

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



U.S. Citizenship
and Immigration
Services

June 3, 2025

DECISION

MEMORANDUM FOR THE SECRETARY

FROM: Angelica Alfonso-Royals **ANGELICA M** Digitally signed by ANGELICA
Acting Director **ALFONSO-ROYALS** M ALFONSO-ROYALS
Date: 2025.06.03 10:10:10
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SUBJECT: **Temporary Protected Status for Haiti**

Recommendation: U.S. Citizenship and Immigration Services (USCIS) is presenting a recommendation of “termination” of Temporary Protected Status (TPS) for Haiti for your consideration based on a review of current conditions in Haiti and an analysis indicating that permitting Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest.

Purpose: Haiti’s existing designation for TPS will expire August 3, 2025. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, is required to review the conditions in a country designated for TPS to determine whether the conditions supporting the designation continue to be met, and, if so, the length of an extension of the designation.¹ If the Secretary determines that the country no longer meets the statutory conditions for designation, she shall terminate the designation.² If the Secretary does not make a timely determination, the designation is automatically extended for an additional period of at least six months.³ A timely decision must be made by June 4, 2025.

This recommendation is being made based primarily on USCIS’s assessment. After an analysis of factors including fraud, public safety, national security, and immigration integrity, USCIS determined that permitting the Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest. Accordingly, USCIS has completed review of the conditions in Haiti to inform the consideration of the TPS action and is presenting a recommendation of termination for your consideration. As of June 2, 2025, USCIS has not received input from the Department of State on Haiti’s TPS designation.

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

² See INA sec. 244(b)(3)(B).

³ See INA sec. 244(b)(3)(C).

Temporary Protected Status for Haiti

Page 2

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

TPS Overview: Haiti was initially designated in 2010 on the basis of extraordinary and temporary conditions in Haiti that stemmed from an earthquake and prevented nationals of Haiti from returning in safety.⁴ Following the initial designation, TPS for Haiti was extended and newly designated once from July 23, 2011, through January 22, 2013, based on extraordinary and temporary conditions.⁵ Thereafter, TPS for Haiti was extended three times based on extraordinary and temporary conditions for the maximum designation period of 18 months: (1) from January 23, 2013, through July 22, 2014;⁶ (2) from July 23, 2014, through January 22, 2016;⁷ and (3) from January 23, 2016, through July 22, 2017.⁸ The Secretary then granted a six month extension of TPS from July 23, 2017, through January 22, 2018, but made clear that TPS Haiti beneficiaries should get their affairs in order because a further extension appeared unwarranted based on then-current country conditions.⁹ Subsequently, the Secretary announced the termination of the TPS designation of Haiti effective July 22, 2019.¹⁰

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

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

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

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

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

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

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

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

¹¹ On Dec. 28, 2023, the U.S. District Court for the Northern District of California dismissed *Ramos v. Nielsen*, No. 18-cv-01554 (N.D. Cal. Dec. 28, 2023). *Bhattarai v. Nielsen*, No. 19-cv-731 (N.D. Cal. Mar. 12, 2019) was consolidated with *Ramos* in August 2023. The court agreed with the government position that subsequent TPS designations rendered the pending litigation moot.

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

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

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

Temporary Protected Status for Haiti

Page 3

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

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

Description of Country Conditions: Haiti’s TPS designation is based on the “extraordinary and temporary conditions” provision in the TPS statute.²⁰ Accordingly, the statute requires a determination whether there continue to exist in Haiti the extraordinary and temporary conditions that prevent Haitian nationals from returning to Haiti in safety and whether permitting the aliens to remain temporarily in the United States is contrary to the U.S. national interest.²¹

USCIS conducted a review of conditions in Haiti. Analysis of these conditions shows that Haiti continues to struggle with the collapse of state authority, with pervasive and escalating violence driven by heavily armed gangs who now control much of Port-au-Prince and surrounding areas.²²

Improvements

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

Although the U.S. Federal Aviation Administration (FAA) has extended its ban on U.S. commercial flights to Port-au-Prince through September 8, 2025 due to ongoing security risks from gang violence, in December 2024, Haiti reopened its main international airport in Port-au-Prince to international flights from non-U.S. markets, marking a significant step toward economic revitalization and improved connectivity.²³ The airport in Les Cayes

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

¹⁶ *Haitian American United, Inc. et al. v. Trump*, No. 1:25-cv-10498 (D. Mass); *Haitian Evangelical Clergy et al. v. Trump*, No. 1:25-cv-01464 (D. Md.).

¹⁷ Estimate as of May 1, 2025.

¹⁸ Estimate as of May 1, 2025.

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

²⁰ INA sec. 244(b)(1)(C).

²¹ INA sec. 244(b)(1)(C), (b)(3).

²² See *UN Experts Urge Immediate Action to End Spiraling Violence in Haiti*, Report of the Office of the High Commissioner for Human Rights, April 5, 2025, available at: <https://www.ohchr.org/en/stories/2025/04/restoring-dignity-global-call-end-violence-haiti> (last visited May 23, 2025).

