

# **EXHIBIT 129**

**From:** Hirsch, Angela H [REDACTED]  
**Sent:** Monday, May 22, 2017 9:16 AM  
**To:** Anderson, Kathryn E [REDACTED] Prelogar, Brandon B  
[REDACTED]  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

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Have you guys heard anything more about this? Any eyes on a final FRN?

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**From:** Anderson, Kathryn E  
**Sent:** Monday, May 22, 2017 2:44:02 AM  
**To:** Hirsch, Angela H  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

I know. I don't know what's going on with the FRN. I'm glad you followed up with Dave. I hope he agrees.

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**From:** Hirsch, Angela H  
**Sent:** Sunday, May 21, 2017 9:42 PM  
**To:** Anderson, Kathryn E  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

It's insane that we're updating comms materials that are supposed to go out in 15 hours, before we have even seen the final FRN. I'm hoping someone steps in and pulls back on this timeline.

Angela Hussein Hirsch  
[REDACTED]  
[REDACTED]

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**From:** Anderson, Kathryn E  
**Sent:** Sunday, May 21, 2017 9:40 PM  
**To:** Hirsch, Angela H; Alfonso, Angelica M; Nuebel Kovarik, Kathy; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

I went in and updated the news release with the same autoextension information that Craig inserted into the media TPs and Q&As. This should reflect OCC's changes to the FRN (we haven't seen yet either, but just asked for a draft so we can make sure the comms align).

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**From:** Hirsch, Angela H  
**Sent:** Sunday, May 21, 2017 9:33 PM  
**To:** Alfonso, Angelica M; Anderson, Kathryn E; Nuebel Kovarik, Kathy; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

It was, but DHS OPA wants to get it all out as soon as possible. I'll reply to the chain with DHS OPA and press the point again.

Angela Hussein Hirsch  
[REDACTED]  
[REDACTED]

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**From:** Alfonso, Angelica M  
**Sent:** Sunday, May 21, 2017 9:31 PM  
**To:** Anderson, Kathryn E; Hirsch, Angela H; Nuebel Kovarik, Kathy; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

I think statement tomorrow and release upon publication makes sense. Wasn't that the original plan?

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**From:** Anderson, Kathryn E  
**Sent:** Monday, May 22, 2017 2:29:07 AM  
**To:** Hirsch, Angela H; Nuebel Kovarik, Kathy; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L; Alfonso, Angelica M  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

And I defer to your expertise on whether it makes sense to hold the USCIS release pending the FRN publication so that we can include more detailed info. I'm fine either way since the DHS statement will announce the decision tomorrow.

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**From:** Anderson, Kathryn E  
**Sent:** Sunday, May 21, 2017 9:23:54 PM  
**To:** Hirsch, Angela H; Nuebel Kovarik, Kathy; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L; Alfonso, Angelica M  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

We've got some language on the autoextension point that Craig inserted into the talking points that should address the changes made to the FRN. I can insert that.

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**From:** Hirsch, Angela H  
**Sent:** Sunday, May 21, 2017 9:19:43 PM  
**To:** Nuebel Kovarik, Kathy; Anderson, Kathryn E; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A; Wheeler Roberts, Shannon L; Hatchett, Doline L; Alfonso, Angelica M  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

Back to the news release! I'm concerned about the plan to release this tomorrow. It has not been updated to reflect the latest edits to the FRN (I have not seen the latest FRN, but understand there were additional changes today). If we push the USCIS release in advance of the publication, we will not be able to provide dates for the 60-day reregistration window, which is a key part of the messaging. We also won't be able to link to the FRN, which has extensive information explaining technical aspects of the program.

The S1 statement will go out as a DHS press release tomorrow; between that and the media backgrounder, I think we are providing a solid foundation for accurate coverage. Do others share my concern? Regardless, we need to update this with latest FRN language, so please advise on where that stands.

Thanks, Angela

Angela Hussein Hirsch

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**From:** Hirsch, Angela H  
**Sent:** Sunday, May 21, 2017 7:50 AM  
**To:** Nuebel Kovarik, Kathy; Anderson, Kathryn E; Prelogar, Brandon B  
**Cc:** Carter, Jeffrey T (Jeff); Catania, Kathryn A  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

USCIS only – I wanted to circle back and revisit our press release and make sure it reflects the latest information and messaging. Kathy, I see you made edits yesterday. Kathryn and Brandon, can you take a look as well? I'd like to make sure OCC and CSPED have visibility, and have PLC review per our clearance protocols. I'll also update our tactical rollout plan to reflect the latest from DHS.

