

North Carolina Law Life

Temporary Protected Status for Haitians

By: Oliver Branch. *This was posted Friday, January 15th, 2010*

In the wake of the devastating earthquake in Haiti, the U.S. Government has sent aid in the forms manpower, food, and water. However, what is to be done with Haitian citizens who reside unlawfully in the U.S.? Will they be sent back to Haiti?

For the time being, the answer is “no.” On Wednesday, Homeland Security Secretary Janet Napolitano temporarily halted the removal (deportations) of Haitians with standing removal orders. Those who do not have removal orders, but are detained in detention centers, will remain jailed.

Since the earthquake on Tuesday, President Obama has been receiving increasing pressure from members of Congress and other special interest groups to grant [Temporary Protected Status](#) (“TPS”) those Haitians who are in the U.S. unlawfully. This status is sometimes granted to countries when 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.

In plain language, TPS allows eligible nationals who are in the U.S. unlawfully to remain and work in the U.S. until such a time as that their home country reaches a point that DHS determines will allow for a safe return. Currently, El Salvador, Honduras, Nicaragua, Somalia, and Sudan are designated by the Department of Homeland Security for TPS.

Many of us at Sands Anderson have made personal donations to help the earthquake victims. We encourage everyone to consider doing the same, but please be careful who gets your money. It is unfortunate, but many people will try to make a buck off this disaster. Don’t be a victim of a scam.

Here are some tips from the Better Business Bureau on how to [vet charities](#) asking for Haiti donations:

- Rely on expert opinion when it comes to evaluating a charity; not every blogger or web site has researched its recommendations.
- Be wary of claims that 100 percent of donations will assist relief victims.
- Be cautious when giving online, particularly if you receive an email asking for donations.
- Find out if the charity has an on-the-ground presence in the impacted areas.

<http://www.nclawlife.com/>

[Richmond](#) • [Blacksburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [Melean](#)

Copyright Sands Anderson Marks & Miller, PC.

- Find out if the charity is providing direct aid or raising money for other groups; it may make your dollars go further if you avoid the middleman.
- In-kind drives for food and clothing—while well intentioned— may not necessarily be the quickest way to help those in need - unless the organization has the staff and infrastructure to be able to properly distribute such aid.

In addition, be very careful in donating by text message. Before texting, go online and verify the number.

<http://www.nclawlife.com/>

[Richmond](#) • [Blacksburg](#) • [Fredericksburg](#) • [Research Triangle](#) • [Mclean](#)

Copyright Sands Anderson Marks & Miller, PC.

THE INFORMATION CONTAINED IN OUR WEB SITE DESCRIBES LEGAL MATTERS HANDLED IN THE PAST BY OUR ATTORNEYS. OF COURSE, THE RESULTS WE HAVE ACHIEVED DEPEND UPON A VARIETY OF FACTORS UNIQUE TO EACH MATTER. BECAUSE EACH MATTER IS DIFFERENT, OUR PAST RESULTS CANNOT PREDICT OR GUARANTEE A SIMILAR RESULT IN THE FUTURE.