²³ “FAA Extends U.S. Flight Ban to Haiti’s Capital Through Summer 2025,” *Haitian Times*, March 12, 2025, available at <https://haitiantimes.com/2025/03/12/faa-extends-u-s-flight-ban-to-haitis-capital-through-summer-2025> (last visited May 27, 2025).

Temporary Protected Status for Haiti

Page 4

became operational for international flights in early 2025, offering an alternative route for aid delivery and commerce, especially beneficial for the southern regions.²⁴

The deployment of other international forces has bolstered efforts to combat gang violence, with the U.S. providing substantial financial assistance to support these initiatives.²⁵ In March 2025, the World Bank released a plan to make approximately US\$320 million in grant financing available with the aim of building resilience among Haiti's most vulnerable populations.²⁶

A citizen of Haiti who wishes to travel to the United States for a temporary stay must first obtain a nonimmigrant visa (NIV) by showing, with limited exceptions, an intent to return to their country of residence. In Fiscal Year 2024, 7,938 nonimmigrant visas were issued to Haitian nationals. In Fiscal Year 2025 to-date, 3,840 NIVs were issued to Haitian nationals. If this trend continues, Fiscal Year 2025 will see an estimated 9,200 NIVs issued to Haitian nationals.²⁷ This trend indicates that more Haitian nationals traveling to the United States as nonimmigrants have successfully demonstrated that they intend to return to Haiti once their period of authorized stay ends.

Haitian nationals in the United States have requested advance parole documents for travel back to Haiti. From October 1, 2022, through April 24, 2025, approximately 3,900 Haitian nationals requested advance parole documents, of which approximately 2,506 (64%) were for intended travel to Haiti.²⁸ Additionally, U.S. Immigration and Customs Enforcement (ICE) is currently removing aliens to Haiti. From January through April 2025, ICE removed approximately 210 aliens to Haiti.²⁹

TPS and Alignment with U.S. National Interest

By statute, the Secretary is prohibited from designating a country for TPS or extending a TPS designation on the basis of extraordinary and temporary conditions if she finds that "permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States."³⁰

²⁴ "Flights Resume at Haiti's Second International Airport." Associated Press, January 19, 2025, available at <https://apnews.com/article/974f97f68a9a01c0a73436bc592fa515> (last visited May 23, 2025).

²⁵ "Haiti Receives Support from Kenyan Police as Multinational Security Mission Begins," Associated Press, February 6, 2025, available at <https://apnews.com/article/58a8297e9e495ad0ba329407cf8628a6> (last visited May 23, 2025).

²⁶ "World Bank Announces New Strategy for Haiti," World Bank, March 4, 2025, available at <https://www.worldbank.org/en/news/immersive-story/2024/12/20/glimmers-of-hope-as-haiti-navigates-its-lingering-crisis> (last visited May 12, 2025).

²⁷ Estimates as of May 12, 2025.

²⁸ Estimates as of April 24, 2025. These figures do not necessarily include TPS beneficiaries, who receive a TPS Travel Authorization Document rather than an Advance Parole Document. USCIS does not collect intended destination country from TPS beneficiaries on form I-131, Application for Travel Documents, Parole Documents, and Arrival/Departure Records.

²⁹ Estimates as of April 18, 2025. Note that unable to confirm whether all aliens removed to a particular country are actually nationals of that country.

³⁰ See INA 244(b)(1)(C).

Temporary Protected Status for Haiti

Page 5

“National interest” is an expansive standard that may encompass an array of broad considerations, including foreign policy, public safety (e.g., potential nexus to criminal gang membership), national security, migration factors (e.g., pull factors), immigration policy (e.g., enforcement prerogatives), and economic considerations (e.g., adverse effects on U.S. workers, impact on U.S. communities).³¹ Determining whether permitting a class of aliens to remain temporarily in the United States is contrary to the U.S. national interest therefore calls upon the Secretary’s expertise and discretionary judgment, informed by her consultations with appropriate U.S. Government agencies. Additionally, Executive Order (EO) 14150, *America First Policy Directive to the Secretary of State* (Jan. 20, 2025), assists in further explaining “national interest”, as the EO clearly sets out the President’s vision that “the foreign policy of the United States shall champion core American interests and always put America and American citizens first.”³²

Relevant National Interest Considerations

DHS records indicate there are Haitian nationals (or aliens who last habitually resided in Haiti) who are TPS recipients or applicants who are or have been the subject of administrative investigations for fraud, public safety and national security.³³ Of the approximately 348,187 TPS recipients and 345,143 pending TPS applications from Haitian nationals, there are 897 aliens associated with a fraud record, and 275 numbers associated with an egregious public safety record. [REDACTED]

[REDACTED] Fraud and egregious public safety violations are contrary to the national interest.

