

September 25, 2019

The Honorable Kevin K. McAleenan  
Acting Secretary  
U.S. Department of Homeland Security  
20 Massachusetts Avenue NW  
Washington, D.C. 20529

**Re: Request for Temporary Protected Status on behalf of Bahamian Nationals**

Dear Acting Director McAleenan:

The undersigned organizations write to urge the U.S. Department of Homeland Security (DHS) to immediately designate the Commonwealth of the Bahamas (Bahamas) for Temporary Protected Status (TPS) under § 244(b) of the Immigration and Nationality Act, as it is unsafe to return Bahamian nationals due to massive devastation caused by Hurricane Dorian.<sup>1</sup> Hurricane Dorian, a Category 5 hurricane and one of the strongest Atlantic hurricanes in recorded history, first made landfall on the Abaco Islands in the Bahamas on September 1, 2019. It slowly moved across the islands, languishing over Grand Bahama for days. With sustained winds of 185 mph, Dorian was the strongest hurricane on record to strike the Bahamas causing death and injury, widespread destruction, mass displacement of residents, and serious disruption of living conditions across the Bahamas; it affected over 76,000 people.<sup>2</sup> A grant of TPS would provide employment authorization and protection from deportation for approximately 14,000 Bahamian noncitizens in the United States.<sup>3</sup>

Countries may be designated for TPS “due to conditions in the country that temporarily prevent the country's nationals from returning safely, or in certain circumstances, where the country is unable to handle the return of its nationals adequately.”<sup>4</sup> These circumstances include “ongoing armed conflict (such as civil war), an environmental disaster (such as earthquake or hurricane), or an epidemic, [or] other extraordinary and temporary condition[s].”<sup>5</sup> With over 70,000 Bahamians displaced, hundreds missing, a death toll of at least 50 people and growing, and entire neighborhoods destroyed, DHS must grant TPS for the Bahamas under either of the latter two

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<sup>1</sup> *Hurricane Dorian survivor films storm's terrifying wrath in Bahamas as it pounds against his home*, USA Today, Sep. 9, 2019, <https://www.usatoday.com/story/news/nation/2019/09/09/hurricane-dorian-survivor-films-storms-terrifying-wrath-bahamas/2270736001/>.

<sup>2</sup> Email Interview with David Cronin, Government Affairs Specialist, Catholic Relief Services (Sept. 10, 2019) (on file with author).

<sup>3</sup> Email Interview with Tom K. Wong, Associate Professor of Political Science, University of California, San Diego (Sept. 16, 2019) (on file with author). Professor Wong, in collaboration with CLINIC, utilized 2017 Census data to provide these estimates.

<sup>4</sup> 8 U.S.C. § 1254a(b)(1)(B)(i) (West 2019); U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Temporary Protected Status (Aug. 1, 2019), <https://www.uscis.gov/humanitarian/temporary-protected-status>.

<sup>5</sup> *Id.*

prongs of the TPS statute.<sup>6</sup> Support for TPS for the Bahamas is widespread with members of Congress already introducing H.R. \_\_\_, the TPS for Victims of Hurricane Dorian Act, demonstrating the broad constituency of support for a TPS designation.<sup>7</sup>

The Bahamian government and international aid organizations acknowledged conditions are dismal. Across the Bahamas, search-and-rescue crews have only been able to search one-tenth of previously inhabited areas, and the Bahamian government has formally evacuated 3,500 people to Nassau. Half of the Great Abaco Island's population—around 20,000 residents—fled to Nassau, and 4,000 have fled to closest large country, the United States, by air and sea.<sup>8</sup> Initial figures from the Caribbean Disaster Emergency Management Agency estimate 18,000 children in the Abaco and Grand Bahama areas are in urgent need of humanitarian assistance.<sup>9</sup>

Less than a week after Dorian hit, over 100 Bahamian evacuees were forced off a ship and barred from entering the United States after a last minute announcement by the ferry boat operator.<sup>10</sup> It remains unclear what the next steps are for displaced Bahamians fleeing Hurricane Dorian's wreckage. If granted TPS, Bahamian nationals would have the opportunity to live in safe conditions, secure employment, support their families, and be free of the fear of being prematurely returned to their devastated home.

