretary will fully re-evaluate the country conditions to determine whether Haiti’s TPS designation should continue.

To re-register, current TPS beneficiaries must submit:

- Form I-821, Application for Temporary Protected Status (re-registrants do not need to pay the Form I-821 application fee).
- The biometric services fee (or a fee-waiver request) if they are 14 years old or older.
- Form I-765, Application for Employment Authorization, regardless of whether they want an EAD.
The Form I-765 application fee or a fee-waiver request, but only if they want an EAD. If the re-registrant does not want an EAD, no Form I-765 application fee is required.

Applicants may request that USCIS waive the Form I-765 application fee and/or biometric services fee based on an inability to pay. To do so, applicants must file Form I-912, Request for Fee Waiver, or submit a written request. Fee-waiver requests must be accompanied by supporting documentation. USCIS will reject the TPS application of any applicant who fails to submit the required filing fees or a properly documented fee-waiver request.

Additional information about TPS for Haiti, including guidance on eligibility, the application process and where to file, is available online at uscis.gov/tps. Further details about this extension of TPS for Haiti, including the application requirements and procedures, appear in a Federal Register notice published today.

For more information about USCIS and its programs, please visit www.uscis.gov or follow us on Twitter (@uscis), YouTube (/uscis), and Facebook (/uscis).

- USCIS -
TPS Haiti
Talking Points

(b)(5) Temporary Protected Status for Haiti

May 11, 2017
Talking Points

Temporary Protected Status for Haiti

May 10, 2017

(b)(5)
Temporary Protected Status Designated Country: Haiti
9111-97

DEPARTMENT OF HOMELAND SECURITY

U.S. Citizenship and Immigration Services

[CIS No. xxxx2596-16; DHS Docket No. USCIS-xxxx2014-0001]

RIN 1615-ZB63xx

Extension of the Designation of Haiti for Temporary Protected Status
Re-filing a Re-registration TPS Application after Receiving a Denial of a Fee Waiver
TPS Haiti Processing Overview

- TPS beneficiaries must re-register during the 60-day re-registration period that begins on the date the Notice is published in the Federal Register. For instance, if a notice (FRN) providing extension of TPS benefits for Haiti is published in the Federal Register on 5/23/17, the 60 day re-registration filing window would begin on 5/23/17, and USCIS would begin accepting re-registration applications and applications for employment authorization from TPS Haiti beneficiaries immediately. (USCIS may accept late re-registration applications if the applicant has good cause for filing after the end of the re-registration period.)

- There are approximately 46,000 current Haiti TPS beneficiaries who would be expected to file for re-registration. Therefore, USCIS estimates we would receive 46,000 Form I-821s and 46,000 Form I-765s in connection with the extension of TPS for Haiti.

- In the FRN, DHS may issue a blanket automatic extension of the expiring EADs for TPS Haiti beneficiaries in order to allow time for USCIS to process I-765s EADs with new validity dates to be issued. Typically, the automatic extension is for a period of 6 months.

- USCIS notes that an automatic extension period of 6 months through 1/22/18 combined with the same 6 month extension of TPS benefits for Haiti may create a disincentive for TPS Haiti beneficiaries to apply for re-registration because they would receive a new EAD with only the same period of work authorization they already would have through the automatic extension of their prior EAD.

- To apply for TPS, an applicant must submit each of the following two applications:
  1. Application for Temporary Protected Status (Form I-821)
  2. Application for Employment Authorization (Form I-765)
Applicants must submit both completed forms together, even if they are not requesting an EAD.

- The Forms are filed with the USCIS lockbox facility where they will be ingested into USCIS’s Electronic Immigration Processing System (ELIS). Once the Forms are successfully ingested into ELIS USCIS would receive the TPS Haiti applicant’s basic biographical information immediately (including their current address in the United States). *Based on the ELIS/Lockbox timeline, full ingestion into ELIS will begin 6/27/17. Prior to that, cases will be held at the Lockbox for gradual ingestion to monitor/assess performance and fix bugs.

- Once the Forms are successfully ingested into ELIS they would be routed electronically to the California Service Center’s ELIS Workload Queue and the cases would begin a semi-automated process flow (Streamlined Process or “SP”). This allows some elements of the application review to be performed automatically in the electronic system.