Approximately 70,000 nationals of Haiti have entered the United States since June 6, 2024.³⁴ Of these new entrants, approximately 3,000 are nonimmigrants in valid status, approximately 700 entered as nonimmigrants but are now out of status, and approximately 66,000 were encountered at a border or port of entry and have no lawful immigration status. DHS Office of Homeland Security Statistics also estimates that approximately 300 entered the United States unlawfully and were not apprehended by U.S. government officials. Overstays and unlawful entry are contrary to the national interest.

Regarding foreign policy, there is little meaningful improvement to foundational stabilization and/or rebuilding on behalf of the Government of Haiti. Continuing programs such as TPS cultivates Haiti’s dependency on external assistance and is therefore contrary to the national interest.

³¹ See, e.g., *Poursina v. USCIS*, 936 F.3d 868, 874 (9th Cir. 2019) (observing, in an analogous INA context, “that the ‘national interest’ standard invokes broader economic and national-security considerations, and such determinations are firmly committed to the discretion of the Executive Branch—not to federal courts” (citing *Trump v. Hawaii*, 585 U.S. 667, 684-86 (2018)); *Flores v. Garland*, 72 F.4th 85, 89-90 (5th Cir. 2023) (same); *Brasil v. Sec’y, Dep’t of Homeland Sec.*, 28 F.4th 1189, 1193 (11th Cir. 2022) (same); cf. *Matter of D-J-*, 23 I&N Dec. 572, 579-81 (A.G. 2003) (recognizing that taking measures to stem and eliminate possible incentives for potential large-scale migration from a given country is “sound immigration policy” and an “important national security interest”); *Matter of Dhanasar*, 26 I&N Dec. 884, 890-91 (AAO 2016) (taking into account impact on U.S. workers in “national interest” assessments).

³² 90 FR 8337 (Jan. 29, 2025).

³³ Estimates as of May 7, 2025.

³⁴ Estimates as of April 15, 2025.

Temporary Protected Status for Haiti

Page 6

As of June 2, 2025, USCIS has not received input from the Department of State on whether the designation of TPS for Haiti is contrary to the national interest.

Options

Your options include the following actions:

1) *Terminate Haiti's Designation for TPS (USCIS Recommendation)*

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

2) *No Decision/Automatic Extension*

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

3) *Extend Haiti's Designation for TPS*

- Under the TPS statute, if you determine that the statutory conditions for designation continue to be met, you must extend the TPS designation for an additional period of 6, 12, or 18 months.³⁵ Haiti was initially designated for TPS on January 21, 2010, based on extraordinary and temporary conditions in Haiti that stemmed from an earthquake.
- Should the decision be made to extend the designation of TPS for Haiti, only existing TPS Haiti beneficiaries may re-register for TPS, and any Haitian nationals who may

³⁵ Along with an extension of the TPS designation, the Secretary may newly designate the country for TPS. See INA sec. 244(b)(1).

Temporary Protected Status for Haiti

Page 7

have entered the United States after the current continuous residence date will not be eligible for an initial application for TPS.

Signature Level Justification: The decision to designate any foreign state (or part thereof) is a discretionary decision, and the statute provides that there is no judicial review of any determination with respect to the designation, termination, or extension of a designation.³⁶ At least 60 days before the expiration of a foreign state's TPS designation or extension, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the foreign state designated for TPS to determine whether they continue to meet the conditions for the TPS designation.³⁷

Timeliness: You are required by statute to decide whether to extend or terminate an existing TPS designation at least 60 days before the expiration of the current designation, or the designation is automatically extended for a minimum of 6 months.³⁸ For Haiti's designation, which expires on August 3, 2025, you must make a determination by June 4, 2025, or the automatic extension occurs. You are further required to provide timely notice of your determination through publication in the *Federal Register*.³⁹ Your earliest decision will facilitate publication of the *Federal Register* notice, which communicates policy and appropriate procedures to TPS beneficiaries, their employers, and benefit-granting agencies.

³⁶ INA sec. 244(b)(5)(A).

³⁷ INA sec. 244(b)(3)(A).

³⁸ See INA sec. 244(b)(3)(A), (C).

³⁹ See INA sec. 244(b)(3)(A).

Temporary Protected Status for Haiti

Page 8

USCIS Recommendation: USCIS recommends that you terminate the TPS Haiti designation based on a finding that permitting Haitian nationals to remain temporarily in the United States is contrary to the U.S. national interest. USCIS recommends the statutory minimum of sixty days following publication of the FRN for the effective date of the termination as appropriate for an orderly period of transition. Prolonging departure timelines for Haiti has the potential to create incentives for future unauthorized migration. A sixty-day orderly period of transition is consistent with the precedent of previous TPS country terminations and makes clear that the United States is committed to clarity and consistency.

Secretary's Decision:

- 1. Terminate: *Terminate Haiti's designation*

Approve/date  06/04/2025

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

Approve/date _____

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

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

Approve/date _____

Attachments:

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