

**AN ANALYSIS OF THE DHS DECISION
ON TPS FOR HAITI**

EXECUTIVE SUMMARY

Haitians have a strong case to block the Trump administration's partial vacatur of former Homeland Security Secretary Alejandro Mayorkas's decision to extend Temporary Protected Status for Haitians to February 3, 2026, according to a National Foundation for American Policy analysis reviewing court opinions, Federal Register notices and economic data.

On March 31, 2025, U.S. District Judge Edward M. Chen blocked Homeland Security Secretary Kristi Noem's action vacating the Mayorkas extension of TPS for Venezuelans. The judge cited three grounds on which the plaintiffs were likely to prevail that also apply to the DHS decision for a partial vacatur of TPS for Haiti.

Judge Chen ruled that plaintiffs were likely to succeed in their argument that Secretary Noem lacked the authority to vacate Mayorkas' extension of TPS for Venezuelans. He also wrote that plaintiffs were likely to prevail on two other grounds: The Mayorkas extension of TPS for Venezuelans was not "novel," and "the Secretary's decisions to vacate and terminate TPS for Venezuelans are unconstitutional because they were motivated at least in part by animus based on race, ethnicity or national origin." The judge cited statements by Noem and Donald Trump. The Trump administration has asked the U.S. Supreme Court to block or overturn Judge Chen's opinion on TPS for Venezuela.

During the 2024 presidential election campaign, Trump and his running mate accused Haitians of eating people's pets in Springfield, Ohio. Trump promised to end TPS for Haitians, remove them from Springfield and "bring (the migrants) back to their country."

Among the findings in the NFAP analysis:

- The Mayorkas extension of TPS for Haitians was lawful, and Noem lacked the authority to vacate or partially vacate the Mayorkas extension.
- The Trump administration likely violated the Administrative Procedure Act by failing to conduct a serious analysis of the economic, public health and human rights conditions in Haiti when partially vacating Secretary Mayorkas's decision on June 4, 2024, to extend TPS for Haitians. While the Mayorkas Federal Register notice in June 2024 cited approximately 100 sources on conditions in Haiti, the Noem notice in February 2025 used only one footnote to address conditions in Haiti, and even then, it was only to speculate that a small UN security force might improve conditions in the country. A human rights report published contemporaneously with the Federal Register notice concluded the UN force did not improve conditions in Haiti.

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- Amy Pope, director general of the International Organization for Migration (IOM), said at a UN briefing on April 16, 2025, “The situation has become much, much worse in recent months.” She estimates that about one million people are displaced in Port-au-Prince. “Almost nothing in the way of protection, particularly for women and girls.” According to Pope, “The capital city of Haiti, Port-au-Prince, is 85% occupied by gangs. It is impossible for people to go in and out of the capital city by road. . . . The safety is so far from being assured it’s just not safe.”
- The Trump administration has designated the Viv Ansanm gang alliance a ‘transnational terrorist group.’ Gran Grif, also designated, was responsible for a massacre of more than 100 people in October 2024.
- According to the World Bank, Haiti’s economic conditions remain poor: “Amid the lingering crisis, high vulnerability to natural hazards, coupled with violent gangs vying to gain control over business districts, the economy contracted for five consecutive years . . . GDP [Gross Domestic Product] is estimated to have contracted for a sixth year by 4.2% in 2024 behind the backdrop of gang violence.”
- The National Foundation for American Policy examined several indicators and found no evidence that allowing Haitians to remain in the United States in Temporary Protected Status would be “contrary to the national interest of the United States,” as contended by Secretary Noem.
- After the June 4, 2024, extension of TPS for Haitians, illegal entry at the Southwest border remained extremely low for Haitians, contradicting Noem’s implication in a Federal Register notice that ending TPS for Haitians was needed to prevent Temporary Protected Status from acting as a pull factor for illegal immigration. In June 2024, the Border Patrol apprehended only 30 Haitians at the Southwest border. That was followed by 64 Border Patrol encounters of Haitians in July 2024, 46 in August, 31 in September, 53 in October, 35 in November and 31 encounters in December 2024. In February 2025, the Border Patrol apprehended only two Haitians at the Southwest border and three in March 2025.
- Haitians experience strong earnings growth, indicating they integrate and even thrive in the United States, particularly as their income growth exceeds that of U.S.-born workers. On average, real earnings for Haitians arriving between 1985 and 2009 increased by 46% in the 10 years after arriving in America compared to 25% for U.S.-born workers during the same decade. Real earnings for Haitians who arrived between 1985 and 1989 increased by 75% in the 10 years after arrival.
- Haitians have extremely low rates of incarceration (in jail or prisons), approximately half the rate of the U.S.-born: 1.2% for Haitian males aged 18 to 50 compared to 2.3% for U.S.-born males in the same age range.

