

108TH CONGRESS  
2D SESSION

# H. R. 5316

To designate Haiti, Grenada, and the Cayman Islands under section 244 of the Immigration and Nationality Act in order to make nationals of those countries eligible for temporary protected status under such section.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 8, 2004

Mr. HASTINGS of Florida (for himself, Mr. LINCOLN DIAZ-BALART of Florida, Mr. RUSH, Mr. TOWNS, Mrs. CHRISTENSEN, and Mr. DEUTSCH) introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To designate Haiti, Grenada, and the Cayman Islands under section 244 of the Immigration and Nationality Act in order to make nationals of those countries 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 “Emergency Relief for  
5 Caribbean Nationals Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) Haiti, Grenada, and the Cayman Islands  
2 have been severely devastated by Tropical Storm  
3 Jeanne and Hurricane Ivan.

4           (2) On September 16, 2004, Tropical Storm  
5 Jeanne struck the Dominican Republic and Haiti.

6           (3) In Haiti, more than 1,500 people are known  
7 dead while more than 1,000 people are missing as  
8 a result of Tropical Storm Jeanne.

9           (4) After visiting the stricken northern city of  
10 Gonoies, Haiti, Prime Minister Gerard Latortue  
11 stated “We have a problem with bodies: there is a  
12 risk of epidemic. If you can picture this: there is no  
13 electricity, the morgues are not working, there is  
14 water everywhere.”.

15           (5) A United Nations spokesman stated that  
16 the corpses of victims of Tropical Storm Jeanne in  
17 Haiti had to be buried in mass graves as soon as  
18 possible to stop disease from spreading.

19           (6) Dieufort Deslorges, spokesman for the civil  
20 protection agency of Haiti, stated that 250,000 peo-  
21 ple were homeless across the country and at least  
22 4,000 homes were destroyed with thousands more  
23 damaged as a result of the storm.

24           (7) When Tropical Storm Jeanne hit, Haiti was  
25 already struggling to deal with political instability

1 and the aftermath of serious floods that occurred in  
2 May 2004.

3 (8) Hurricane Ivan killed 39 people in Grenada  
4 and left 40,000 of its 90,000 inhabitants living in a  
5 few hundred houses, schools, and churches that have  
6 been converted into shelters.

7 (9) Prime Minister of Grenada Keith Mitchell,  
8 whose official residence was destroyed by Hurricane  
9 Ivan, declared a national disaster and stated that  
10 the island was “90 percent devastated”.

11 (10) Hurricane Ivan struck St. George, the cap-  
12 ital of Grenada, with 125 mile per hour winds that  
13 flattened homes, disrupted power, damaged the main  
14 hospital, and destroyed the emergency operations  
15 center, the main prison, and many schools.

16 (11) On September 15, 2004, electrical engi-  
17 neers funded by the Office of United States Foreign  
18 Disaster Assistance of the United States Agency for  
19 International Development assessed damage across  
20 Grenada and estimated that 85 to 90 percent of the  
21 electricity systems on the west and north coasts of  
22 Grenada had been destroyed.

23 (12) In Grenada, an environmental health haz-  
24 ard has arisen as runoff, which contains pathogens

1 from several sources including human waste, is con-  
2 taminating rivers where people wash and bathe.

3 (13) As of September 10, 2004, there were  
4 widespread reports of looting in Grenada. American  
5 students at St. George's University in Grenada told  
6 the Associated Press news agency that they felt un-  
7 safe and had armed themselves against looters with  
8 knives, sticks, and pepper spray.

9 (14) Grenada may need as much as  
10 \$2,200,000,000, or four times its annual economic  
11 output, to rebuild after the devastation caused by  
12 Hurricane Ivan.

13 (15) The assistance needed to rebuild Grenada  
14 must come from abroad as the main industries of  
15 Grenada, nutmeg exports and tourism, have been  
16 devastated by the storm.