- This is the first time TPS applications for Haiti would be processed in ELIS and with it being a new system and process there is always the possibility that unexpected technical issues could arise which could impact the timely processing of cases.

- TPS Haiti Applicants will be required to visit an Application Support Center (ASC) to have their biometrics captured. The appointment notices would be generated relatively soon after an individual’s TPS application is ingested into ELIS. The ASC appointment notice would schedule
the applicant for an ASC appointment, generally within 15 to 25 days of ingestion to ELIS.

- Even though TPS Haiti beneficiaries would be able to file for re-registration as soon as an FRN providing extension is published there are certain aspects of the case review that inherently require time.

- In general, for re-registration TPS applications, and the associated Form I-765, the processing goal is 90 days.

- Given the lag time between the filing date and the final approval date/issuance of the EAD, it is important to note that if TPS for Haiti is extended for 6 months, USCIS would likely issue EADs with only a few months of remaining validity period or in some cases not be able to produce EADs prior to end of the 6 month TPS designation period on 1/22/2018. Consider the following hypothetical timeline:
  - FRN is published 5/23/17 providing a 6 month extension of TPS benefits for Haiti through 1/22/18. The 60 day re-registration period therefore begins on 5/23/17 and goes through 7/22/17;
  - Applicant “A” files for TPS Haiti re-registration on 6/5/17, due to natural lag time and time needed for preparation of his/her application materials. The applicant is scheduled for a biometrics appointment on 7/14/17 and there are no criminal results from his/her fingerprint check.
  - There are no other processing issues or flags that require USCIS to issue a request for evidence notice or perform additional resolution work.
  - Going with the standard 90 day processing time goal, this individual’s case gets approved on 9/3/17.
  - Due to standard card production time the individual’s EAD card is produced a week later on 9/10/17 with validity through 1/22/18. Therefore this individual would receive an EAD with 4 months and 12 days remaining validity
  - One can see how this could vary depending on how soon the TPS Haiti re-registration application is filed during the re-registration period and any adjudicative issues that may be encountered for individual cases.
  - Assuming the same “clean” case was filed later in the registration period on 7/20/17. A 90 day processing timeline with a week delay in EAD issuance would result in an EAD being issued with approximately 3 months of remaining validity.
TPS Overview

- TPS is a temporary immigration status granted to eligible nationals of a country designated for TPS under the INA, or to eligible persons without nationality who last habitually resided in the designated country.

- During the TPS designation period, TPS beneficiaries are eligible to remain in the United States, may not be removed, and are authorized to work and obtain EADs so long as they continue to meet the requirements of TPS.

- TPS beneficiaries may also be granted travel authorization as a matter of discretion.

- The granting of TPS does not result in or lead to lawful permanent resident status.

- When the Secretary terminates a country’s TPS designation, beneficiaries return to the same immigration status they maintained before TPS, if any (unless that status has since expired or been terminated), or to any other lawfully obtained immigration status they received while registered for TPS.

- As required by the INA, the Secretary conducts a periodic review of country conditions affecting each TPS designation in consultation with appropriate agencies of the U.S. Government, including the Department of State (DOS), to determine whether the conditions support extension or termination of the TPS designation, and whether a redesignation may be warranted in some situations. The Secretary reviews country conditions information provided by DOS and U.S. Citizenship and Immigration Services (USCIS) Refugee, Asylum, and International Operations Directorate. The Secretary’s determination of whether to extend, extend and redesignate, or terminate a country’s TPS designation is published as a notice in the Federal Register. Extensions of a TPS designation may be for 6, 12, or 18 months, as the Secretary determines in his discretion.

- At least 60 days before the expiration of a country’s TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in a foreign state designated for TPS to determine whether the conditions for the TPS designation continue to be met. See INA section 244(b)(3)(A), 8 U.S.C. 1254a(b)(3)(A).

- If the Secretary determines that a foreign state continues to meet the conditions for TPS designation, the designation may be extended for an additional period of 6, 12, or 18 months. See INA section 244(b)(3)(C), 8 U.S.C. 1254a(b)(3)(C).

- If the Secretary determines that the foreign state no longer meets the conditions for TPS designation, the Secretary must terminate the designation. See INA section 244(b)(3)(B), 8 U.S.C. 1254a(b)(3)(B).