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- Over 90% of Haitians speak English within a year of arriving in the United States, and within a decade, nearly all Haitians speak English. Among Haitians who arrived in America between 2005 and 2009, 98.6% spoke English 10 years later.
- Haitian welfare use in the U.S. is low. Only 1% of Haitians who entered the United States between 1985 and 2009 used public assistance income 10 years after entry compared to 1.7% of U.S.-born.
- Among Haitians who entered the U.S. between 1985 and 2009, 84.7% aged 21 to 54 were in the U.S. labor force 10 years after entry to America.
- On average, Haitians significantly improve their educational attainment with time spent in America. Haitians who entered the U.S. between 1985 and 2009 increased their attainment of bachelor's degrees, rising from 8.6% the year after arrival to 15.7% 10 years later.

DHS FEDERAL REGISTER NOTICE ON PARTIAL VACATUR OF TPS FOR HAITI

On February 24, 2025, Homeland Security Secretary Kristi Noem announced in a Federal Register notice that DHS would “partially vacate” the June 4, 2024, decision of former DHS Secretary Alejandro Mayorkas on TPS for Haiti.¹ “In the 2024 action, former Secretary Mayorkas again extended the designation of Haiti for TPS for the statutory maximum of 18 months (until February 3, 2026), which covered approximately 199,445 Haitian nationals; and again newly designated Haiti for TPS, which had the effect of allowing approximately 321,349 additional Haitian nationals to qualify for the same 18-month period,” according to the DHS Federal Register notice in February 2025. “For the reasons described in this notice, the Secretary has determined to partially vacate the June 4, 2024, decision by reducing the designation period from 18 months to 12 months. . . . Accordingly, by operation of this notice, the Haiti TPS extension and new designation will expire on August 3, 2025, instead of February 3, 2026, and the first-time registration will remain in effect until August 3, 2025, instead of February 3, 2026.”²

IOM DIRECTOR GENERAL DETAILS “DIRE” CONDITIONS IN HAITI

On April 16, 2025, Amy Pope, director general of the International Organization for Migration (IOM), delivered a briefing at UN headquarters about the “dire” humanitarian conditions in Haiti following a trip to the country. “The first thing that struck me is how complicated, how complex, how dire the humanitarian situation is on the ground,” said Pope. “The capital city of Haiti, Port-au-Prince, is 85% occupied by gangs. It is impossible for people to go in and out of the capital city by road.”³

“The situation has become much, much worse in recent months.” She estimates that about one million people are displaced in Port-au-Prince. “Almost nothing in the way of protection, particularly for women and girls.” She pointed to food insecurity and no access to education for children. The only way diplomats and humanitarian workers can get around is by helicopter.

According to Pope, “The infrastructure is simply not well equipped to deal with returns.” When asked about people being returned to Haiti, including from the end of Temporary Protected Status, Pope said, “But the fact is if communities are from the capital, it’s nearly impossible to go back logistically. The roads are not open. The safety is so far from being assured it’s just not safe.”⁴

¹ “Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti,” USCIS, DHS, Federal Register, February 24, 2025. <https://www.federalregister.gov/documents/2025/02/24/2025-02970/partial-vacatur-of-2024-temporary-protected-status-decision-for-haiti>.

² Ibid.

³ Amy Pope, director general of the International Organization for Migration (IOM), briefing at UN headquarters, April 16, 2025. <https://www.msn.com/en-us/news/world/iom-chief-highlights-dire-crisis-in-haiti/vi-AA1DqVBw#details>.

⁴ Ibid.

