



**U.S. Citizenship
and Immigration
Services**

June 28, 2021

Jose Magaña-Salgado
TPS-DED Administrative Advocacy
Campaign Coordinator
Masa Group
LLCjose@masadc.com

Dear Mr. Magaña-Salgado:

Thank you for your May 26, 2021 letter to the Department of Homeland Security. Secretary Mayorkas asked that I respond on his behalf.

We appreciate your suggestions for implementation of the Temporary Protected Status redesignation for Haiti. Please find responses to your recommendations in the attached document. We are committed to reducing barriers to our legal immigration system.

Thank you again for your letter and interest in this important issue. The other points of contact in your letter will receive a separate, identical response. Should you require any additional assistance, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Tracy L. Renaud".

Tracy L. Renaud
Acting Director

Enclosure

**U.S. Citizenship and Immigration Services' Response to
The Temporary Protected Status and Deferred Enforced Departure Administrative
Advisory Coalition's (TPS-DED AAC)
May 26, 2021 Letter**

1. **Immediately publish the Federal Register Notice (FRN):** As the agency that implements Temporary Protected Status (TPS) on behalf of the Department of Homeland Security (DHS), U.S. Citizenship and Immigration Services (USCIS) recognizes the importance of the publication of the FRN announcing TPS for Haiti, as this officially opens the registration for TPS and associated benefits. USCIS is committed to the drafting of a thorough, accurate, and clear FRN and publishing it as soon as possible. This applies to Haiti, as well as to all other countries that DHS designates for TPS.
2. **Put in place a policy to ensure Haitians who previously remained in third countries and may have difficulty proving Haitian nationality are able to receive TPS protection:** TPS is a country-specific program. Based on the Secretary's designation, USCIS may grant TPS to eligible nationals of certain countries and to eligible individuals without nationality (stateless) who last habitually resided in the designated country before residing in the United States. As such, identifying and resolving issues of nationality and citizenship are critical in TPS adjudications. USCIS Immigration Service Officers thoroughly review the totality of the evidence provided and any relevant foreign citizenship laws to make the appropriate TPS eligibility determination.
3. **Take immediate steps to provide protection for Haitians at the border who would have qualified for TPS but for Title 42, metering, and other policies:** Secretary Mayorkas announced that the new 18-month designation of Haiti TPS enables Haitian nationals (and individuals without nationality who last resided in Haiti) currently residing in the United States as of May 21, 2021, to file initial applications for TPS, so long as they meet eligibility requirements. There are currently no plans to make exceptions to the continuous residence date.
4. **Ensure that re-registration requirements for current Haitian TPS holders are explicit:** USCIS is not able to comment on ongoing litigation but is committed to ensuring close coordination and communication with all relevant parties regarding the development of registration requirements for TPS for Haiti.
5. **Put in place 365-day registration and re-registration period:** The law requires a minimum of a 180-day registration period for new TPS designation registration periods and no maximum on how long a registration or re-registration period can be.¹ USCIS is currently reviewing the registration period length and will make a determination as to whether a period longer than the statutory 180-day minimum registration period is appropriate for TPS registration for Haiti.
6. **Waive \$50 registration fee:** Pursuant to INA § 244 (c)(1)(B), the Attorney General may require payment of a reasonable fee, not to exceed \$50, from TPS registrants. Fees are an

¹ INA § 244 (c)(1)(A)(iv)

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important component of the TPS program. USCIS is a fee-funded agency; the fees it collects from TPS allow USCIS to continue to implement this important humanitarian benefit.

7. **Ensure the SAVE system is properly updated and publish data on the accuracy of E-VERIFY:** USCIS continues to dedicate resources to ensure that E-Verify and SAVE responses are accurate and up to date. E-Verify and SAVE ensure that they have access to updated TPS information when issuing responses on cases. Both programs also include feedback mechanisms through which TPS beneficiaries can request and obtain a review of the system response if they believe it is incorrect. SAVE also requires user agencies to provide benefit applicants an opportunity to correct their immigration records prior to a final decision regarding benefit eligibility. In addition, E-Verify publishes a quarterly performance report at <https://www.e-verify.gov/about-e-verify/e-verify-data/e-verify-performance>.
8. **Put in place a robust, culturally competent outreach plan:** USCIS will host national stakeholder engagements on Haiti TPS, including at least one in Haitian Creole. We will disseminate written TPS guidance and materials, in English and Haitian Creole, when possible. Our outreach will contain information on notario fraud and how to avoid immigration scams. Local Community Relations Officers in areas with large Haitian populations will conduct regular outreach on TPS, in partnership with local community organizations, including legal services providers and government officials. USCIS will use social media channels as well as ethnic media to amplify messages to the impacted population. USCIS will also consider engaging with the Haitian Embassy and Consulates to identify opportunities to reach Haitian nationals in the U.S. who may be eligible for TPS. We also hope to partner with Haitian diaspora leaders and organizations, state and local governments, Congressional offices, and any others that we believe could help to strategically communicate to potentially eligible individuals about the Haiti TPS application process.
9. **Address USCIS processing issues: USCIS will process all TPS Haiti cases in accordance with the applicable TPS Haiti FRN and the established processing time for Form I-821, Application for Temporary Protected Status.** For more information on processing times, visit the [Check Case Processing Times page](#) on the USCIS website. Note that these are approximate times and that the processing time for each case may vary depending on its complexity. Additionally, for more information on the TPS application process, visit the [TPS page](#) on the USCIS website. (See the section **Application Process**.)
10. **Regularly publish data on status of new registrations and re-registrations:** USCIS currently publishes an annual report on TPS on our [website](#). USCIS will consider whether additional public reporting on the status of new registration and re-registrations is appropriate.