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1 See INA §244(b)(3)(A).
TPS Haiti

- On January 21, 2010, the Secretary designated Haiti for TPS based on the effects of the 7.0-magnitude earthquake that occurred on January 12, 2010.

- The Secretary last extended Haiti’s designation on August 25, 2015, effective January 23, 2016 through July 22, 2017. This announcement was the fourth extension of TPS for Haiti since the original designation in January 2010 and the third extension of TPS for Haiti since the May 2011 redesignation.²

- Although Haiti continues to make progress in recovering from the 2010 earthquake, many of the conditions prompting Haiti’s designation for TPS persist. Hurricane Matthew, which struck Haiti on October 4, 2016, has also significantly contributed to continued extraordinary and temporary conditions in Haiti.

- If approved, a new 18-month extension of the designation of Haiti for TPS would be effective July 23, 2017, through January 22, 2019.

- If approved, the current EADs, with a facial expiration date of July 22, 2017, held by beneficiaries of Haiti TPS would be automatically extended by the notice through January 22, 2018. USCIS would issue new EADs with a January 22, 2019 expiration date to eligible Haiti TPS beneficiaries who timely re-register and apply for EADs under this extension.

- At close of 2016, there were 58,706 beneficiaries under the Haiti designation for TPS.

- As of March 16, 2017, USCIS has accepted 46,931 TPS Haiti re-registration applications, of which 45,550 have been approved and 834 have been denied. Pending cases are being processed through established case workflow and are in different states within the workflow. For example, cases may be awaiting a response to a notice requesting additional information.

- If a new extension is approved, approximately 46,000 current Haiti TPS beneficiaries are expected to file for re-registration under the extension.

- If TPS Haiti is extended it is slated to be implemented into the USCIS ELIS case processing system and will be processed using a streamlined processing (SP) model. The California Service Center will adjudicate TPS Haiti cases.

² 76 FR 29000 (May 19, 2011).
(b)(5)
DRAFT NOT CLEARED BY DHS LEADERSHIP
November 8, 2017

MEMORANDUM FOR: U.S. Department of Homeland Security (DHS)
FROM: Embassy of the Republic of Haiti in Washington, DC
SUBJECT: Extension of the Temporary Protected Status (TPS) for Haitian Nationals

The Government of the Republic of Haiti is pleased to submit this memorandum to the attention of the United States Department of Homeland Security (DHS) in support of the extension of the Temporary Protected Status (TPS) program for Haitian nationals. As stated in its most recent letter to the Acting DHS Secretary, the Honorable Elaine C. Duke, the Haitian Government is requesting an extension of TPS because the conditions in the country that warranted the initial TPS designation persist. This memo lays out the totality of the circumstances, as it exists in Haiti which is relevant under the TPS calculations. This extension request is meant to ensure that Haiti is able to adequately move forward with its recovery plans from the earthquake and will not have to rely, over the long term, on the United States as a temporary haven for its citizens.

Over the last seven years, the Haitian people have faced a series of unprecedented natural disasters that resulted in extraordinary and temporary conditions warranting the granting of TPS. Given the current circumstances, Haiti unquestionably meets the extension or re-designation criteria under the TPS statute. Section 244(b)(1)(B)(i) of the Immigration and Nationality Act states “TPS may be designated, re-designated, or extended if the Attorney General finds that there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in substantial, but temporary, disruption of living conditions in the area affected” and Section 244(b)(1)(C) states that a designation is warranted when “the Attorney General finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interests of the United States.”

The following facts, based on the current conditions on the ground, demonstrate that Haiti indisputably meets the criteria for (re)designations or renewal of TPS under the existing statute:

1. **Earthquake and internally displaced population:** On January 12, 2010, an earthquake killed over 250,000 people in Haiti. Moreover, it left more than two million Haitians internally displaced according to a report by the Global Justice Clinic of the New York University School of Law. While the Government of Haiti has made significant progress in ensuring that a substantial number of the internally displaced are adequately housed, thousands of Haitians still, unfortunately, remain displaced as a result of the earthquake. As of September 2017, close to
40,000 of those displaced by the earthquake were still in displacement. An extension of TPS would enable the Haitian Government to adequately house the remaining internally displaced people without an immediate addition of up to 50,000 Haitian nationals who could be repatriated as a result of the TPS expiration.

