

**The Florida Senate**  
**BILL ANALYSIS AND FISCAL IMPACT STATEMENT**

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

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Prepared By: The Professional Staff of the Committee on Judiciary

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BILL: SB 1478

INTRODUCER: Senator Thompson

SUBJECT: Haitian Family Reunification Parole Program

DATE: April 5, 2013

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Shankle	Cibula	JU	<b>Pre-meeting</b>
2.	_____	_____	_____	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

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**I. Summary:**

SB 1478 is a memorial urging the Secretary of the Department of Homeland Security to create the Haitian Family Reunification Parole Program to support Haitian applicants for immigration to join their families in the United States due to the current circumstances in Haiti. On January 12, 2010, the largest earthquake ever recorded in Haiti devastated parts of the country, including the capital. It is estimated that approximately one-third of the overall population, was affected by the earthquake.

The memorial proposes that the program be established similar to the current Cuban Family Reunification Parole Program. The purpose of the program is to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States.

**II. Present Situation:**

**2010 Catastrophic Earthquake in Haiti**

On January 12, 2010, the largest earthquake ever recorded in Haiti devastated parts of the country, including the capital.<sup>1</sup> The quake, centered about 15 miles southwest of Port-au-Prince, had a magnitude of 7.0 with a series of strong aftershocks.<sup>2</sup> The damage was catastrophic. The Haitian government estimated that the earthquake was responsible for more than 230,000 deaths

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<sup>1</sup> Congressional Research Service Report R41023, *Haiti Earthquake: Crisis and Response*, by Rhoda Margesson and Maureen Taft-Morales (February 19, 2010), available at <http://fpc.state.gov/documents/organization/139280.pdf>.

<sup>2</sup> *Id.*

and up to \$14 billion in damage.<sup>3</sup> The Haitian government also estimated that the earthquake affected approximately one-third of the overall population, including more than 1 million who were displaced.<sup>4</sup>

Today, more than 350,000 are still living in tents, and the lack of a stable political, health, and economic infrastructure has allowed the country to be especially vulnerable to disease and crime.<sup>5</sup> In addition, most of the donor-supported cash-for-work programs set up after the quake have ended.<sup>6</sup>

### **The Immigration and Nationality Act**

Immigration into the United States is largely governed by the Immigration and Nationality Act (INA).<sup>7</sup> An alien is a person present in the United States who is not a citizen of the United States.<sup>8</sup> The INA provides for the conditions whereby an alien may be admitted to and remain in the United States<sup>9</sup> and provides a registration system to monitor the entry and movement of aliens in the United States.<sup>10</sup> An alien may be subject to removal for certain actions, including entering the United States without inspection, presenting fraudulent documents at a port of entry, health reasons, violating the conditions of admission, or engaging in certain other proscribed conduct.<sup>11</sup>

Various categories of legal immigration status exist that include students, workers, tourists, research professors, diplomats, and others.<sup>12</sup> These categories are based on the type and duration of permission granted to be present in the United States and expire based on those conditions. All lawfully present aliens must have appropriate documentation based on status.<sup>13</sup>

### **Temporary Protected Status for Haitians<sup>14</sup>**

Provisions exist in the INA to offer temporary protected status (TPS) to aliens for relief from removal under specified circumstances. A foreign national who is granted TPS receives a registration document and an employment authorization for the duration of TPS. The United States currently provides TPS or deferred enforced departure to more than 300,000 foreign nationals from a total of seven countries: El Salvador, Haiti, Honduras, Liberia, Nicaragua, Somalia, and Sudan.

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<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

<sup>5</sup> *Haiti, Still Waiting for Recovery*, THE ECONOMIST, January 5, 2013 available at <http://www.economist.com/news/americas/21569026-three-years-after-devastating-earthquake-republic-ngos-has-become-country>.

<sup>6</sup> *Id.*

<sup>7</sup> 8 U.S.C. chapter 12.

<sup>8</sup> 8 U.S.C. s. 1101(a)(3).

<sup>9</sup> 8 U.S.C. ss. 1181-1182, 1184.

<sup>10</sup> 8 U.S.C. ss. 1201(b), 1301-130.

