

**National Bar Association**  
Resolution Urging Temporary Protected Status or  
Deferred Enforced Departure for Haitians in the United States

**WHEREAS** the National Bar Association, founded in 1925, is the oldest and largest organization of attorneys and judges of color in the world and today represents over 44,000 lawyers, judges, legal scholars and law students internationally;

**WHEREAS** since its inception in 1925 the NBA has been an unwavering advocate for the rights of people of African descent, in this country and abroad;

**WHEREAS** the NBA firmly believes that "injustice anywhere is a threat to justice everywhere";

**WHEREAS** Haitian nationals readily came to the aid of this country's fight for independence in 1779;

**WHEREAS** Haitians were the first people of African descent to overthrow colonial rule and the yoke of slavery and to establish a republic governing themselves;

**WHEREAS** this nation is the recipient of a gracious gesture from the Republic of France in the form of the Statute of Liberty which bears the immortal words of Emma Lazarus;

**WHEREAS** this nation owes a debt to Haiti for contributing to its downward spiral by cutting off all trade after Haiti won its war for independence;

**WHEREAS** the United States occupied Haiti from 1915 to 1934;

**WHEREAS** this nation seeks to maintain its status as a leader of the free world and to secure for all people the right to life, liberty and the pursuit of happiness;

**WHEREAS** now the Republic of Haiti, and its people there and abroad, need the assistance of the United States of America; in the form of Temporary Protected Status (TPS) for Haitian nationals residing in the United States and economic aid;

**WHEREAS** TPS is appropriate when it is unsafe to deport nationals of a country due to political crises and/or environmental disasters in their homeland;

**WHEREAS** in the past five years, Haiti has suffered repeatedly from storms and hurricanes including Hurricane Jean in 2004, an horrific storm in 2006;

**WHEREAS** four storms or hurricanes devastated Haiti during a one-month period in 2008, destroying 15% of Haiti's Gross Domestic Product;

**WHEREAS** the World Bank has assessed the consequent damage to Haiti at nearly one billion dollars;

**WHEREAS** the United Nations has stated that this devastation is "the worst disaster to hit Haiti in 100 years";

**WHEREAS** Haiti's third largest city, Gonaives, was rendered uninhabitable due to massive flooding caused by the storms and hundreds of thousands were left homeless;

**WHEREAS** Haiti's food crop was largely destroyed and the impact will last for several years;

**WHEREAS** inadequate sanitation and potable water have left thousands of people at risk of malaria, hepatitis and cholera;

**WHEREAS** Haiti's democratic government has formally requested TPS of the United States Government because it is unable to safely care for deportees at this time and to protect its people and to assist in its economic recovery;

**WHEREAS** Haitian nationals in the United States qualify for TPS because it is unsafe to deport Haitians due to these conditions and because they cannot find food, shelter or jobs in Haiti at this time;

**WHEREAS** nearly 30,000 Haitians have final orders of removal and therefore lack work authorization;

**WHEREAS** TPS or Deferred Enforced Departure (DED) permits those covered to obtain work authorization;

**WHEREAS** those 30,000 Haitians if eligible to work would send crucial support in the form of remittances to five to ten times that number of persons in Haiti,

**WHEREAS** TPS, by facilitating in this manner the flow of remittances to Haiti, would significantly decrease desperation in Haiti and consequently decrease the likelihood that desperate Haitians would risk their lives in hazardous and often deadly attempts to cross hundreds of miles of ocean to get to the United States or other safe havens as most recently occurred on July 28, 2009;

**WHEREAS** after President Bill Clinton's signing of the Haitian Refugee Immigration Fairness Act (HRIFA) on October 21, 1998, U.S. Coast Guard Haitian interdictions fell precipitously from 1,437 in 1998 to just 480 in 1999, a drop of 957, indicating that when persons are able to work and to send remittances home that translates to less desperation in Haiti and less outflow from Haiti;

**WHEREAS** when Hurricane Mitch devastated Nicaragua and Honduras in October 1998, their nationals in this country received TPS on January 5, 1999, and when earthquakes struck El Salvador in 2001 their nationals also received TPS that year;

**WHEREAS** Haitians, despite fully qualifying for TPS in the past, have never been granted that status, despite its grant and renewal under similar circumstances to nationals of other countries which have suffered wars and/or natural disasters;

**WHEREAS** the United States has the ability to temporarily house, absorb and integrate large numbers of foreign residents;