2. **Additional natural disasters since the earthquake:** In addition to the earthquake, Haiti has suffered from a succession of natural disasters that have worsened the conditions that justified the TPS designation in the first place. In October 2016, Hurricane Matthew, a category 4 storm and the worst to strike Haiti in over 52 years, ravaged Haiti and its economy. As a result, the country faces challenges equal to those it faced in the aftermath of the earthquake. Since the last TPS extension in May of this year, the country’s ongoing efforts to continue to recover from the earthquake and from the ravages of the cholera epidemic and Hurricane Matthew have been hampered by other disasters. Both Hurricanes Irma and Maria, which struck in September 2017, have caused serious damage in Haiti, including the destruction of agricultural crops and further displacement of the population. The detrimental impact of Irma and Maria have complicated the ability of Haiti to truly recover from the 2010 earthquake, cholera, and Hurricane Matthew within the previously projected timelines and have exacerbated the situation on the ground, resulting in major disruptions of living conditions in the short-term.

3. **Cholera epidemic:** As of November 1, 2017, it is well documented that Haiti suffered the worst cholera epidemic in over a century. Introduced to Haiti by United Nations soldiers, the cholera epidemic killed thousands of people, sickened over 800,000 and continues to pose a healthcare risk to Haiti’s citizenry. Certainly Haiti, despite limited resources, has made a lot of progress in dealing with cholera but it will take years to overcome the consequences of the epidemic in the post-recovery efforts. In a recently published report, the Global Justice Clinic states that “in 2016, Haiti was home to nearly one in three cases of cholera worldwide.” Such assessment is further proof of the magnitude of the vulnerable conditions that the population faces as a result of the epidemic. Moreover, the United Nations has projected that 30,000 people in Haiti will fall ill with cholera by the end of 2017. After Hurricane Matthew, the monthly number of suspected cholera cases more than doubled. Hurricane Matthew not only worsened the cholera epidemic, but also has impeded progress on the necessary infrastructure development to keep Haitians safe from cholera. Unfortunately, critical financial resources initially earmarked to address earthquake-related matters had to be reallocated to resolve the cholera issue. The Haitian Government needs more time to effectively address cholera; today it is focused increasingly on long-term control efforts, such as improving the water and sanitation systems necessary to provide a durable cholera solution.

4. **Drought and flooding:** Between 2012 and 2015, Haiti’s food security showed overall improvement, but food security declined rapidly from 2015 to 2016 due to natural disasters. In 2016, Hurricane Matthew hit one of Haiti’s key food-producing areas, affecting two million people and killing more than 350,000 farm animals. Entire towns were wiped out, and many of the roads and other infrastructure repairs that the Government of Haiti initiated as part of the recovery process since the earthquake were either destroyed or severely damaged. Hurricanes Irma and Maria skirted north of Haiti but caused significant damage, turning entire communities into pools of waters. The flooding caused by hurricanes Irma and Maria destroyed vast areas of farmland. Critical crops that would have been used to feed the population are no longer available. Moreover, the flooding of farmland forced many agricultural workers to abandon their farm, further causing an increase in unemployment. Consequently, Haiti runs the risk of facing a food crisis due to the destruction of crops by hurricanes Irma and Maria.
5. Economic conditions: The earthquake brought the Haitian economy to its knees. According to the World Bank and the International Monetary Fund, Haiti suffered losses in excess of USD 9 billion. Despite best efforts to reboot the economy, subsequent natural disasters drastically slowed economic recovery. Hurricane Matthew caused an additional USD 2.8 billion in damage, further complicating the recovery efforts. The administration in Haiti is implementing a robust and comprehensive plan to stimulate the Haitian economy. As Haiti is trying to revitalize its economy, a non-renewal of TPS will force the country, in the near term, to welcome a large number of TPS recipients who may become vulnerable due to the precarious economic situation on the ground.

6. Rebuilding of infrastructure destroyed by the earthquake: Since the earthquake, the Haitian Government has been making considerable investments in rebuilding the country’s core infrastructure destroyed by the earthquake. Tangible progress was being made in key infrastructure areas such as the rebuilding of hospitals, community health centers and roads. Unfortunately, the cascade of hurricanes has either significantly damaged buildings and roads or has simply destroyed them.

