

# **EXHIBIT 50**

U.S. Department of Homeland Security  
U.S. Citizenship and Immigration Services  
Office of the Director (MS 2000)  
Washington, DC 20529-2000

May 12, 2017



U.S. Citizenship  
and Immigration  
Services

MEMORANDUM FOR THE SECRETARY

FROM: James W. McCament  
Acting Director

SUBJECT: **Additional Information Related to Haiti's Designation for Temporary Protected Status**

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**Purpose:** This information memorandum is provided pursuant to receipt of a letter from Haiti's Ambassador to the United States, Paul Altidor, requesting an extension of Haiti's designation for Temporary Protected Status (TPS) (*see* Attachment A), and in response to requests from your staff for further specific pieces of information. The memorandum also provides updates on country conditions in Haiti to help inform your upcoming decision on Haiti's TPS designation.

**Background:** Haiti's existing designation for TPS will expire on July 22, 2017. At least 60 days before a TPS designation expires, the Secretary, after consultation with appropriate U.S. Government agencies, must review the conditions in the designated foreign country to determine whether the conditions for such designation continue to be met. If the Secretary determines that the foreign country no longer continues to meet the statutory conditions for designation, he shall terminate the designation and publish an appropriate notice in the *Federal Register*. If the Secretary finds, however, that the conditions for designation continue to be met, the TPS designation must be extended a minimum of six months, but may be extended, in the Secretary's discretion, for 12 or 18 months.

Following a review of the conditions in Haiti, on April 10, 2017, USCIS recommended that you terminate Haiti's designation for TPS, but delay the effective date of the termination by 6 months, until January 22, 2018. A memorandum explaining the background of Haiti's TPS designation and the basis for the recommendation to terminate was transmitted from USCIS to DHS OGC on April 17, 2017. The information provided herein supplements the April 10, 2017 USCIS recommendation memorandum.

**Additional Information:**

*(1) Country Conditions Information*

The USCIS Research Unit has provided a report with updated country conditions and addressing specific questions relating to long-term gross domestic product (GDP) growth, the drawdown of the United Nations Stabilization Mission in Haiti (MINUSTAH), and reconstruction of the National Palace (*see* Attachment B).

Since the last report, the United Nations Office for the Coordination of Humanitarian Affairs has reported that “critical humanitarian needs” related to Hurricane Matthew remain in Haiti (particularly related to food security and shelter), especially in Haiti’s southern peninsula. Additionally, heavy rains in late April caused flooding and landslides in South, South East, Grand'Anse, and Nippes departments, with South department most impacted. At least four people were killed, nearly 10,000 homes may have been damaged, and at least 350,000 people may have been affected. According to a Haitian government official, an estimated 80% of the spring harvest in South department may have been destroyed.

With regard to GDP growth, the research unit provided the following chart reflecting yearly GDP rates over the period of 1997-2015. Annual GDP growth following the 2010 earthquake has been erratic, but predominantly positive, ranging from as low as -5.5% (2010) to as high as 5.5% (2011), and averaging 1.9% over the period.

<b>Year</b>	<b>GDP growth (annual %)</b>
1997	2.705
1998	2.182
1999	2.71
2000	0.87
2001	-1.044
2002	-0.251
2003	0.364
2004	-3.523
2005	1.805
2006	2.249
2007	3.343
2008	0.844
2009	3.083
2010	-5.498
2011	5.524
2012	2.885
2013	4.234
2014	2.797
2015	1.185

Regarding additional information on MINUSTAH and its drawdown, the mission was established in 2004 following a rebellion that led to the removal of President Jean-Bertrand Aristide and subsequent violence. MINUSTAH has been in place since, boosting security and paving the way for elections. However, its tenure in Haiti has been controversial due to accusations of excessive force and abuses by troops, as well as their having introduced cholera to the country.

On April 13, 2017, the United Nations Security Council decided that MINUSTAH would draw down its military component and withdraw from Haiti by October 15, 2017. At the same time, the Security Council established a successor operation, the United Nations Mission for Justice Support in Haiti (MINUJUSTH). MINUJUSTH, a police-only force, is focused on strengthening rule of

law, supporting and developing the National Police, and engaging in human rights monitoring, reporting, and analysis.

Reasons cited for the drawdown of MINUSTAH and the transition to the United Nations Mission for Justice Support in Haiti (MINUJUSTH) include recognition of the recent election as a “major milestone toward stabilization,” the view that the military component is not necessary anymore, that Haitian lawmakers have pushed for Haiti to manage all of its own security affairs and negotiated for MINUSTAH’s departure as soon as possible, and that a focus on police development and rule of law is more appropriate to the current context.

