

109TH CONGRESS
1ST SESSION

H. R. 2592

To designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section.

IN THE HOUSE OF REPRESENTATIVES

MAY 24, 2005

Mr. HASTINGS of Florida (for himself, Mr. SERRANO, Mr. LYNCH, Mr. CONYERS, Mr. RANGEL, Mr. WEXLER, Ms. CORRINE BROWN of Florida, Mr. DELAHUNT, and Ms. MOORE of Wisconsin) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To designate Haiti under section 244 of the Immigration and Nationality Act in order to render nationals of Haiti eligible for temporary protected status under such section.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Haiti Compassion
5 Act”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Haiti remains severely devastated by the
2 combined effects of ongoing political turmoil and the
3 aftermath of the natural disasters of 2004, such as
4 Tropical Storm Jeanne and Hurricane Ivan.

5 (2) In Haiti, more than 2,500 people died as a
6 result of Tropical Storm Jeanne in 2004.

7 (3) The civil protection agency of Haiti stated
8 that 250,000 people were homeless across the coun-
9 try and at least 4,000 homes were destroyed, with
10 thousands more damaged, as a result of the storm.

11 (4) When Tropical Storm Jeanne hit, Haiti was
12 already struggling to deal with political instability
13 and the aftermath of serious floods that occurred in
14 May 2004.

15 (5) More than a year after the abrupt depar-
16 ture of former President Aristide, the political, secu-
17 rity, and social-economic situation in Haiti remains
18 in crisis, the transitional government is weak and
19 fighting to maintain credibility, and there are no
20 clear signs of either political reconciliation or eco-
21 nomic reconstruction.

22 (6) On Wednesday March 9, 2005, the United
23 Nations Security Council pressed Haiti's government
24 to crack down on human rights abuses and free po-

1 litical prisoners to help heal the country ahead of
2 November elections.

3 (7) Political oppression and human rights viola-
4 tions are rife in Haiti while many supporters of the
5 opposition are unjustly held in prison or experi-
6 encing persecution.

7 (8) On March 11, 2005, the Department of
8 State issued a travel warning to United States citi-
9 zens warning them of the “absence of an effective
10 police force in much of Haiti; the potential for
11 looting; the presence of intermittent roadblocks set
12 by armed gangs or by the police; and the possibility
13 of random violent crime, including kidnapping,
14 carjacking, and assault.”

15 (9) The Department of State’s Consular Infor-
16 mation Sheet states “there are no ‘safe areas’ in
17 Haiti.” As a result, “United States citizens should
18 avoid travel to Haiti at this time.”

19 (10) While current United States policy is to
20 advise its own citizens not to travel to Haiti, it is
21 unjust to return Haitian nationals to this type of
22 dangerous situation.

23 (11) To return a national back to Haiti, where
24 there is ongoing violence and a devastating environ-

1 mental situation, would pose a serious threat to the
2 personal safety of such individual.

3 (12) The political, civil, and governmental crisis
4 and extraordinary and temporary conditions caused
5 by nature and resulting in floods, epidemics, and
6 other environmental disasters in Haiti should make
7 Haitian nationals eligible for temporary protected
8 status.

9 (13) There is a history of discrimination and
10 mistreatment of Haitians in the immigration proc-
11 ess.

12 (14) Temporary protected status allows aliens
13 who do not legally qualify as refugees but are none-
14 theless fleeing or reluctant to return to potentially
15 dangerous situations to temporarily remain in the
16 United States.

17 (15) Granting temporary protected status to
18 nationals of Haiti is consistent with the interest of
19 the United States and promotes the values and mor-
20 als that have made the United States strong.

21 **SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEM-**
22 **PORARY PROTECTED STATUS TO HAITIANS.**

23 (a) DESIGNATION.—

24 (1) IN GENERAL.—For purposes of section 244
25 of the Immigration and Nationality Act (8 U.S.C.

1 1254a), Haiti shall be treated as if such country had
2 been designated under subsection (b) of that section,
3 subject to the provisions of this section.

4 (2) PERIOD OF DESIGNATION.—The initial pe-
5 riod of such designation shall begin on the date of
6 enactment of this Act and shall remain in effect for
7 18 months.

8 (b) ALIENS ELIGIBLE.—In applying section 244 of
9 the Immigration and Nationality Act (8 U.S.C. 1254a)
10 pursuant to the designation made under this section, and
11 subject to subsection (c)(3) of such section, an alien who
12 is a national of Haiti is deemed to meet the requirements
13 of subsection (c)(1) of such section only if the alien—

14 (1) is admissible as an immigrant, except as
15 otherwise provided under subsection (c)(2)(A) of
16 such section, and is not ineligible for temporary pro-
17 tected status under subsection (c)(2)(B) of such sec-
18 tion; and

19 (2) registers for temporary protected status in
20 a manner that the Secretary of Homeland Security
21 shall establish.

22 (c) CONSENT TO TRAVEL ABROAD.—The Secretary
23 of Homeland Security shall give the prior consent to travel
24 abroad described in section 244(f)(3) of the Immigration
25 and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien

1 who is granted temporary protected status pursuant to the
2 designation made under this section, if the alien estab-
3 lishes to the satisfaction of the Secretary of Homeland Se-
4 curity that emergency and extenuating circumstances be-
5 yond the control of the alien require the alien to depart
6 for a brief, temporary trip abroad. An alien returning to
7 the United States in accordance with such an authoriza-
8 tion shall be treated the same as any other returning alien
9 provided temporary protected status under section 244 of
10 the Immigration and Nationality Act (8 U.S.C. 1254a).

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