TPS Haiti – News Release 2017 (6 month extension)

TPS Haiti – LG 2017 (6 month extension)

Thanks all. Happy Sunday!

**Angela Hussein Hirsch**

[REDACTED]

[REDACTED]

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**From:** Nuebel Kovarik, Kathy  
**Sent:** Sunday, May 21, 2017 6:44 AM  
**To:** Anderson, Kathryn E; Maher, Joseph; Prelogar, Brandon B; Claffey, Lauren; Cassidy, Ben; Hamilton, Gene; Clark, Alaina; Barsa, John; Corbin, Susan  
**Cc:** Hoffman, Jonathan; Howard, Tammy; Lapan, David; Talbot, Joanne; Hirsch, Angela H; Carter, Jeffrey T (Jeff); Baroukh, Nader  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

Great improvements, Kathryn. I had just a few edits. I didn't insert additional questions, but would flag that we could get these two other inquiries:

- 1) Why did the Secretary make a decision contrary to the USCIS Director (ie from the leaked decision memo)?
- 2) How will the U.S. help the Haitian Government help people transition back to their homeland, as suggested in the FRN?

And while USAID programs and rebuilding initiatives fall under the State Department, can we get information from them to include to show how the US has been a part of Haiti's rebuilding efforts? I think people need to be reminded that we're active partners in their recovery.

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

[REDACTED]

[REDACTED]

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**From:** Anderson, Kathryn E  
**Sent:** Saturday, May 20, 2017 11:20 PM  
**To:** Maher, Joseph; Prelogar, Brandon B; Claffey, Lauren; Cassidy, Ben; Hamilton, Gene; Clark, Alaina; Barsa, John; Corbin, Susan  
**Cc:** Hoffman, Jonathan; Howard, Tammy; Lapan, David; Talbot, Joanne; Hirsch, Angela H; Carter, Jeffrey T (Jeff); Nuebel Kovarik, Kathy; Baroukh, Nader  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

All, I offer some fairly significant edits to the talking points in the attached. A couple of the points were correct under a termination scenario, but are not now still the case under an extension. I also inserted in the talking points some of the additional messaging that is included in the latest version of the news release and the FRN. Finally, in light of the discussion on this chain, I took a shot at an answer to the criminal/public benefits question that states the decision was based on the statutory conditions, but notes that one of those conditions includes that the Secretary may consider whether permitting Haitian nationals to remain in the United States is contrary to the national interest of the United States.

Thanks,  
Kathryn

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**From:** Maher, Joseph  
**Sent:** Saturday, May 20, 2017 10:15 PM  
**To:** Prelogar, Brandon B; Claffey, Lauren; Cassidy, Ben; Hamilton, Gene; Clark, Alaina; Barsa, John; Corbin, Susan; Anderson, Kathryn E  
**Cc:** Hoffman, Jonathan; Howard, Tammy; Lapan, David; Talbot, Joanne; Hirsch, Angela H; Carter, Jeffrey T (Jeff); Nuebel Kovarik, Kathy; Baroukh, Nader  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

+ Nader.

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**From:** Prelogar, Brandon B  
**Sent:** Saturday, May 20, 2017 8:31:22 PM  
**To:** Claffey, Lauren; Cassidy, Ben; Hamilton, Gene; Clark, Alaina; Barsa, John; Corbin, Susan; Maher, Joseph; Anderson, Kathryn E  
**Cc:** Hoffman, Jonathan; Howard, Tammy; Lapan, David; Talbot, Joanne; Hirsch, Angela H; Carter, Jeffrey T (Jeff); Nuebel Kovarik, Kathy  
**Subject:** RE: Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

+Kathy. Quick thoughts -- think this bit will need tweaking:

"Beneficiaries of Haiti TPS will automatically retain their TPS, and the validity of their current Employment Authorization Documents has been extended through January 21, 2018. Beneficiaries do not need to pay a fee or file any application to retain their TPS benefits through that date."

As I understand it, we are requiring reregistration and not auto-extending EADs.