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The Trump administration has acknowledged the power of Haiti's gangs. "The United States on Friday designated Haiti's powerful Viv Ansanm gang alliance, whose members have taken control of almost all the capital Port-au-Prince and spread to surrounding areas, a 'transnational terrorist group,'" reported Reuters. "The U.S. Treasury Department also applied the designation to the Gran Grif gang, which in October took responsibility for a [shocking massacre](#) of at least 115 people in the agricultural town of Pont-Sonde."⁵

COUNTRY CONDITIONS: COMPARING THE NOEM AND MAYORKAS FEDERAL REGISTER NOTICES

The Trump administration likely violated the Administrative Procedure Act by failing to conduct a serious analysis of the economic, public health and human rights conditions in Haiti when partially vacating the decision by Secretary Mayorkas on June 4, 2024, to extend TPS for Haitians. While the Mayorkas Federal Register notice in June 2024 cited approximately 100 sources on conditions in Haiti, the Noem notice in February 2025 used only one footnote to address conditions in Haiti, and even then, it was only to speculate the "real possibility of an improvement in conditions with the deployment of the United Nations MSS [Multinational Security Support] mission."⁶

The only reference to conditions in Haiti cited by DHS Secretary Noem in the February 2025 Federal Register notice speculated that a small UN security force might improve conditions. However, a human rights report published contemporaneously with the Federal Register notice concludes the force did not improve conditions in Haiti.

In a report about Haiti published on February 26, 2025, Freedom House concluded the United Nations MSS mission did not result in discernible improvements in conditions in the country. "A culture of impunity in law enforcement leaves civilians in Haiti with little protection from the illegitimate use of force, and police and civilians are subject to lethal attacks by heavily armed criminal groups," according to Freedom House. "In June 2024, the multinational security support (MSS) mission arrived in Haiti, and at the end of the year approximately 500 of its police officers had arrived in Haiti.

"Most key roads connecting the capital to other parts of the country remain under the control of armed groups, which have expanded into other areas like the department of Artibonite. Faced by a weak and corrupt police force and an underfunded MSS, these groups continue to attack churches, schools, shops, and private homes. Homes are often set on fire, contributing to mass internal displacement.

⁵ Sarah Morland, "US designates powerful Haiti gang alliance as transnational terrorist group," Reuters, May 2, 2025.

⁶ "Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti," USCIS, DHS, Federal Register, February 24, 2025.

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“Armed group violence continued to escalate, and over 5,600 people were killed in 2024. An additional 2,200 people were injured and 1,400 were kidnapped during the year. Several massacres occurred, both within Port-au-Prince and beyond. Armed groups continued to subject women, girls, and LGBT+ people to sexual violence. At least 287 people were killed by the Bwa Kalé movement, a vigilante movement which began killing suspected gang members in 2023. Armed groups continue to retaliate violently to any perceived self-defense group.

“In October 2024, the Gran Grif gang carried out a massacre in Pont-Sondé, allegedly in response to the community working with a self-defense group. Over 70 people were found dead, including 10 women and 3 infants, reportedly wiping out entire families.”⁷

Economic conditions remain poor in Haiti. “Amid the lingering crisis, high vulnerability to natural hazards, coupled with violent gangs vying to gain control over business districts, the economy contracted for five consecutive years by 1.7% in 2019, 3.3% in 2020, 1.8% in 2021, 1.7% in 2022, and 1.9 percent in 2023. GDP is estimated to have contracted for a sixth year by 4.2% in 2024 behind the backdrop of gang violence,” according to the World Bank. “Improvements in tax revenue collection in 2023 (6.3% of GDP compared to 5.2% of GDP in FY22) reversed in 2024 (5.4% of GDP), as weak economic activity and insecurity offset tighter customs administration and higher oil tax revenue.”⁸

HAITIANS LIKELY HAVE A STRONG CASE TO BLOCK THE PARTIAL VACATUR

On March 31, 2025, U.S. District Judge Edward M. Chen blocked Kristi Noem’s move to end TPS for Venezuelans by vacating the Mayorkas extension. The judge cited three grounds on which the plaintiffs were likely to succeed. The first focused on whether Noem could vacate the Mayorkas extension. “The threshold question is whether Secretary Noem lacked the authority to vacate the extension of the 2023 Designation. Plaintiffs are likely to succeed on the merits of this issue,” wrote Judge Chen.⁹

Second, Judge Chen took issue with the DHS characterization of the Mayorkas extension of TPS as “novel.” He wrote, “The practical operation of the extension of the 2023 Designation was not ‘novel,’ did not engender undue confusion as to registration and was entirely consistent and compliant with the TPS statute. The Court therefore concludes that Plaintiffs are likely to succeed on their claim that the decision to vacate (assuming the Secretary had implicit authority to vacate) was arbitrary and capricious because it was based on legal (as well as factual) error.”¹⁰

⁷ *Freedom in the World 2025*, Freedom House, Haiti, February 26, 2025. <https://freedomhouse.org/country/haiti/freedom-world/2025>.

