



TOPICS

FORMS

RESOURCES

LAWS

NEWS

ABOUT US

[Refugees & Asylum](#)
[Victims of Human Trafficking
& Other Crimes](#)
[Temporary Protected Status &
Deferred Enforced Departure
Battered Spouse, Children &
Parents](#)
[Humanitarian Parole](#)
[Special Situations](#)
[Haiti Earthquake Response](#)
[Home](#) > [Humanitarian](#) > [Haiti Earthquake Response](#)
[Printer Friendly](#)

Haitian Relief Measures: Questions and Answers

Introduction

The Department of Homeland Security is committed to the effort to assist in the recovery from the earthquake that struck on January 12, 2010 and has announced temporary relief measures that will be made available to those individuals who are unable to return to their home country due to the destruction and humanitarian crisis in Haiti or are currently traveling in the United States.

United States Citizenship and Immigration Services (USCIS) will expedite the processing of certain immigration applications. Standard requirements for security checks will remain in place under expedited procedures. DHS will continue to work with other branches of the United States Government to closely monitor developments in Haiti to determine the need for additional action. Guidance has been issued to each of the field offices and Service Centers directing them to adjust processes as a result of these temporary relief measures. This memorandum has been made public and can be found on www.uscis.gov/haitianmemo. Below are a series of questions providing specific guidance to Haitian national interested in taking advantage of this relief.

We welcome feedback on the information contained within the Q and A, including additional questions affected communities wish to have answered. If you have any questions, please email public.engagement@dhs.gov.

Questions and Answers

1. What temporary relief measures aside from Temporary Protected Status, will USCIS make available to Haitian nationals in response to the earthquake devastating that country?

Temporary relief measures available to nationals of Haiti include favorable adjudication, where possible, of requests for change or extension of nonimmigrant status, acceptance of applications for change or extension of nonimmigrant status submitted after the alien's authorized period of admission has expired, re-parole of aliens granted parole by USCIS, extension of certain grants of advance parole, expedited processing of advance parole requests, favorable and expedited adjudication, where possible, of requests for off-campus employment authorization due to severe economic hardship for F-1 students, expedited processing of immigrant petitions for children of U.S. citizens and lawful permanent residents (LPRs), issuance of employment authorization where appropriate and assistance to LPRs stranded overseas without documents.

2. Who will be eligible for temporary relief?

All nationals of Haiti with current immigration benefits or benefit applications pending with USCIS will be eligible for temporary relief.

3. I am a Haitian national, currently I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

Aliens wishing to change or extend their nonimmigrant status must submit an application, per existing standards, and submit evidence establishing that the events of January 12, 2010 is the basis for their inability to return to Haiti prior to the expiration of their authorized period of admission.

Change or Extension of Nonimmigrant Status: USCIS will implement procedures to adjudicate favorably where possible applications for change or extension of nonimmigrant status following the expiration of an applicant's period of admission.

- Form I-539 applications currently in process and newly filed applications for Haitian nationals will be identified for immediate processing.
- B visa non-immigrant visitors can apply for an additional six month extension. All other nonimmigrant aliens must continue to meet existing criteria for change or extension of status.
- In cases where an alien is no longer able to extend his or her current nonimmigrant status, favorable consideration should be given to requests for change of status to B-1 or B-2.

Employment Authorization: Certain nonimmigrant classifications are not permitted to apply for or receive employment authorization. Nonimmigrant visitors, for instance, would not be granted work authorization.

4. I am a Haitian national, I was granted parole to enter the United States temporarily. I cannot return to Haiti due to the earthquake and my allowed time to stay in the US is expiring or about to expire. What are my options? Can I work during my stay in the US?

A Haitian national who has already been paroled into the U.S., may apply to extend the period of parole. If an alien presents a genuine, expired or unexpired Form I-94, which contains an expiration date of January 12, 2010 or later, and the alien demonstrates that he or she was or is prevented from returning to Haiti prior to the expiration of his or her parole as a direct result of the earthquake, he or she may file for re-parole. The length of the extension is at the Director's discretion but normally should not exceed 6 months.

