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 Representatives of the United States of America in Congress assembled,

2 SECTION 1. SHORT TITLE.

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

4 SEC. 2. FINDINGS.

5 The Congress finds the following:
(1) Haiti remains severely devastated by the combined effects of ongoing political turmoil and the aftermath of the natural disasters of 2004, such as Tropical Storm Jeanne and Hurricane Ivan.

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

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

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

(5) More than a year after the abrupt departure of former President Aristide, the political, security, and social-economic situation in Haiti remains in crisis, the transitional government is weak and fighting to maintain credibility, and there are no clear signs of either political reconciliation or economic reconstruction.

(6) On Wednesday March 9, 2005, the United Nations Security Council pressed Haiti’s government to crack down on human rights abuses and free po-
litical prisoners to help heal the country ahead of November elections.

(7) Political oppression and human rights violations are rife in Haiti while many supporters of the opposition are unjustly held in prison or experiencing persecution.

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

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

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

(11) To return a national back to Haiti, where there is ongoing violence and a devastating environ-
mental situation, would pose a serious threat to the personal safety of such individual.

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

(13) There is a history of discrimination and mistreatment of Haitians in the immigration process.

(14) Temporary protected status allows aliens who do not legally qualify as refugees but are nonetheless fleeing or reluctant to return to potentially dangerous situations to temporarily remain in the United States.

(15) Granting temporary protected status to nationals of Haiti is consistent with the interest of the United States and promotes the values and morals that have made the United States strong.

SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEMPORARY PROTECTED STATUS TO HAITIANS.

(a) Designation.—

(1) In general.—For purposes of section 244 of the Immigration and Nationality Act (8 U.S.C.
1254a), Haiti shall be treated as if such country had
been designated under subsection (b) of that section,
subject to the provisions of this section.

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

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

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

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

(c) CONSENT TO TRAVEL ABROAD.—The Secretary
of Homeland Security shall give the prior consent to travel
abroad described in section 244(f)(3) of the Immigration
and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien
who is granted temporary protected status pursuant to the designation made under this section, if the alien establishes to the satisfaction of the Secretary of Homeland Security that emergency and extenuating circumstances beyond the control of the alien require the alien to depart for a brief, temporary trip abroad. An alien returning to the United States in accordance with such an authorization shall be treated the same as any other returning alien provided temporary protected status under section 244 of the Immigration and Nationality Act (8 U.S.C. 1254a).