⁸ <https://www.worldbank.org/en/country/haiti/overview>.

⁹ *National TPS Alliance, et al. v. Kristi Noem, et al.*, order granting plaintiffs’ motion to postpone, March 31, 2025, <https://s3.documentcloud.org/documents/25874870/tpsrlgchen033125.pdf>. See Stuart Anderson, “Court Hands Trump Defeat By Blocking DHS Action Against Venezuelans,” *Forbes*, April 1, 2025.

¹⁰ *Ibid.*

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Third, the judge sided with the plaintiffs on the charge that “the Secretary’s decisions to vacate and terminate TPS for Venezuelans are unconstitutional because they were motivated at least in part by animus based on race, ethnicity or national origin.” He wrote, “Based on the extensive record provided by Plaintiffs, the Court finds that Plaintiffs have raised a substantial claim of unconstitutional animus.”¹¹

The National TPS Alliance brought the lawsuit with legal assistance from the Center for Immigration Law and Policy at the UCLA School of Law, the ACLU Foundation of Northern California, the ACLU Foundation of Southern California and the National Day Laborer Organizing Network. CASA and Make the Road New York have also filed a lawsuit.

Judge Chen wrote that within one week, the parties should file a joint status report that included “whether Plaintiffs will be filing a motion to postpone with respect to agency action related to Haiti’s TPS designation (which is within the scope of the newly filed amended complaint).”¹²

In a separate lawsuit, *Haitian Evangelical Clergy Association, et al. v. Donald Trump et al.*, filed on March 14, 2025, plaintiffs argued that “(i) Defendants’ premature termination of Haiti’s TPS designation violates the Administrative Procedure Act because it is ‘arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law,’ ‘in excess of statutory jurisdiction, authority, or limitations,’ and ‘without observance of procedure required by law’; (ii) violates the Fifth Amendment’s guarantee of due process and equal protection; and (iii) is in excess of the Secretary’s statutory authority; b. Set aside the ‘Partial Vacatur’ of Haiti’s TPS designation as unlawful.”¹³

The Trump administration has asked the U.S. Supreme Court to block or overturn Judge Chen’s opinion on TPS for Venezuela.¹⁴

ARBITRARY AND CAPRICIOUS

Under the Administrative Procedure Act, it is arbitrary and capricious to ignore key facets of the TPS statute to achieve a political result. In the 2019 case *Saget v. Trump*, a district court found that the Trump administration’s termination of TPS for Haiti was likely unlawful and granted a nationwide injunction. “The sequence of events leading up to the decision to terminate Haiti’s TPS was a stark departure from ordinary procedure, suggestive of a

¹¹ Ibid.

¹² Ibid.

¹³ *Haitian Evangelical Clergy Association, et al. v. Donald Trump et al.*, filed on March 14, 2025, in the U.S. District Court for the Eastern District of New York.

¹⁴ <https://www.scotusblog.com/2025/05/trump-asks-supreme-court-to-allow-an-end-to-protected-status-for-venezuelans/>.

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pre-determined outcome not anchored in an objective assessment, but instead a politically motivated agenda,” according to the court.¹⁵

Plaintiffs have a strong case that the DHS decision to partially vacate the Mayorkas June 2024 decision on TPS for Haiti was “a pre-determined outcome not anchored in an objective assessment, but instead a politically motivated agenda.”¹⁶

“Approximately 200,000 Haitians have [Temporary Protected Status](#) that expires February 3, 2026,” according to a *Forbes* article. “However, after he becomes president, Donald Trump may decide to end TPS earlier. During the presidential debate in September, Trump claimed Haitians in Springfield, Ohio, were [eating the pets](#) of their neighbors. Trump and his running mate, JD Vance, said they hoped to remove Haitians living in Springfield from the United States.”¹⁷