Re-parole Affected Parolees:

- Aliens may file for re-parole at the USCIS District office with jurisdiction over their current place of residence in the United States: [USCIS Office Locations](#)

Employment Authorization:

- Parolees in the United States may apply for employment authorization. For how to apply, please refer to the instructions on the Form I-765.

5. I am a Haitian national, I was granted advance parole to travel outside of the United States. I cannot return to the US from Haiti due to the earthquake and my allowed time is expiring or about to expire. What are my options?

Due to disruption of consular services following the earthquake and in recognition of the humanitarian needs of affected aliens, an automatic extension of advance parole until March 12, 2010, is granted to those aliens who are currently in Haiti and who are outside of the United States if their advance parole authorization, Form I-512, Authorization for Parole of Aliens into the United States, expires between January 12, 2010 and March 12, 2010. Ports of entry have been instructed to accept these auto-extended Form I-512s.

More Information

- [Haitian Relief Measures: Questions and Answers](#)

Other USCIS Links

- [Temporary Protected Status - Haiti](#)
- [Initial Relief Efforts for Aliens Affected by the January 12, 2010 Haiti Earthquake \(PDF\)](#)

Forms

- [I-765, Application for Employment Authorization](#)
- [Instructions pour I-765 \(PDF\)](#)
- [I-821, Application for Temporary Protected Status](#)
- [Conseils pour remplir le Formulaire I-821 \(I-821 Filing Tips in French\) \(PDF\)](#)
- [Direktiv sou Aplikasyon Fòm I-821 \(I-821 Filing Tips Creole\) \(PDF\)](#)
- [I-539, Application To Extend/Change Nonimmigrant Status](#)

Non-USCIS Links

- [White House Haiti Earthquake Relief](#)
- [Video: Department of Homeland Security Response](#)
- [Federal Emergency Management Agency \(FEMA\)](#)
- [U.S. Agency for International Development \(USAID\)](#)
- [U.S. Coast Guard](#)
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6. I am a Haitian national student currently enrolled in school in the US; due to the earthquake in Haiti I can no longer cover the cost of my education. What are my options? Can I work during my stay in the US?

Nonimmigrant F-1 students from Haiti who may be unable to continue to cover the cost to engage in a full course of study may need off-campus employment authorization. An F-1 student who can demonstrate that he or she is from Haiti can apply for employment authorization to work off-campus.

The student needs to be recommended for employment by the Designated School Official (DSO) and should submit Form I-765, Application for Employment Authorization along with the Form I-20 with approval from the DSO to the USCIS Service Center with jurisdiction. Please refer to the Form I-765 for instructions. The filing fee for Form I-765 is \$340.

7. I am a Haitian national currently in the US under an Order of Supervision pursuant to a stay of removal issued by U.S. Immigration and Customs Enforcement. Can I work during my stay in the US?

You may be authorized to work and should submit Form I-765, Application for Employment Authorization and USCIS will adjudicate as promptly as possible.

8. I am a Haitian national; I have a pending case with USCIS and need my case expedited due to the earthquake in Haiti. What are my options?

Given the need for immediate relief, USCIS will expedite certain applications. Standard requirements for security checks remain in place under expedited procedures.

Expedite Processing:

- **Relative Petitions for Minor Children of legal permanent residents and U.S. Citizens Residing in Haiti:**
 - In cases where the petitioner requests expedited processing of a Form I-130, Petition for Alien Relative, for a child from Haiti, the case will be expedited where a visa number is readily available.
- **Requests for Advance Parole:**
 - Haitian nationals with benefit applications pending in the United States may need to travel quickly for emergent reasons and will need to apply for advance authorization for parole to return to the United States. USCIS will expedite the Form I-131, Application for Travel Document

9. I am a Haitian national; I have lost my resident status documents due to the earthquake in Haiti. What are my options?