17 (16) Hurricane Ivan, the strongest storm to hit  
18 the Caribbean region in a decade, struck the Cay-  
19 man Islands with 150 mile per hour winds that tore  
20 roofs off houses, uprooted trees, and caused flooding  
21 across the British territory.

22 (17) International media sources reported that  
23 the Cayman Islands sustained extreme damage as a  
24 result of Hurricane Ivan. Local authorities report  
25 that 15 to 20 percent of homes on the eastern part

1 of the Cayman Islands were completely destroyed  
2 and another 50 percent suffered significant damage.

3 (18) The unusual hurricane activity in the Car-  
4ibbean region during 2004 has created an extraor-  
5dinary and temporary condition in Haiti, Grenada,  
6and the Cayman Islands that prevents nationals of  
7those countries who are in the United States from  
8returning to their homes.

9 (19) Temporary protected status allows aliens  
10who do not legally qualify as refugees but are none-  
11theless fleeing or reluctant to return to potentially  
12dangerous situations to temporarily remain in the  
13United States.

14 (20) Granting temporary protected status to  
15nationals of Haiti, Grenada, and the Cayman Is-  
16lands is consistent with the interest of the United  
17States and promotes the values and morals that  
18have made the United States strong.

19 (21) The extraordinary and temporary condi-  
20tions caused by nature and resulting in floods,  
21epidemics, and other environmental disasters in  
22Haiti, Grenada, and the Cayman Islands should  
23make the nationals of those countries eligible for  
24temporary protected status.

1 **SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEM-**  
2 **PORARY PROTECTED STATUS TO HAITIANS,**  
3 **GRENADIANS, AND CAYMANIANS.**

4 (a) DESIGNATION.—

5 (1) IN GENERAL.—For purposes of section 244  
6 of the Immigration and Nationality Act (8 U.S.C.  
7 1254a), Haiti, Grenada, and the Cayman Islands  
8 shall be treated as if such countries had been des-  
9 ignated under subsection (b) of that section, subject  
10 to the provisions of this section.

11 (2) PERIOD OF DESIGNATION.—The initial pe-  
12 riod of such designation shall begin on the date of  
13 enactment of this Act and shall remain in effect for  
14 18 months.

15 (b) ALIENS ELIGIBLE.—In applying section 244 of  
16 the Immigration and Nationality Act (8 U.S.C. 1254a)  
17 pursuant to the designation made under this section, sub-  
18 ject to section 244(c)(3) of the Immigration and Nation-  
19 ality Act (8 U.S.C. 1254a(c)(3)), an alien who is a na-  
20 tional of Haiti, Grenada, or the Cayman Islands meets the  
21 requirements of section 244(c)(1) of that Act (8 U.S.C.  
22 1254a(c)(1)) only if—

23 (1) the alien has been continuously physically  
24 present in the United States since September 7,  
25 2004;

1           (2) the alien is admissible as an immigrant, ex-  
2           cept as otherwise provided under section  
3           244(c)(2)(A) of the Immigration and Nationality  
4           Act (8 U.S.C. 1254a(c)(2)(A)), and is not ineligible  
5           for temporary protected status under section  
6           244(c)(2)(B) of that Act (8 U.S.C. 1254a(c)(2)(B));  
7           and

8           (3) the alien registers for temporary protected  
9           status in a manner that the Secretary of Homeland  
10          Security shall establish.

11          (c) CONSENT TO TRAVEL ABROAD.—The Secretary  
12          of Homeland Security shall give the prior consent to travel  
13          abroad described in section 244(f)(3) of the Immigration  
14          and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien  
15          who is granted temporary protected status pursuant to the  
16          designation made under this section, if the alien estab-  
17          lishes to the satisfaction of the Secretary of Homeland Se-  
18          curity that emergency and extenuating circumstances be-  
19          yond the control of the alien require the alien to depart  
20          for a brief, temporary trip abroad. An alien returning to  
21          the United States in accordance with such an authoriza-  
22          tion shall be treated the same as any other returning alien  
23          provided temporary protected status under section 244 of  
24          the Immigration and Nationality Act (8 U.S.C. 1254a).

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