“Springfield is such a beautiful place,” Trump told NewsNation in October 2024. “Have you seen what’s happened to it? It’s been overrun. You can’t do that to people. *I’d revoke (the protected status), and I’d bring (the migrants) back to their country.*”¹⁸

Danielle Paquette wrote in the [Washington Post](#): “Throughout American history, plenty of leaders have bashed immigrants. But never before has a presidential candidate—let alone a victorious one—vowed to banish a specific group from a specific city.”¹⁹

Judge Chen took note of statements made by Trump and others. “Like Secretary Noem, President Trump also made a number of discriminatory statements – and not only about Venezuelan immigrants and/or TPS holders specifically, but also about non-white immigrants and/or TPS holders generally,” wrote the judge.

According to Chen, “First, contrary to what the government suggests, some of President Trump’s statements did relate to TPS policy or decision-making (e.g., statements about Haitian immigrants present in Springfield because of the TPS program, statements in the Executive Order about an ‘invasion’ and targeting, inter alia, the TPS program). Furthermore, even if other statements did not directly relate to TPS policy or decision-making, there is no principled reason to hold that these statements should thereby be ignored, especially when the discriminatory

¹⁵ Interview with Jacob Hamburger; <https://casetext.com/case/saget-v-trump-3>.

¹⁶ Stuart Anderson, “Trump’s Plans To Deport Immigrants Likely To Harm U.S. Workers,” *Forbes*, December 5, 2024. There were approximately 200,000 approved Haitian individuals for TPS as of December 5, 2024, according to CRS. Additional individuals became eligible after the most recent Mayorkas extension of TPS for Haiti.

¹⁷ *Ibid.*

¹⁸ *Ibid.* Emphasis added.

¹⁹ *Ibid.*

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statements still addressed the issue of immigration and, further, were not isolated occurrences but rather comments made repeatedly over time – including in the several months immediately preceding Secretary Noem’s decisions to vacate and then terminate.”²⁰

NOT CONTRARY TO THE NATIONAL INTEREST

DHS Secretary Kristi Noem asserts in the February 2025 Federal Register notice, “Former Secretary Mayorkas, however, failed to evaluate whether ‘permitting the aliens to remain temporarily in the United States’ is not ‘contrary to the national interest of the United States.’”²¹ Noem did not provide any details indicating that Mayorkas “failed to evaluate” whether allowing Haitians to continue living in America would be against the national interest.

If one examines several indicators, there is no reason to believe allowing Haitians to remain in the United States in Temporary Protected Status would be “contrary to the national interest.”

HAITIANS EXPERIENCE RAPID EARNINGS GROWTH

Haitians were eligible for the initial TPS designation if they arrived in the United States by January 12, 2010.²² The National Foundation for American Policy examined data on Haitians who arrived between 1985 and 2009, examining them in four entry cohorts.

On average, real earnings for Haitians arriving between 1985 and 2009 increased by 46% in the 10 years after arrival compared to 25% for U.S.-born workers during the same decade. Earnings were adjusted for inflation.²³ Real earnings for Haitians who arrived between 1985 and 1989 increased by 75% in the 10 years after arrival. Earnings growth helps measure how Haitians integrate into American society. Haitians experience earnings growth, indicating they integrate and even thrive, particularly as their income growth exceeds that of U.S.-born workers.²⁴

²⁰ *National TPS Alliance, et al. v. Kristi Noem, et al.*

²¹ “Partial Vacatur of 2024 Temporary Protected Status Decision for Haiti,” USCIS, DHS, Federal Register, February 24, 2025. <https://www.federalregister.gov/documents/2025/02/24/2025-02970/partial-vacatur-of-2024-temporary-protected-status-decision-for-haiti>.

²² Designation of Haiti for Temporary Protected Status, DHS, Federal Register, January 21, 2010.

<https://www.federalregister.gov/documents/2010/01/21/2010-1169/designation-of-haiti-for-temporary-protected-status>.

²³ National Foundation for American Policy tabulations and analysis of average earnings using Census Decennial and American Community Survey file from IPUMS. Note: Individuals are aged 21 to 54 in the initial period and 31 to 64 ten years later. Earnings are in 2024 dollars calculated using the Personal Consumption Expenditures (PCE) Price Index.