**WHEREAS** Haiti is the poorest country in the Western Hemisphere and one of the poorest in the entire world;

**WHEREAS** TPS if subsequently renewed, only covers persons already present in the United States prior to its *initial* grant date and therefore has no 'magnet effect" as recognized for example in the March 17, 2009 letter of Miami-Dade County's thirteen commissioners to President Obama urging him to grant Haitians TPS;

**WHEREAS** U.S. Representative Alcee Hastings's H.R.144 urging TPS for Haitians has 48 co-sponsors and his bi-partisan H.Con.Res.165 urging TPS for Haitians has 19 co-sponsors;

**WHEREAS** it is broadly recognized that now is the time to assist Haiti's democratically elected government in every possible way to recover from decades of turmoil and economic deprivation as well as last year's devastating events, which included prior to the four storms disturbances in the Spring of 2008 due to escalating global food prices which resulted in the ouster of a well-respected Prime Minister;

**WHEREAS** the editorial boards of the *San Francisco Chronicle*, the *Miami Herald*, the *New York Times*, the *Orlando Sentinel*, the *Washington Post*, the *Chicago Tribune*, *Newsday*, the *Boston Globe*, *South Florida Sun Sentinel*, and the *Tampa Tribune* have all urged the United States President to grant TPS to Haitians, and each of the *New York Times*, *Washington Post*, and *Chicago Tribune* have done so twice in 2008-2009, and the *Miami Herald* has done so on about ten occasions including most recently on July 26, 2009;

**WHEREAS** the Congressional Black Caucus, the South Florida Congressional Delegation, the Miami-Dade (Florida) County Commission, City of Miami Mayor Manny Diaz, Miami-Dade County Mayor Carlos Alvarez and many members of the United States Congress have called for the United States to grant TPS to Haitians, often repeatedly;

**WHEREAS** Congressional leaders supporting TPS for Haitians include Senate Foreign Relations Committee Chairman John Kerry, Senate Judiciary Chairman Patrick Leahy, Senate Immigration Subcommittee Chairman Leon Schumer, House Ways and Means Chairman Charles Rangel, House Judiciary Committee Chairman John Conyers, House Foreign Affairs Committee Chairman Howard Berman, House Foreign Affairs Committee ranking member Rep. Ileana Ros-Lehtinen, and House Western Hemisphere Subcommittee Chairman Eliot Engel, among others;

**WHEREAS** in addition to prior requests, letters to Secretary of Homeland Security Janet Napolitano urging her to grant TPS to Haitians were sent on March 6, 2009 by Florida Senator Bill Nelson and on March 30 by City of Miami Mayor Manny Diaz, and letters to President Barack Obama urging him to grant TPS to Haitians were sent on March 25, 2009 by U.S Representatives Ileana Ros-Lehtinen and Lincoln and Mario Diaz-Balart, on March 27, 2009 by Senators Patrick Leahy and Charles Schumer, on March 31, 2009 by Miami-Dade County Mayor Alvarez, on June 17 by Senator Russell Feingold of Wisconsin, on July 9 by Senators Richard Durbin, John Kerry, Edward Kennedy, Kirsten Gillibrand, and Jeff Bingaman, on June 29, 2009 by Senator Bill Nelson, and on June 23, 2009 by House Ways and Means Chairman Charlie Rangel;

**WHEREAS** the NBA is all too familiar with the continued "inequities and barriers" that remain in this country for people of African descent as noted by President Obama on July 2, 2009; and

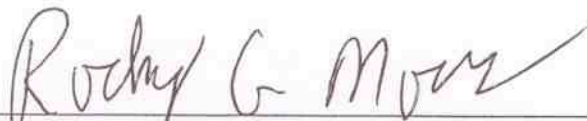
**WHEREAS** sadly it appears that the reason for the almost 30 years of disparate treatment of Haitians by this nation is because of discrimination based on race;

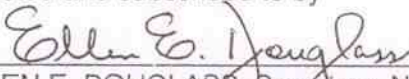
**NOW THEREFORE BE IT RESOLVED** that the National Bar Association urges President Barack Obama to:

Immediately grant Temporary Protected Status or Deferred Enforced Departure to Haitians in the United States for eighteen months and take the necessary steps to ensure that Haitian nationals are given the same rights and benefits as all other nationals seeking fair treatment and justice in the United States and

Immediately reject all manifestations of racial discrimination in United States immigration policy.

Done this 7<sup>th</sup> day of August in the year 2009 in the City of San Diego in California.

By   
RODNEY G. MOORE, President, National Bar Association

Attested and subscribed to by  
  
ELLEN E. DOUGLASS, Secretary, National Bar Association