

Press Release
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Breaking: The US Rule of Law Passes One Test in Haiti TPS Case, But Another Test Looms

Advocates called the court order blocking the Department of Homeland Security (DHS) from its unjustified, illegal, and racist termination of Temporary Protected Status (TPS) for Haitians a victory for the rule of law but warned that DHS might continue its lawless path through the Supreme Court's emergency docket.

The decision, in *Miot v. Trump*, by US District Judge Ana C. Reyes, found that DHS' "*decision to terminate Haiti's TPS designation was motivated, at least in part, by racial animus*," and was "*not the product of reasoned decision-making, but of a preordained outcome justified by pretextual reasons*." Judge Reyes ordered a stay of the announced February 3 termination during which it "*shall be void and of no legal effect*."

"This case is dangerous precisely because DHS knew that its factual assertion—that it was safe to return to Haiti—was preposterous, and it did not even try to follow the TPS statute's required review process," said Brian Concannon, Executive Director of the Institute for Justice and Democracy in Haiti (IJDH). *"The administration just tried to bully the court into rubber stamping its illegal policy."*

Advocates now fear that DHS will keep trying to bully the courts by accessing the Supreme Court's emergency docket procedure, as it did in 2025 in other TPS cases, rather than the normal appeal to a circuit court of appeals.

"Six judges, appointed by Republican and Democratic Presidents, have ruled on Trump Administration efforts to terminate Haitian TPS since 2018 and all six have found those efforts to be illegal," said Blaine Bookey, Legal Director of the Center for Gender and Refugee Studies. "If DHS now appeals to an appeals court, it will lose. If DHS uses the Supreme Court's shadow docket to reinstate its indefensible action, everyone in America will lose the rule of law that undergirds our stability and prosperity."

Attorney Ira Kurzban, one of the lawyers for the plaintiffs, noted that "the district courts have done their job by blocking the racist termination of Haitian TPS. The lawyers have done their job. It is now up to everyone in the United States who cares whether our children and grandchildren live in a democracy to take to the streets and defend this decision and Haitians' rights."