In addition to the existing conditions on the ground that clearly justify a TPS renewal, another set of compelling reasons justify such a decision. These reasons include:

- **Legislative solution to TPS:** A growing number of Congressional leaders, from both sides of the aisle, have written to the DHS Secretary to solicit an extension of TPS for Haitians. In addition to arguing that Haiti continues to meet the criteria for an extension, many congressional leaders have also hinted at introducing a permanent legislative solution to the TPS issue.

- **Haitian TPS recipients pose no threat to the security of the United States:** In its last TPS determination for Haitians, DHS stated that “permitting Haitian nationals to continue residing temporarily in the U.S. is not contrary to the national interest of the United States”. Research continues to show that Haitian nationals benefiting from TPS have been exemplary law-abiding residents and pose no threat to the security of the United States or its people. Moreover, Haitian TPS recipients have not constituted a financial burden on U.S. taxpayers. Rather, Haitian TPS recipients have made significant economic contributions to their communities here in the United States, as acknowledged publicly by Congressional leaders, as well as Mayors, Governors, and business leaders. Allowing the Haitian Government a temporary reprieve to address issues on the ground would not cause a burden on the United States and its people.

To conclude, a statutory basis required to designate a country for TPS is that “the country has officially requested TPS designation”. Under the current statute, the Haitian Government strongly feels, despite tangible progress and its best efforts, that a sufficient basis exists to justify a renewal of TPS.
FYI

Kathy Nuebel Kovarik
Chief, Office of Policy and Strategy
U.S. Citizenship and Immigration Services

From: [Redacted]
Sent: Thursday, November 09, 2017 12:24 PM
To: Nuebel Kovarik, Kathy
Cc: [Redacted]
Subject: FW: [Due 11/8 at 2pm] [PLCY-led] AS1BB - 11.13.17- TPS Strategy Meeting

All,

Apologies for the bother here, but I wanted to volunteer a few PLCY-generated notes ahead of Monday’s meeting.

I’ve attached a backgrounder on past Haitian amnesties as well as some other issues to consider. One is the finding of the World Bank and developmental scholars that Haiti’s the worst hit country in terms of brain drain—also see enclosed.

Thanks and take care,

Haiti’s perhaps the biggest victim of Brain Drain phenomenon; a problem facilitated by our immigration system
• Studies show Haiti has lost more college graduates than any other country in the world.
• According to the World Bank, Haiti has the highest percentage of college-educated citizens living abroad at 84%.[2]
• Scholars claim brain drain plays a major part in the country’s political, economic and educational underdevelopment.
  o This, they claim, creates a situation that motivates even more people to leave.[3]

• Following the 2010 earthquake, its estimated 1/3 of Haiti’s university graduates left.[4]

The “pull” effects on Haitian outmigration caused by US removal reprieves and the resulting constraints placed on Haitian development/domestic reforms
• On January 2010, former DHS Secretary Napolitano granted TPS for 18 months to Haitian nationals and warned Haitians fleeing to the US: “At this moment of tragedy in Haiti it is tempting for people suffering in the aftermath of the earthquake to seek refuge elsewhere. But attempting to leave Haiti now will only bring more hardship to the Haitian people and nation...”
• In 1992, President George H. W. Bush ordered the repatriation of Haitians interdicted at sea without affording them an opportunity to establish refugee status. The Supreme Court acknowledged the restraint on rebuilding Haitian democracy caused by mass Haitian outmigration. Allowing them into the US to apply would have, in the Court’s words, “defeated the original purpose of the program (controlling illegal immigration), [and] would have impeded diplomatic efforts to restore democratic government in Haiti and would have posed a life-threatening danger to thousands of persons embarking on long voyages in dangerous craft.”[5]
  o The order was never modified by President Clinton.

• Acknowledging the pull effects of amnesty, President George W. Bush in 2001 maintained that paroling more Haitians would encourage other Haitians to embark on the “risky sea travel” and “potentially trigger a mass asylum from Haiti to the United States.”[6]
• In a special bond redetermination case in 2002 where the BIA appealed directly to the Attorney General, the INS had argued, and the AG agreed, that, if too low, bond determinations for Haitians would “stimulate further surges of such illegal migration by sea.”[7]
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