

109TH CONGRESS  
1ST SESSION

# H. R. 2592

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.

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## 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

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## 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 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 “Haiti Compassion  
5   Act”.

### 6   **SEC. 2. FINDINGS.**

7       The Congress finds the following:

1           (1) Haiti remains severely devastated by the  
2           combined effects of ongoing political turmoil and the  
3           aftermath of the natural disasters of 2004, such as  
4           Tropical Storm Jeanne and Hurricane Ivan.

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

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

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

15          (5) More than a year after the abrupt depar-  
16          ture of former President Aristide, the political, secu-  
17          rity, and social-economic situation in Haiti remains  
18          in crisis, the transitional government is weak and  
19          fighting to maintain credibility, and there are no  
20          clear signs of either political reconciliation or eco-  
21          nomic reconstruction.

22          (6) On Wednesday March 9, 2005, the United  
23          Nations Security Council pressed Haiti's government  
24          to crack down on human rights abuses and free po-

1        litical prisoners to help heal the country ahead of  
2        November elections.

3            (7) Political oppression and human rights viola-  
4        tions are rife in Haiti while many supporters of the  
5        opposition are unjustly held in prison or experi-  
6        encing persecution.

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

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

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

23           (11) To return a national back to Haiti, where  
24       there is ongoing violence and a devastating environ-

1        mental situation, would pose a serious threat to the  
2        personal safety of such individual.

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

9            (13) There is a history of discrimination and  
10       mistreatment of Haitians in the immigration proc-  
11       ess.

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

17           (15) Granting temporary protected status to  
18       nationals of Haiti is consistent with the interest of  
19       the United States and promotes the values and mor-  
20       als that have made the United States strong.

21   **SEC. 3. DESIGNATION FOR PURPOSES OF GRANTING TEM-**  
22   **PORARY PROTECTED STATUS TO HAITIANS.**

23        (a) DESIGNATION.—

24            (1) IN GENERAL.—For purposes of section 244  
25       of the Immigration and Nationality Act (8 U.S.C.

1       1254a), Haiti shall be treated as if such country had  
2       been designated under subsection (b) of that section,  
3       subject to the provisions of this section.

4           (2) PERIOD OF DESIGNATION.—The initial pe-  
5       riod of such designation shall begin on the date of  
6       enactment of this Act and shall remain in effect for  
7       18 months.

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

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

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

22      (c) CONSENT TO TRAVEL ABROAD.—The Secretary  
23      of Homeland Security shall give the prior consent to travel  
24      abroad described in section 244(f)(3) of the Immigration  
25      and Nationality Act (8 U.S.C. 1254a(f)(3)) to an alien

1 who is granted temporary protected status pursuant to the  
2 designation made under this section, if the alien estab-  
3 lishes to the satisfaction of the Secretary of Homeland Se-  
4 curity that emergency and extenuating circumstances be-  
5 yond the control of the alien require the alien to depart  
6 for a brief, temporary trip abroad. An alien returning to  
7 the United States in accordance with such an authoriza-  
8 tion shall be treated the same as any other returning alien  
9 provided temporary protected status under section 244 of  
10 the Immigration and Nationality Act (8 U.S.C. 1254a).

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