Also, on the crime and pub benefits Q, I think we should just respond with the second sentence only. We did try to dig up some data on crime and public benefits, and I think it is both unnecessary and overly defensive to say we did not use data of that sort in our decision making. (And, in any event, there is a fair argument that that sort of data could be considered under the statute for Haiti's designation and extensions on the basis of extraordinary and temporary conditions, given the national interest component.)

The rest looks essentially okay to me. Thanks,

Brandon

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**From:** Claffey, Lauren  
**Sent:** Saturday, May 20, 2017 2:31:51 PM  
**To:** Cassidy, Ben; Hamilton, Gene; Clark, Alaina; Barsa, John; Corbin, Susan; Maher, Joseph; Anderson, Kathryn E; Prelogar, Brandon B  
**Cc:** Hoffman, Jonathan; Howard, Tammy; Lapan, David; Talbot, Joanne; Hirsch, Angela H; Carter, Jeffrey T (Jeff)

**Subject:** Approval and Input Needed: Draft Talking Points and Q&A for Haiti TPS Announcement Monday

OPE, OLA, OGC, and USCIS:

Please find attached and below draft talking points and Q&A document for Monday's announcement on Haiti TPS extension. We are asking for edits and approval, as well as any additional questions and answers that you think could come up during conversations with media and stakeholders. You'll also note at the bottom of the document a series of qs we need answers to.

Thank you!

Lauren E. Claffey  
Deputy Assistant Secretary for Strategic Communications  
Office of Public Affairs  
U.S. Department of Homeland Security  
[REDACTED]

Talking Points May 19, 2017

**BACKGROUND:** The Secretary of Homeland Security may designate a foreign country for Temporary Protected Status (TPS) due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately. U.S. Citizenship and Immigration Services (USCIS) may grant TPS to eligible nationals of certain countries (or parts of countries), who are already in the U.S. Eligible individuals without nationality who last resided in the designated country may also be granted TPS. The Secretary may designate a country for TPS due to the following temporary conditions in the country:

- Ongoing armed conflict (such as civil war)
- An environmental disaster (such as earthquake or hurricane), or an epidemic
- Other extraordinary and temporary conditions

**TALKING POINTS:** Haiti's Designation for Temporary Protected Status Extended for six months until January 2018

♣ Haiti's designation for Temporary Protected Status has been extended until January 22, 2018—six months following the end of the current designation.

♣ Beneficiaries of Haiti TPS will automatically retain their TPS, and the validity of their current Employment Authorization Documents has been extended through January 21, 2018. Beneficiaries do not need to pay a fee or file any application to retain their TPS benefits through that date.

♣ DHS urges individuals who hold no immigration status other than TPS to use the time before termination of their TPS in January to prepare for and arrange their departure from the United States or apply for other immigration benefits for which they may be eligible.

♣ There are about 58,700 Haiti TPS beneficiaries.

♣ More information can be found in the Federal Register notice published on May 23, 2017.

**TALKING POINTS:** Temporary Protected Status

- Temporary Protected Status is a temporary immigration benefit that allows qualified individuals from designated countries (or parts of those countries) who are in the U.S. to stay here for a limited period of time.
- Currently, 10 countries have been designated for TPS. The countries are South Sudan, Sudan, Somalia,

Honduras, Nicaragua, El Salvador, Syria, Haiti, Nepal and Yemen. [Note: TPS for Liberia, Guinea and Sierra Leone expire May 21, 2017. Citizens of those countries were given six months to prepare for departure or apply for an immigration status for which they may be eligible.]

- TPS is a temporary benefit that does not lead to lawful permanent resident status or give any other immigration status.
- Individuals with TPS are authorized to work in the U.S. and may request travel authorization.
- Once granted TPS, an individual cannot be detained by DHS on the basis of his or her immigration status in the U.S.

#### Questions and Answers

♣ How many times have you terminated TPS for other countries?

Countries whose TPS designations have been terminated: Angola, Bosnia & Herzegovina, Burundi, El Salvador (expired in 1992 per statute and newly designated in 2001), Guinea, Guinea-Bissau, Kosovo Province, Kuwait, Lebanon, Liberia, Montserrat, Rwanda, and Sierra Leone.

♣ Was the government of Haiti consulted?

DHS and the Department of State met with Haitian government officials.

Were crime and public benefits data used to make the decision?

