

## **Summary of Immigration-Related Haitian Relief Measures**

*USCIS is maintaining Alerts on their response to the Haitian earthquake and has issued releases summarizing their assistance and procedures. Please see the website below for the most up-to-date information:*

**<http://www.uscis.gov/portal/site/uscis>**

**Haitian citizens in the U.S. on/before 12 January 2010 may be eligible for Temporary Protected Status which allows them to remain in the US and obtain work permission. Two workshops are planned to assist those who qualify and wish to apply. Please see details:**

### **What is Temporary Protected Status?**

TPS is a temporary immigration status granted to eligible nationals of a certain country (or persons without nationality who last habitually lived in that country) designated by the Secretary of Homeland Security because that country has experienced temporary negative conditions, such as armed conflict or an environmental disaster, that prevent nationals of the country from returning safely or for the country to handle their return adequately. TPS beneficiaries are allowed to remain in the United States and can legally work for a set time period. (See Section 244 of the Immigration and Nationality Act (INA), 8 U.S.C. § 1254a.)

**I am a Haitian national; currently I cannot return to Haiti due to the earthquake and would like to apply for TPS. Am I eligible to apply for TPS?**

To qualify, you must:

- Be a national of Haiti, or a person without nationality who last habitually resided in Haiti;
- Have continuously resided in the U.S. since January 12, 2010.
- Have been continuously physically present in the U.S. since the date of the Federal Register Notice publication, and
- Meet certain immigrant admissibility requirements, and other TPS eligibility requirements (See INA § 244(c), 8 U.S.C. § 1254a and 8 C.F.R. §§ 144.2-244.4.)
- Satisfactorily complete all TPS application procedures as described in the Federal Register notice announcing Haitian TPS, the TPS application instructions (Form I-821), and regulations at 8 C.F.R. §§ 244.6 - 244.9.

Catholic Charities is running the first two TPS clinics for Haitians. They are this Friday and Saturday, from 10:00 to 5:00 at the Haitian Multi Service Center on Colombia Road in Dorchester

### **Haitian Multi-Service Center**

**[www.ccab.org](http://www.ccab.org)**

**185 Columbia Road  
Dorchester, MA 02121-3402  
(617) 436-2848**

**Other organizations are planning Clinics.**

*USCIS is also giving priority to other immigration-related applications for Haitians including change of status, extensions and accelerated processing of advance parole, student work authorization and expedited processing of applications for children of U.S. citizens and lawful permanent residents (LPR) (green card holders) as well as assistance to LPRs stranded overseas without paperwork. See below:*

### **What temporary relief measures aside from Temporary Protected Status, will USCIS make available to Haitian nationals in response to the earthquake devastating that country?**

Temporary relief measures available to nationals of Haiti include favorable adjudication, where possible, of requests for change or extension of nonimmigrant status, acceptance of applications for change or extension of nonimmigrant status submitted after the alien's authorized period of admission has expired, re-parole of aliens granted parole by USCIS, extension of certain grants of advance parole, expedited processing of advance parole requests, favorable and expedited adjudication, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students, expedited processing of immigrant petitions for children of U.S. citizens and lawful permanent residents (LPRs), issuance of employment authorization where appropriate and assistance to LPRs stranded overseas without documents.

*There are many questions regarding relatives and children who may be orphaned. Here is the guidance provided to date:*

### **Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?**

A U.S. citizen, whether naturalized or born in the United States, may not file a Form I-130, Petition for Alien Relative, on behalf of a niece, nephew or other minor extended family member who was orphaned as a result of the earthquake. A U.S.

citizen may only petition for his or her spouse, parents, children, adult sons and daughters, and brothers and sisters.

The international standard among adoption professionals in a crisis is to keep children as close to their family members and community as possible. It is often difficult to determine whether children whose parents are missing are truly orphans. In the current situation, many children have become separated from one or both of their parents whose fate is unknown. Even when children are indeed orphaned, they are often taken in by other relatives. Staying with relatives in extended family units is generally a better solution than uprooting the child completely. Also, in the immediate aftermath of such disasters, a country's government may be in disarray and what resources are available may be deployed on recovery projects.

USCIS believes that it will take many months before the countries affected by the disaster will be able to identify the children who are actual orphans. It is only if and when these countries decide to make these orphans available for international adoption that American citizens will be able to begin adoption proceedings for those children who also qualify as orphans as defined in the Immigration and Nationality Act.