

HAITI & TEMPORARY PROTECTED STATUS (TPS)

Understanding the History, How TPS Works, and What Changed in 2026

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ABOUT THE PRESENTERS

Alain and Alexis Michel are the co-founders of **Michel Consulting & Services LLC**, a family-owned business focused on helping individuals and organizations navigate practical systems and processes.

Alain Michel provides tax preparation, bookkeeping, and immigration paperwork assistance.

Alexis Michel works with grassroots and mission-driven organizations to strengthen their operations, systems, and organizational capacity.

Beyond their professional work, Alain and Alexis regularly assist individuals and families in their community and participate in humanitarian service initiatives internationally. Their work is rooted in a shared belief that strong communities are built through access to information, practical support, and people willing to walk alongside one another.

WHAT IS TPS?

- **Temporary Protected Status (TPS)** was created by Congress through the Immigration Act of 1990.
- TPS allows the Secretary of Homeland Security to temporarily protect eligible nationals of certain countries when conditions make it unsafe or impractical for them to return.
- A country may qualify for TPS because of:
 - Ongoing armed conflict
 - An environmental disaster
 - Extraordinary and temporary conditions
- Eligible TPS beneficiaries may receive **temporary protection from removal** and authorization to work in the United States.
- **TPS is temporary.** It does not, by itself, provide lawful permanent residence, a green card, or U.S. citizenship.
- TPS is tied to a country's designation, but eligibility is still individual. A person must meet the applicable requirements.

WHY WAS HAITI GRANTED TPS?

January 12, 2010 — The Earthquake

A catastrophic **magnitude 7.0 earthquake** struck Haiti.

The disaster caused enormous loss of life and displacement and severely damaged homes, hospitals, government buildings, roads, and other critical infrastructure.

January 21, 2010 — Haiti Receives TPS

The United States designated Haiti for TPS because conditions following the earthquake prevented Haitian nationals already in the United States from returning safely.

Haiti's TPS designation was later extended and redesignated as the country continued to experience humanitarian emergencies, political instability, insecurity, public-health challenges, and other serious conditions.

A SHORT HISTORY OF HAITI'S TPS

2010

Haiti receives its initial TPS designation following the January earthquake.

2011

The United States extends and redesignates Haiti for TPS.

2013–2017

TPS continues through multiple extensions while Haiti faces continuing recovery and humanitarian challenges.

2017

The first Trump administration announces plans to terminate Haiti's TPS designation.

2018–2021

Federal litigation prevents the earlier termination from fully taking effect.

2021

The Biden administration newly designates Haiti for TPS, citing serious conditions including violence, political instability, food insecurity, and limited access to essential services.

2023

Haiti is extended and redesignated for TPS.

2024

DHS announces another extension and redesignation, extending protections into 2026.

2025–2026

The Trump administration moves to reverse prior TPS actions and terminate Haiti's designation. The termination is challenged in federal court.

HOW CAN A TPS DESIGNATION END?

Federal law requires the Secretary of Homeland Security to periodically review the conditions supporting a country's TPS designation.

If the Secretary determines that the country continues to meet the statutory requirements, TPS may be extended.

If the Secretary determines that the country no longer meets the statutory requirements, federal law directs the Secretary to terminate the country's TPS designation.

This distinction is important:

The executive branch makes the underlying decision to designate, extend, or terminate TPS under authority granted by Congress.

Courts may become involved when government actions are legally challenged, but a judge does not ordinarily make the underlying country-designation decision.

WHAT CHANGED IN 2025–2026?

- The Trump administration moved to reverse prior actions extending Haiti's TPS designation.
- The **Department of Homeland Security (DHS)** determined that Haiti's TPS designation should be terminated.
- The termination was challenged in federal court.
- Lower federal courts granted relief that prevented the termination from taking effect while the litigation proceeded.
- The dispute eventually reached the **U.S. Supreme Court**.

JUNE 25, 2026 — MULLIN v. DOE

On June 25, 2026, the U.S. Supreme Court issued its decision in ***Mullin v. Doe***.

The Court held that the TPS statute bars judicial review of the Secretary's nonconstitutional TPS determination at issue in the case. The Court also addressed the constitutional challenge and the challengers' entitlement to court orders postponing the terminations while litigation continued.

The decision removed the principal legal barrier that had prevented the Haiti TPS termination from taking effect.

IMPORTANT DISTINCTION

The Supreme Court did not rule that Haiti is safe.

The decision to terminate Haiti's TPS designation was made by the **Department of Homeland Security**, not by the Supreme Court.

The Supreme Court addressed the legal question of whether the challengers were entitled to judicial relief from the Secretary's decision under the claims presented.

That is different from a court independently examining conditions in Haiti and declaring the country safe.

WHAT DOES LOSING TPS MEAN?

The consequences are **not identical for every Haitian TPS holder**.

- Some people may have another lawful immigration status.
- Some may have a pending asylum case or another immigration application.
- Some may currently be in immigration court proceedings.
- Some may have another possible basis for remaining in the United States.
- Others may have relied primarily on TPS for protection from removal and employment authorization.

The end of TPS does **not** automatically erase another immigration status, pending application, or immigration case that a person may independently have.

Because immigration circumstances are highly individual, people affected by the termination should speak with a **qualified immigration attorney or DOJ-accredited representative** about their specific circumstances.

HAITI TODAY: TWO DIFFERENT QUESTIONS

It is important to separate two issues that are often combined in public discussions about TPS.

THE LEGAL QUESTION

Does the executive branch have authority under the TPS statute to terminate Haiti's designation, and to what extent may federal courts review that determination?

THE CONDITIONS-ON-THE-GROUND QUESTION

What are the actual humanitarian, political, economic, and security conditions currently facing people in Haiti?

These issues are related to the broader TPS debate, but **they are not the same legal question.**

Haiti continues to face serious humanitarian and security challenges, including gang violence and insecurity, political instability, internal displacement, food insecurity, limited access to health care and essential services, and widespread humanitarian needs.

PRIMARY SOURCES

U.S. Supreme Court

Mullin v. Doe, Nos. 25-1083 and 25-1084, decided June 25, 2026.

Federal Law

8 U.S.C. § 1254a — Temporary Protected Status.

U.S. Citizenship and Immigration Services / Department of Homeland Security

Official Temporary Protected Status information, Haiti TPS notices, and congressional TPS reports.

Federal Register

Official government notices documenting Haiti's TPS designations, extensions, redesignations, and termination actions.

EDUCATIONAL INFORMATION — NOT LEGAL ADVICE

This handout provides general historical and legal information about Temporary Protected Status and Haiti. Immigration circumstances and available legal options depend on each person's individual facts.

People seeking advice about their own immigration situation should consult a qualified immigration attorney or DOJ-accredited representative.

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