<sup>11</sup> 8 U.S.C. ss. 1225, 1227, 1228, 1229, 1229c, and 1231.

<sup>12</sup> 8 U.S.C. ss. 201- 210.

<sup>13</sup> 8 U.S.C. s. 221.

<sup>14</sup> Information under this subheading obtained from: Congressional Research Service Report RS20884, *Temporary Protected Status: Current Immigration Policy and Issues*, by Ruth Ellen Wasem and Karma Ester (December 13, 2011), available at <http://www.fas.org/sgp/crs/homesec/RS20844.pdf>.

In response to the humanitarian crisis in Haiti caused by the earthquake, the DHS announced on January 13, 2010, that it would temporarily halt deportation of Haitians from the United States. This is known as granting Temporary Protected Status (TPS). Temporary Protected Status is a tool available to the DHS when various countries are impacted by civil unrest, violence, or natural disaster. A foreign national who is granted TPS receives a registration document and an employment authorization for the duration of the TPS.

On May 17, 2011, Secretary of Homeland Security, Janet Napolitano, extended the TPS for Haitians to January 22, 2013. The extension allows TPS for Haitians who arrived in the United States within 1 year after the earthquake.

### **The INA's Humanitarian Parole Authority<sup>15</sup>**

The INA additionally provides a humanitarian parole authority to the DHS. Humanitarian parole, in the context of immigration, refers to official permission for an otherwise inadmissible alien to legally enter the United States temporarily. This includes aliens required to have a visa to visit or immigrate to the United States who are unable to obtain one, either due to ineligibility or urgent circumstances that make it impractical to apply for one. Specifically, the INA grants the Secretary of DHS discretionary authority to parole an alien into the United States temporarily on a case-by-case basis for urgent humanitarian reasons, such as to obtain medical treatment not available in his or her home country, visit a dying relative, or reunify young children with relatives. Parole does not constitute formal admission to the United States, and parolees are required to leave when the terms of their parole expire, or if otherwise eligible, to be admitted in a lawful status.

### **Cuban Family Reunification Parole Program<sup>16</sup>**

On November 21, 2007, the Department of Homeland Security announced the establishment of the Cuban Family Reunification Program (CFRP), which offers Cuban nationals who are beneficiaries of approved family-based immigrant visa petitions, for which no visa is currently available, an opportunity to come to the United States rather than remain in Cuba to apply for lawful permanent resident status. The purpose of the CFRP is to expedite family reunification through safe, legal, and orderly channels of migration to the United States and to discourage dangerous and irregular maritime migration. Whether to parole a particular Cuban national is a case-by-case, discretionary determination.

## **III. Effect of Proposed Changes:**

The memorial urges the Secretary of the Department of Homeland Security to create the Haitian Family Reunification Parole Program to support Haitian applicants for immigration to join their

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<sup>15</sup> Information under this subheading obtained from: Congressional Research Service Report RS21349, *U.S. Immigration Policy on Haitian Migrants*, by Ruth Ellen Wasem (January 21, 2011), available at [http://www.uscg.mil/history/docs/CRS\\_RS21349.pdf](http://www.uscg.mil/history/docs/CRS_RS21349.pdf).

<sup>16</sup> Information under this subheading obtained from: Press Release, U.S. Citizenship and Immigration Service. *Fact Sheet: Cuban Family Reunification Parole Program*. (November 21, 2007), available at [http://www.uscis.gov/files/pressrelease/CFRP\\_FS\\_21Nov07.pdf](http://www.uscis.gov/files/pressrelease/CFRP_FS_21Nov07.pdf).

families in the United States due to the current circumstances in Haiti. The memorial proposes that the program be established similar to the current Cuban Family Reunification Program to hasten the reunification of families and discourage Haitian citizens from resorting to illegal and dangerous means of migration into the United States.

Copies of the memorial are to be distributed to the President of the United States, the Speaker of the United States House of Representatives, each member of the Florida delegation to the United States Congress, and to the Secretary of Homeland Security, Janet Napolitano.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Additional Information:**

- A. **Committee Substitute – Statement of Substantial Changes:**  
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

- B. **Amendments:**

None.

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This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

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