



BACKGROUND ON TEMPORARY PROTECTED STATUS FOR THE BAHAMAS

I. WHAT IS TEMPORARY PROTECTED STATUS?

Temporary Protected Status, or TPS, provides life-saving humanitarian protection to foreign nationals in the United States who cannot safely return to their home country due to extraordinary circumstances. Examples of such circumstances include armed conflict or environmental disaster. TPS, designated by the secretary of the Department of Homeland Security (DHS), provides a period of six to 18 months of authorization to work lawfully in the United States and protection from deportation. Under the law, TPS may be extended as many times as necessary, as long as the dangerous country conditions continue. TPS may also be redesignated, allowing people who more recently arrived from a country after a catastrophe to apply for protection. For more information on which countries currently hold TPS, please consult [CLINIC's website](#); and TPS generally, [CLINIC's backgrounder](#).

II. WHY SHOULD TPS BE DESIGNATED FOR THE BAHAMAS?

The United States has a long history of utilizing TPS to provide protections to citizens of other countries from being forced to return to homelands that are recovering from natural disasters, including Honduras, El Salvador, Haiti, Nepal, and Nicaragua. The extensive damage and displacement inflicted by Hurricane Dorian in September of 2019 warrants the use of TPS for the Commonwealth of the Bahamas. DHS should also focus on providing various forms of relief, especially for non-Bahamian nationals who were affected by Hurricane Dorian. For example, there are many Haitian nationals who were born in the Bahamas, were displaced by the hurricane, and similarly need protection (The Bahamas does not provide birthright citizenship, so these Haitian nationals would not benefit under a grant of TPS for the Bahamas). These collateral forms of relief include prosecutorial discretion, deferred action and humanitarian parole.

Hurricane Dorian. 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 Sept. 1, 2019. It slowly moved across the islands, languishing over Grand Bahama for days. With winds up to 220 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 islands — and affecting more than 76,000 people. Surveying the damage after the storm passed, the administrator for the U.S. Agency for International Development remarked that it looked “almost as though a nuclear bomb had dropped.”

The Bahamian government and international aid organizations acknowledge conditions are dismal. Across the Bahamas, search-and-rescue crews have only been able to search one-tenth of previously inhabited areas. 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 gone to the closest large country, the United States, by air and sea. 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.

Legal Authority. Members of Congress have already introduced several bills that would provide TPS for people affected by Hurricane Dorian, including S.2478, the Bahamas Temporary Protected Status Act of 2019; H.R.4303, the Bahamas TPS Act of 2019; and H.R.4272, TPS for Victims of Hurricane Dorian Act of 2019. These bills and other advocacy demonstrate the broad constituency of support for a TPS designation. The administration, however, has the authority and a moral obligation to issue TPS for Bahamas even without enacted legislation. 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.” These circumstances include “ongoing armed conflict (such as civil war), an environmental disaster (such as an earthquake or hurricane), or an epidemic, [or] other extraordinary and temporary condition[s].” With more than 70,000 Bahamians displaced, more than 1,000 missing, a death toll of at least 53 people, and entire neighborhoods destroyed, DHS must grant TPS for the Bahamas under either of the latter two prongs of the TPS statute.

III. HOW MANY BAHAMIAN NATIONALS WOULD BENEFIT UNDER TPS?

In collaboration with Professor Tom K. Wong and analyzing recent migrant flows, CLINIC estimates that, as of Sept. 16, 2019, 14,200 Bahamian nationals could receive employment authorization and protection from deportation under a TPS designation. As of 2017, out of the 15,800 foreign-born noncitizens from the Bahamas, an estimated 10,200 are non-lawful permanent residents and would be eligible for TPS. Approximately 4,000 Bahamian nationals entered the United States after Hurricane Dorian struck the Bahamas. Thus, approximately 14,153 (10,153 plus 4,000) Bahamian nationals would be eligible for TPS protection from the unfolding humanitarian crisis in the Bahamas.

ENDNOTES

- ¹ Reporters who wish to speak to CLINIC's issue experts on TPS should email Patricia Zapor at pzapor@cliniclegal.org. For more information on TPS, please see [CLINIC's website](#).
- ² TPS has also been designated by Congress. See Jill Wilson, Temporary Protected Status: Overview and Current Issues, Congressional Research Service (March 22, 2019), <https://fas.org/sgp/crs/homsec/RS20844.pdf>.
- ³ *Temporary Protected Status (TPS) and Deferred Enforced Departure (DED)*, Catholic Legal Immigration Network, Inc. (last accessed Sept. 16, 2019), <https://cliniclegal.org/tps>.
- ⁴ Email Interview with David Cronin, Government Affairs Specialist, Catholic Relief Services (Sept. 10, 2019) (on file with author).
- ⁵ Aristos Georgiou, Bahamas Storm Damage is "as though nuclear bomb had dropped" says head of USAID, Newsweek, Sept. 9, 2019, www.newsweek.com/bahamas-storm-damage-nuclear-bomb-1458252.
- ⁶ 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/>.
- ⁷ 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>.
- ⁸ 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>.
- ⁹ Bahamas Temporary Protected Status Act of 2019, S.2478, 116th Cong. (2019); The Bahamas TPS Act of 2019, H.R.4303; TPS for Victims of Hurricane Dorian Act of 2019, H.R. 4272, 116th Cong. (2019).
- ¹⁰ 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>.
- ¹¹ *Id.*
- ¹² *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/>; 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; *3 weeks after Dorian, the smell of death hangs heavy in the Bahamas as 1,300 remain missing*, Fox 5 DC, Sept. 24, 2019, <https://www.fox5dc.com/news/3-weeks-after-dorian-the-smell-of-death-hangs-heavy-in-the-bahamas-as-1300-remain-missing>; U.S. AID, *The Bahamas - Hurricane Dorian* (Sept. 24, 2019), <https://www.usaid.gov/crisis/hurricane-dorian>.
- ¹³ Email Interview with Tom K. Wong, Associate Professor of Political Science, University of California, San Diego (Sept. 16, 2019) (on file with author) ("As of 2017, out of the estimated 15,800 foreign-born noncitizens from the Bahamas, an estimated 10,200 are not lawful permanent residents (LPRs) and would be eligible for TPS Professor Wong pulled these data from the 2017 ACS 1-YR Public Use Microdata (PUM) from IPUMS. Noncitizen, non-lawful permanent resident holders (e.g. those who would be eligible for TPS) foreign-born nationals from the Bahamas are estimated as the weighted count of (i) foreign-born persons, who were (ii) born in Bahamas, and who (iii) are not likely persons with LPR status.").
- ¹⁴ 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> ("About 4,000 Bahamians have arrived since the hurricane — 2,000 each by air and by sea, said Diane Sabatino, the head of the Customs and Border Protection office in Miami,").