²⁴ The human capital and earnings growth of family-based immigrants is discussed in Harriet Duleep and Mark Regets, “Immigrants and Human Capital Investment,” *American Economic Review*, May 1999.

**Table 1
Real Earnings Growth of Haitians in U.S.**

Year of Entry for Haitians	Real Earnings Growth in 10-Year Period After Arrival
1985-1989	75%
1995-1999	35%
2000-2004	33%
2005-2009	51%
All Entry Periods (1985-2009)	46%
U.S.-Born	25%

Source: National Foundation for American Policy tabulations and analysis of average earnings using Census Decennial and American Community Survey file from IPUMS. Note: Individuals are aged 21 to 54 in the initial period and 31 to 64 ten years later. Earnings are in 2024 dollars calculated using the Personal Consumption Expenditures (PCE) Price Index. Note: Both immigrants and U.S. born are aged 21 to 54 in the year after arrival and aged 31 to 64 10 years after. The 1985-1989 cohort was observed in 1990. The 1995-1999 cohort was observed in 2000 and in 2009-2011. The 2000-2004 cohort was observed in 2004-2006 and in 2009-2011. The 2005 to 2009 cohort was observed in 2009-2011 and 2019-2021.

The research examined the earnings growth over 10 years of Haitians 21 to 54 who entered the United States from 1985 through 2009. NFAP used Census data to measure real earnings growth during the 10-year periods after their entry. Earnings include wage and self-employment income and were converted to 2024 dollars using the Personal Consumption Expenditure Index.

HAITIANS ARE FAR LESS LIKELY TO COMMIT CRIMES THAN U.S.-BORN

Haitians have extremely low rates of incarceration (in jail or prisons), approximately half the rate of the U.S.-born: 1.2% for Haitian males aged 18 to 50 compared to 2.3% for U.S.-born males in the same age range. A U.S. male born in Louisiana aged 18 to 50 has an incarceration rate of 4.0%.

**Table 2
Incarceration Rates in U.S. for Males Aged 18-50 by Place of Birth**

Males Aged 18-50	Rate of Institutionalization (Jails and Prisons)
Haiti-born	1.2%
U.S.-Born	2.3%

Source: National Foundation for American Policy tabulations and analysis using institutionalization rates from the 2021-2023 American Community Survey.

HAITIANS HAVE GOOD ENGLISH LANGUAGE SKILLS

Over 90% of Haitians speak English within a year of arriving in the United States, and within a decade, nearly all Haitians speak English. Among Haitians who arrived in the United States between 2005 and 2009, 98.6% spoke English 10 years later.

Table 3
Haitians in U.S. Who Speak English

Year of Entry for Haitians	Year After Arrival	10 Years Later	10-Year Change
1985-1989 Entry Cohort	95.1%	98.1%	3.2%
1995-1999 Entry Cohort	95.3%	97.6%	2.4%
2000-2004 Entry Cohort	93.1%	96.4%	3.5%
2005-2009 Entry Cohort	90.3%	98.6%	9.2%
All Entry Cohorts	93.3%	97.6%	4.7%

Source: National Foundation for American Policy analysis and tabulations using Census Decennial and American Community Survey file from IPUMS.

HAITIAN WELFARE USE LOW

Haitian welfare use in the U.S. is low. Only 1% of Haitians who entered the U.S. between 1985 and 2009 used public assistance income 10 years after entry compared to 1.7% of U.S.-born.

Table 4
Haitian Receipt of Public Assistance Income in U.S.

Year of Entry for Haitians	Year After Arrival	10 Years Later	10-Year Change
1985-1989 Entry Cohort	1.9%	1.1%	-42.0%
1995-1999 Entry Cohort	1.5%	1.4%	-7.9%
2000-2004 Entry Cohort	1.6%	1.0%	-38.5%
2005-2009 Entry Cohort	0.4%	0.6%	39.0%
All Entry Cohorts	1.3%	1.0%	-24.8%
U.S.-Born	2.4%	1.7%	-28.0%

Source: National Foundation for American Policy tabulations and analysis of using Census Decennial and American Community Survey file from IPUMS.