There is substantial precedent for providing survivors of environmental disasters with TPS. After a 7.0 magnitude earthquake struck Haiti in 2010, and 7.8 magnitude earthquake struck Nepal, then DHS Secretary Janet Napolitano granted both Haitian and Nepali nationals TPS.<sup>11</sup> Given conditions in the Bahamas, communities are already facing famine,<sup>12</sup> untreated injuries, and disease; and we, members of the international community, must support our Bahamian neighbors

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<sup>6</sup> *Dorian evacuees told to get off ferry in Bahamas if they don't have U.S. visas*, CBS News, Sept. 9, 2019, <https://www.cbsnews.com/news/hurricane-dorian-survivors-seek-to-evacuate-bahamas-a-few-opt-to-stay-put/>; [hereinafter "CBS News"]; Kevin Sieff and Rachele Krygier, *Crews in the Bahamas keep finding bodies. The official Hurricane Dorian death toll is rising more slowly*, Washington Post, Sept. 9, 2019, [https://www.washingtonpost.com/world/the\\_americas/crews-in-the-bahamas-keep-finding-more-bodies-the-official-hurricane-dorian-death-toll-is-rising-more-slowly/2019/09/09/7669c182-d296-11e9-8924-1db7dac797fb\\_story.html](https://www.washingtonpost.com/world/the_americas/crews-in-the-bahamas-keep-finding-more-bodies-the-official-hurricane-dorian-death-toll-is-rising-more-slowly/2019/09/09/7669c182-d296-11e9-8924-1db7dac797fb_story.html).

<sup>7</sup> TPS for Victims of Hurricane Dorian Act of 2019, H.R. \_\_\_, 116th Cong., (2019).

<sup>8</sup> CBS News, *supra* note 5; Rachel Knowles et al., *Bahamas Hurricane Survivors, Desperate for Respite, Seek Passage to U.S.*, The N.Y. Times, Sept. 10, 2019, <https://www.nytimes.com/2019/09/09/us/bahamas-hurricane-immigration-visas-ship.html>.

<sup>9</sup> UN News, United Nations, Bahamas: 'Clock is ticking' to help those who lost everything in Hurricane Dorian says UN (Sept. 8, 2019), <https://news.un.org/en/story/2019/09/1045822>.

<sup>10</sup> Ferry operator apologizes after dozens of Bahamian evacuees were told to get off a ferry headed to the US, CNN, Sept. 10, 2019, <https://www.cnn.com/2019/09/09/us/bahamas-dorian-evacuations-monday/index.html>.

<sup>11</sup> U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Temporary Protected Status Designated Country: Haiti, May 13, 2019, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>; U.S. Citizenship and Immigration Services, U.S. Department of Homeland Security, Temporary Protected Status Designated Country: Nepal, June 7, 2019, <https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-nepal>.

<sup>12</sup> *Bahamas struggles to cope with decomposing bodies, emotional trauma after Dorian*, Reuters via CNBC News, Sept. 6, 2019, <https://www.cnbc.com/2019/09/06/dorians-death-toll-expected-to-soar-in-bahamas-there-must-be-hundreds.html>

to resettle as the islands rebuild.<sup>13</sup>

Given the widespread devastating conditions in the Bahamas, precedent and congressional intent for DHS to grant TPS to nationals of countries experiencing environmental disaster, and the Bahamas' status as a regional neighbors, we respectfully request that you immediately designate the Bahamas for TPS.

We would welcome the opportunity to engage with DHS about this request. Please do not hesitate to contact Jill Marie Bussey, Advocacy Director at the Catholic Legal Immigration Network, Inc., at [jbussey@cliniclegal.org](mailto:jbussey@cliniclegal.org) should you have any questions or require further information.