No, criminal history and public benefit usage was not used as criteria for the TPS determination.

The decision was based on whether Haiti met the statutory conditions for TPS.

♣ Was the State Department consulted?

Yes. DHS and the Department of State reviewed conditions in Haiti. Based on the reviews and after consulting with the Department of State, Secretary Kelly made his determination.

♣ Can you elaborate on specific conditions in Haiti that have improved since 2010? Can we have copies of the country reports the Secretary used to reach his decision?

The Federal Register notice announcing termination of Haiti TPS (published on May 23, 2017) summarizes the conditions in Haiti on which the determination was based. You may submit a Freedom of Information Act request for copies of internal documents.

♣ Was the impact of Hurricane Matthew in the fall of 2016 considered?

Yes. While Hurricane Matthew caused extensive damage across the southwest area of Haiti, overall circumstances in the country have continued on an upward trajectory since the 2010 earthquake.

♣ Will ICE now remove any Haitian TPS beneficiaries?

When TPS expires, former TPS beneficiaries will maintain the same immigration status they held before or any other status they may have acquired while registered for TPS. Accordingly, if a TPS beneficiary held no lawful immigration status before being granted TPS and did not obtain any other status during the TPS period, he or she may be subject to removal once the TPS designation ends. Termination of the TPS designation does not necessarily affect pending applications for other forms of immigration status, relief or protection. However, former TPS beneficiaries will begin to accrue unlawful presence when TPS expires, if they have not been granted any other immigration status, relief, protection, or authorization to remain in the United States.

♣ What options do they have to remain in the country legally?

Haitian TPS beneficiaries have the same options open to them as anyone else who wishes to obtain immigration status in the United States.

♣ Why Secretary Kelly requested data on TPS Haiti recipients to USCIS staff?

Secretary Kelly, separate and distinct from the decision on TPS for Haiti, asked DHS staff for information to increase his understanding of how the TPS program operates and the elements of information we have on program recipients.

♣ Why not extend TPS for a year or 18 months to allow Haiti to make more progress? Why did the Secretary decide on six months rather than a longer period?  
Haiti has made significant progress since the January 2010 earthquake and the Haitian government has expressed a desire for its nationals to return to their country. Additionally, Secretary Kelly will re-evaluate the country's conditions prior to the conclusion of the six-month extension.

♣ How much did information about criminal activity by Haitians in the US factor into the decision?  
None. The decision was based on whether Haiti met the statutory conditions for TPS.

♣ Did the Secretary take into consideration the input from governors, mayors, members of Congress and religious leaders that he extends TPS for Haitians?  
In making this decision, Secretary Kelly took into consideration all the feedback provided by U.S. Government agencies and the current situation in the country.

♣ Although your statement mentions improvements in living conditions got those displaced by the earthquake, don't the impacts of Hurricane Matthew, cholera outbreak, pressing poverty and poor health conditions argue for additional protections for Haitians?  
There continue to be conditions in Haiti that prevent Haitian nationals from returning to the country in safety. However, the country has also made progress since the 2010 earthquake which is the reason why the original TPS designation was made. The decision to extend the TPS for six months was based on the country's current conditions.

♣ Are you planning to terminate TPS for Haiti January 2018?  
Secretary Kelly will re-evaluate the designation for Haiti prior to the conclusion of this period and decide anew whether extension, re-designation, or termination is warranted.

♣ What will happen to those Haitian nationals if you don't renew or extend their TPS next January? Are you going to deport them to Haiti?  
After evaluating the country's conditions and if the decision is made not to renew or extend TPS in January 2018, we will work with the Haitian government to assist in a smooth transition for Haitian nationals without a legal U.S. immigration status to return to their country.

Questions from stakeholders:

- ♣ Question on employee shortage/losing workforce
- ♣ Haiti recovery status was hampered by 2016 hurricane
- ♣ Currently the financial support for the recovery efforts is offset by Haitian family members remittances
- ♣ Influx of 50k nationals to Haiti would be catastrophic due to the current nutritional, economic and political instability
- ♣ TPS has been granted and extended for El Salvador, Honduras, Nicaragua, Somalia, and Sudan
- ♣ POTUS is reported to have made campaign promise to be a champion for Haiti
- ♣ Local economic impact of these 50k losing their protected status would be negative
- ♣ Current cholera outbreak is still rampant and deadly