Welfare use means “receipt of any public assistance income” for individuals 21 to 54 and 10 years later (aged 31 to 64) from Census reports. It includes state and federal assistance.²⁵

²⁵ National Foundation for American Policy tabulations and analysis of using Census Decennial and American Community Survey file from IPUMS. Note: Both immigrants and U.S. born are aged 21 to 54 in the year after arrival and aged 31 to 64 10 years after. The 1985-1989 cohort was observed in 1990. The 1995-1999 cohort was observed in 2000 and in 2009-2011. The 2000-2004 cohort was observed in 2004-2006 and in 2009-2011. The 2005 to 2009 cohort was observed in 2009-2011 and 2019-2021.

Table 5
Haitians in the U.S. in the Labor Force

Year of Entry for Haitians	Year After Arrival	10 Years Later	10-Year Change
1985-1989 Entry Cohort	80.3%	73.2%	-8.8%
1995-1999 Entry Cohort	64.9%	87.4%	34.7%
2000-2004 Entry Cohort	78.7%	89.2%	13.3%
2005-2009 Entry Cohort	75.7%	86.3%	14.1%
All Entry Cohorts	75.0%	84.7%	13.0%

Source: National Foundation for American Policy tabulations and analysis using Census Decennial and American Community Survey file from IPUMS.

HAITIANS HAVE HIGH LABOR FORCE RATES, INCREASING EDUCATION LEVELS

Among Haitians who entered the U.S. between 1985 and 2009, 84.7% aged 21 to 54 were in the U.S. labor force 10 years after entry to America.²⁶

Table 6
Educational Attainment (Bachelor's Degree or Higher) for Haitians in U.S.

Year of Entry for Haitians	Year After Arrival	10 Years Later	10-Year Change
1985-1989 Entry Cohort	5.6%	14.2%	153.2%
1995-1999 Entry Cohort	8.2%	13.9%	69.2%
2000-2004 Entry Cohort	11.5%	15.4%	33.6%
2005-2009 Entry Cohort	7.9%	18.7%	136%
All Entry Cohorts	8.6%	15.7%	83.2%
U.S. Born	26.5%	31.3%	18.4%

Source: National Foundation for American Policy tabulations and analysis using Census Decennial and American Community Survey file from IPUMS.

On average, Haitians significantly improve their educational attainment with time spent in America. Haitians who entered the U.S. between 1985 and 2009 increased their attainment of bachelor's degrees, rising from 8.6% the year after arrival to 15.7% 10 years later.²⁷

²⁶ Ibid.

²⁷ Ibid.

ILLEGAL ENTRY BY HAITIANS AT THE BORDER EXTREMELY LOW

The Federal Register notice published February 24, 2025, mentioned “migration factors (e.g. pull factors)” as part of the “national interest” that could warrant ending TPS for Haitians. However, following the June 4, 2024, extension of TPS for Haitians, illegal entry at the Southwest border remained extremely low for Haitians. In June 2024, the Border Patrol apprehended only 30 Haitians at the Southwest border. That was followed by 64 Border Patrol encounters of Haitians in July 2024, 46 in August, 31 in September, 53 in October, 35 in November and 31 in December 2024. In February 2025, the Border Patrol apprehended only two Haitians at the Southwest border, down from 17 in January 2025.²⁸

Table 7
Border Patrol Encounters of Haitians at the Southwest Border

Month	Border Patrol Encounters of Haitians at Southwest Border
March 2025	3
February 2025	2
January 2025	17
December 2024	31
November 2024	35
October 2024	53
September 2024	31
August 2024	46
July 2024	64
June 2024	30

Source: U.S. Customs and Border Protection, National Foundation for American Policy.

²⁸ Data available at: <https://www.cbp.gov/newsroom/stats/nationwide-encounters>.

ABOUT THE NATIONAL FOUNDATION FOR AMERICAN POLICY

Established in 2003, the National Foundation for American Policy (NFAP) is a 501(c)(3) non-profit, non-partisan public policy research organization based in Arlington, Virginia, focusing on trade, immigration and related issues. Advisory Board members include Columbia University economist Jagdish Bhagwati, Cornell Law School professor Stephen W. Yale-Loehr, Ohio University economist Richard Vedder and former INS Commissioner James Ziglar. Over the past 24 months, NFAP's research has been written about in the *Wall Street Journal*, the *New York Times*, the *Washington Post*, and other major media outlets. The organization's reports can be found at www.nfap.com. X.com: [@NFAPResearch](https://twitter.com/NFAPResearch)