Sincerely,

**International Organizations:**

Caribbean Studies Association  
New Haven/León Sister City Project  
Refuge For Families

**National Organizations:**

Adrian Dominican Sisters  
African Communities Together  
Alianza Americas  
America's Voice  
American Friends Service Committee  
Boston University International Human Rights Clinic  
Catholic Legal Immigration Network, Inc.  
Center for Gender & Refugee Studies  
Church World Service  
Coalition on Human Needs  
Congregation of Our Lady of the Good Shepherd, U.S. Provinces  
CREDO  
Daily Kos  
Disciples Refugee & Immigration Ministries  
Evangelical Lutheran Church in America  
Families Belong Together  
Franciscan Action Network  
Freedom to Thrive  
Immigrant Defense Project

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<sup>13</sup> *Id.*

Institute for Policy Studies  
Interfaith Worker Justice  
International Institute of New England  
LA RED  
Law Office of Sabrina Damast, Inc.  
League of Conservation Voters  
Lutheran Immigration and Refugee Service  
National Advocacy Center of the Sisters of the Good Shepherd  
National Council of Churches  
National Council of Jewish Women  
National Immigration Forum  
National Immigration Law Center  
National Korean American Service & Education Consortium (NAKASEC)  
National Network for Immigrant and Refugee Rights  
National TPS Alliance  
NETWORK Lobby for Catholic Social Justice  
Office of Social Justice, Christian Reformed Church in North America  
Our Revolution  
Path With Heart  
Priests of the Sacred Heart, US Province  
Project South  
Provincial Council Clerics of St. Viator  
Quinnipiac University School of Law Civil Justice Clinic  
Sisters of Mercy of the Americas - Justice Team  
Sisters of St. Francis Justice, Peace and Care for Creation Committee  
Sisters of St. Francis of the Neumann Communities  
Sisters of St. Francis, Clinton, Iowa  
Southern Poverty Law Center  
The Black Alliance for Just Immigration (BAJI)  
The Episcopal Church  
U.S. Campaign for Palestinian Rights  
Union for Reform Judaism  
Unitarian Universalist Service Committee  
UNITE HERE  
Ware Immigration  
Washington Office on Latin America (WOLA)  
We Are All America  
Win Without War  
Working Families United

**Regional, State, and Local Organizations:**

AFSC Colorado  
Arkansas United  
Asylee Women Enterprise  
Brooklyn Defender Services  
Cabrini Immigrant Services of NYC, Inc.  
Capuchin Franciscans, Province of St. Joseph  
Casa Reina  
Catholic Charities of SW Kansas  
Catholic Legal Services, Archdiocese of Miami  
Catholic Migration Services  
Central American Resource Center  
Connecticut Shoreline Indivisible  
Corvallis Palestine Solidarity  
DC-MD Justice For Our Neighbors  
End Domestic Abuse Wisconsin  
Faith Communities Organizing for Sanctuary  
Family Action Network Movement (FANM)  
Florida-Bahamas Synod, ELCA  
Friends of Broward Detainees  
Greater New York Labor Religion Coalition  
Green Mountain Solidarity With Palestine  
Haitian Bridge Alliance  
Illinois Coalition for Immigrant and Refugee Rights  
Jewish Voice for Peace New Haven  
Jewish Voice for Peace, Atlanta Chapter  
Justice for Our Neighbors-MI  
Kentucky Equal Justice Center  
Law Office of Sabrina Damast, Inc.  
Lorain Ohio Immigrants rights assoc.  
Metro Atlanta Democratic Socialists of America  
Migrant and Immigrant Community Action Project  
Mississippi Center for Justice  
Nationalities Service Center  
Network Against Racism and Islamophobia-Portland, OR  
New Sanctuary Movement of Atlanta  
New York Immigration Coalition  
New York Legal Assistance Group (NYLAG)

NYU Immigrant Defense Initiative  
Ohio Immigrant Alliance  
OneAmerica  
Pennsylvania Council of Churches  
Poder Latinx  
Progressive Leadership Alliance of Nevada  
SIREN  
Sisters of Saint Francis JPIC Commissioners  
Sisters of St. Dominic of Blauvelt, New York  
Sisters of St. Joseph of Boston  
Southerners On New Ground  
St. Andrew Lutheran Church  
St. John's Presbyterian Church in Berk  
The Door  
The Legal Aid Society (New York)  
United Methodists' Holy Land Task Force  
University of Maryland Carey Immigration Clinic  
Wayne Action for Racial Equality