Persons Stranded Without Documents: USCIS overseas offices will continue to assist legal permanent residents who have lost their documents. Database checks and interviews will continue to be conducted during and outside of business hours to rapidly verify status and authorize issuance of boarding letters at the consulate in Haiti. (Boarding letters issued by DHS permit airlines to allow aliens to travel to the United States.

10. I am a Haitian national; I am in removal proceedings and cannot leave due to the earthquake in Haiti. What are my options?

Individuals from Haiti who are under a final order of removal may be granted a stay of removal. This temporary suspension is specific to Haiti due to the massive infrastructure damage.

- Decisions will be made on a case-by-case basis and based on specific circumstances.
- Where appropriate and authorized by law, nonimmigrant visitors and aliens that receive a stay of removal may be eligible to apply for or receive employment authorization so that they may financially support themselves, or potentially help the rebuilding effort by sending remittances to Haiti.

11. If a person from Haiti is out-of-status, will this person be eligible for any relief?

A person whose nonimmigrant status has expired may be able to file for a change or extension of status, if he or she was in valid, nonimmigrant status.

12. Can a person from Haiti, who is out-of-status, travel to his or her country to assist stricken family members and return to the U.S.?

A person from Haiti who is out of status may travel to Haiti, but will not be eligible for Advance Parole. Advance Parole is permission to re-enter the United States.

13. Is USCIS/DHS going to grant Temporary Protected Status to Haitian nationals?

Yes. Please refer to Temporary Protected Status Questions and Answers document provided on www.uscis.gov.

14. Can an applicant for adjustment-of-status (Form I-485) travel to Haiti to assist family members without forfeiting his or her application? Can such applicants travel to Haiti to attend funerals?

Aliens who have pending applications for permanent residence, Form I-485, are eligible for advance parole if they have an approved Form I-131 Request for Advance Parole. Aliens wishing to return to Haiti to assist family members or attend funerals can request expedited processing of their I-131's as described above. So long as the alien has been approved for Advance Parole, he or she may travel for short periods of time outside of the United States without abandoning the application for permanent residence.

15. Can a naturalized citizen, originally from Haiti, sponsor nieces and/or nephews or other extended minor family members who were orphaned as a result of the devastation?

A U.S. citizen, whether naturalized or born in the United States, may not file a Form I-130, Petition for Alien Relative, on behalf of a niece, nephew or other minor extended family member who was orphaned as a result of the earthquake. A U.S. citizen may only petition for his or her spouse, parents, children, adult sons and daughters, and brothers and sisters.

The international standard among adoption professionals in a crisis is to keep children as close to their family members and community as possible. It is often difficult to determine whether children whose parents are missing are truly orphans. In the current situation, many children have become separated from one or both of their parents whose fate is unknown. Even when children are indeed orphaned, they are often taken in by other relatives. Staying with relatives in extended family units is generally a better solution than uprooting the child completely. Also, in the immediate aftermath of such disasters, a country's government may be in disarray and what resources are available may be deployed on recovery projects.

USCIS believes that it will take many months before the countries affected by the disaster will be able to identify the children who are actual orphans. It is only if and when these countries decide to make these orphans available for international adoption that American citizens will be able to begin adoption proceedings for those children who also qualify as orphans as defined in the Immigration and Nationality Act.

Additional information regarding the process of inter-country adoptions by U.S. citizens can be found at: <http://uscis.gov/graphics/services/index2.htm>.

16. I am a U.S. citizen in the process of adopting a Haitian child. What is the U.S. Government doing to help me?

We have already received numerous inquiries from American citizens who are in the process of

adopting children from Haiti. We understand the deep concern these prospective adoptive parents feel about the welfare of these children, and we are actively working to identify available options in light of the recent tragedy. DHS' U.S. Citizenship and Immigration Services and the DOS Bureau of Consular Affairs have already begun defining possible ways to expedite these pending cases. As soon as there is a plan in place, we will provide details.

Last updated:01/18/2010

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