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November 21, 2017

The Honorable Elaine C. Duke  
Acting Secretary  
Department of Homeland Security  
245 Murray Lane, SW  
Washington, DC 20528

Dear Acting Secretary Duke:

I serve as the Senior Vice President of Government Relations at the American Health Care Association (AHCA), the nation's largest association of long term and post-acute care providers. The association advocates for quality care and services for the frail, elderly, and individuals with disabilities. Our members provide essential care to millions of individuals in more than 13,500 not for profit and for profit member facilities.

AHCA, its affiliates, and member providers advocate for the continuing vitality of the long-term care provider community. That is why, as the lead association for the nation's long-term nursing care providers, we write to urge that Temporary Protected Status (TPS) be extended for the roughly 50,000 Haitians currently living and working in the United States under this protection. Conditions in Haiti remain dire and could be worsened by the abrupt return of so many people. The United States can also ill-afford to lose these individuals. Haitian TPS holders make up a critical part of the nation's health care workforce, holding hard-to-fill jobs such as nursing care for the elderly and disabled. They have lived and worked in the United States for more than a decade and deserve a chance to continue their productive lives here, for their own protection and the good of the U.S. economy.

Congress created TPS in 1990 to provide protection for foreigners in the United States who cannot safely return home due to war, environmental disaster or other extreme circumstances. Certain Haitians living in the United States gained this protection in 2010 after a devastating earthquake in their home country. This protection has been extended repeatedly due to ongoing environmental and health calamities in Haiti.

The American Health Care Association and National Center for Assisted Living (AHCA/NCAL) represent more than 13,000 non-profit and proprietary skilled nursing centers; assisted living communities, sub-acute centers and homes for individuals with intellectual and developmental disabilities. By delivering solutions for quality care, AHCA/NCAL aims to improve the lives of the millions of frail, elderly and individuals with disabilities who receive long term or post-acute care in our member facilities each day.

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Last spring, however, then-DHS Secretary John Kelly warned the Administration may be ready to terminate TPS status for Haitians as of January 2018 – a decision that must be announced later this month.

It is not safe for them to return to Haiti, nor is the country able to absorb them. Haiti is still crippled from the massive 2010 earthquake and its fragile recovery efforts have been battered by a cholera epidemic and damage from successive hurricanes. Hurricane Matthew caused unprecedented devastation in Haiti last fall and recent Hurricanes Maria and Irma inflicted still more damage. Thousands of Haitians continue to live in camps for displaced persons, and many others have been forced into unsafe housing.

By contrast, the 50,000 Haitians with TPS status are established and productive members of U.S. communities, particularly in Florida, Massachusetts, and New York where most live. These Haitians have lived in the United States an average of 13 years, and are parents to about 27,000 U.S.-born children. They are registered with DHS and undergo periodic background checks. Most are employed and contributing to the tax base and local economies.

Our members know this first hand because many Haitians who hold TPS status are employed in facilities that face chronic staffing shortages. In Massachusetts, for instance, our state affiliate reports that there is a documented shortage of certified nursing aides and that Haitian TPS holders make up a significant portion of the experienced nursing workforce in that state. Long-term nursing facilities in Florida – where many Haitians with TPS live provide care for the sick and elderly – would also be hard hit. It would be difficult and costly to find and train replacements for these experienced workers. Health care facilities, and most importantly patients, will suffer if these Haitian TPS holders are abruptly forced out of their jobs and the country.

Sending these Haitians home would rip families and communities apart. TPS holders will be understandably reluctant to take their U.S. citizen children to a country still facing severe public health challenges and other crisis conditions. These parents will be forced to separate from their children, or try to remain with them but without legal means to support their families and under constant threat of deportation.

Ending TPS for these Haitians would also harm Haiti's struggling reconstruction effort. Haiti relies heavily on the substantial remittances that TPS holders send to

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support relatives and community rebuilding efforts there. These remittances are particularly critical now that Haiti has lost similar remittances from Haitians working on islands badly damaged by this summer's hurricanes.

Our health care economy relies on the dedicated hard work of many Haitians with TPS status, and they have repaid the protection with many years of care for our sick and elderly. We urge you to call on the administration to extend TPS designations for Haiti for 18 months while also working towards a legislative solution that would provide permanent legal status for these deserving individuals.

Respectfully,

A handwritten signature in black ink, appearing to read 'Clifton J. Porter, II', with a stylized flourish at the end.

Clifton J. Porter, II  
Senior Vice President, Government Relations





U.S. Citizenship  
and Immigration  
Services

DEC 27 2017

Mr. Clifton J. Porter, II  
Senior Vice President of Government Relations  
American Health Care Association  
1201 L Street, NW  
Washington, DC 20005

Dear Mr. Porter:

Thank you for your November 21, 2017 letter to the Department of Homeland Security (DHS). Secretary Nielsen asked that I respond on her behalf.

I appreciate your interest in the Temporary Protected Status (TPS) designation for Haiti. The Secretary of Homeland Security's authority to designate or redesignate a country for TPS and to extend or terminate a country's existing designation is based upon specific statutory criteria. *See* Immigration and Nationality Act (INA) § 244(b). U.S. Citizenship and Immigration Services (USCIS) is principally responsible for advising the Secretary on TPS issues and implementing the program.

At least 60 days before the current expiration date for a TPS designation, the Secretary must review conditions in the foreign country and, after consultation with other appropriate federal agencies, determine whether the statutory conditions for TPS continue to be met. Under the INA, if the Secretary determines that the conditions for designation are no longer met with respect to a country, the Secretary is required to terminate the designation. *See* INA § 244(b)(1), (3).

On November 20, 2017, former Acting Secretary Duke announced the termination of Haiti's TPS designation after determining that the statutory conditions for its designation no longer continued to be met. However, to allow for an orderly transition, the former Acting Secretary delayed the effective date by 18 months, so the termination of Haiti's designation will not become effective until July 22, 2019. This 18-month period will provide time for individuals with TPS to arrange for their departure or to seek an alternative lawful immigration status in the United States.

Additional information on the termination of TPS for Haiti can be found in former Acting Secretary Duke's November 20, 2017 announcement of the decision posted on the DHS website, on the USCIS website, and in a notice that will be published in the *Federal Register*.

Thank you again for your letter and interest in this important issue.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Francis Cissna".

L. Francis Cissna  
Director