With respect to the reconstruction of Haiti’s National Palace, which was demolished in 2012 due to significant damage from the 2010 earthquake, the most recent development is the April 19, 2017 announcement by Haitian President Jovenel Moïse of a project to rebuild it. President Moïse noted the symbolic importance of reconstructing the National Palace as part of Haiti’s overall post-earthquake reconstruction, and has stated his desire for construction to begin before the end of 2017. However, the cost of the project is yet to be estimated, and requests for proposals to complete the work have yet to be issued.

*(2) Data on Haitian TPS Beneficiaries*

The Secretary’s office requested information regarding the estimated number of potentially eligible TPS beneficiaries at the time of designation, the number of TPS beneficiaries without lawful status at the time they applied for TPS, and information on criminality for Haitian TPS beneficiaries.

At the time of Haiti’s initial TPS designation in January 2010, DHS estimated that there were 100,000 to 200,000 nationals of Haiti (or otherwise eligible aliens having no nationality who last habitually resided in Haiti) who might be eligible for TPS under the designation. This estimate was based on the number of Haitians believed to have been in the United States at the time of designation in nonimmigrant status or without a lawful status.

Regarding immigration status at the time of application, the TPS statute does not require individuals to have lawful status in order to qualify for TPS; however, the TPS application form (I-821) does request the applicant’s status at the time of application, and this information is recorded in USCIS systems. Not all applicants provide this information on the form in a standard or recordable fashion. USCIS systems show that 1,985 of the 58,706 Haitian TPS beneficiaries reported their status as “entry without inspection” at the time of filing an application for TPS. USCIS systems also show that 48,597 of the 58,706 Haitian TPS beneficiaries had their status reported in USCIS systems as unknown. Given the large number of individuals with unknown status, 1,985 is not a reliable estimate of the number of Haitian beneficiaries who had no lawful immigration status at the time of applying for TPS.

Information regarding whether TPS beneficiaries have committed crimes is not currently available through USCIS systems. However, USCIS systems can be queried to calculate the number of IDENT records associated with approved TPS beneficiaries’ A-Numbers. An IDENT result from the FBI means that “there is an administrative or criminal record listed in the FBI files relating to the individual.” Thus, an IDENT result does not necessarily indicate that the individual has been

charged or convicted of a crime. The result only indicates an encounter with law enforcement, which could include such incidents as a detention by CBP for an attempted illegal border crossing or other immigration violations. The FBI forwards a copy of the record to USCIS for review and consideration in the adjudication process. The actual Record of Arrests and Prosecutions (“RAP sheet”) is reviewed for each case to determine an individual’s criminal history and whether the IDENT hit relates to a disqualifying criminal conviction. Of the fingerprint results for Haitians approved for TPS at some point, 7,061 had associated IDENT hits.

### *(3) Haitian Removals*

Following the earthquake that struck Haiti in January 2010, U.S. Immigration and Customs Enforcement (ICE) ceased removing Haitians to Haiti. In 2011, ICE resumed the removal of Haitians on a limited basis – specifically, those who had final orders of removal and had been convicted of a serious crime. On September 22, 2016, former Secretary of Homeland Security, Jeh Johnson, announced that DHS would resume removals of Haitian nationals in accordance with ICE’s existing enforcement priorities. This included those apprehended at the border attempting to enter the country illegally. Secretary Johnson’s announcement included the following rationale for the resumption of removals: “[T]he situation in Haiti has improved sufficiently to permit the U.S. government to remove Haitian nationals on a more regular basis, consistent with the practice for nationals from other nations.” In light of Hurricane Matthew, which struck Haiti on October 4, removal flights to Haiti were briefly suspended, but they had resumed by November 23, 2016.

In conjunction with the resumption of regular removals to Haiti, USAID has provided assistance for reception and reintegration support in Haiti through partnership with the International Organization for Migration (IOM). The program was designed to strengthen the capacity of the Haitian government’s migration office to help meet returning migrants’ basic needs and facilitate their social and economic reintegration. This assistance is scheduled to end as of May 31, 2017. With the impending end of the contract, IOM is training the Haitian government to take over these responsibilities. State assesses that it is not clear at this point whether the Haitian government will be equipped to handle these responsibilities, which may grow in scope with increased numbers of removals and voluntary returns of Haitian nationals that would follow from a termination of Haiti’s TPS, by May 31.

### *(4) Reduced Demand for Nonimmigrant Visas for Haitians*

Embassy Port-au-Prince has seen a 30% decrease in demand for nonimmigrant visas since January 2017 as compared to the same timeframe in 2016. While nonimmigrant visa demand was up the first few months of fiscal year 2017 (compared to fiscal year 2016), the downward trend since January 2017 has continued into May. State speculates that the cause for the downward trend is a perceived anti-Haitian bias in the United States, bolstered by stories of deportations and the perceived possibility of TPS expiration. State reports that there is also a perception that Haitians are approaching an end of remittances from the diaspora, which makes them want to save money.

#### **Attachments:**

Letter from Haitian Ambassador – May 8, 2017

Research Unit Addendum – May 10, 2017