On Monday, June 22, the Second Circuit Court of Appeals will hear oral argument in Saget v. Trump, a case that challenged the Trump administration’s anti-Black, anti-immigrant decision to terminate Temporary Protected Status (TPS) for over 50,000 Haitians.

“The government’s dismantling of TPS epitomized the white supremacist agenda at the core of this administration’s immigration policies,” said Just Futures Law’s legal director Sejal Zota, who helped argue the case at trial. “The racism displayed at the highest levels of government will come as no surprise to people on the streets today demanding broad, systemic change.”

In 2018, multiple plaintiffs and Haitian groups, including the Miami-based Family Action Network Movement and the news outlet Haïti Liberté, sued the federal government for ending TPS for Haiti based on racial animus and failure to comply with relevant laws and procedures. Around this time, President Trump had been reported making racially-biased comments such as all Haitians “have AIDS,” “[w]hy would we want any more Haitians?” and to “take them out” of a bipartisan plan for comprehensive immigration reform. He also referenced “sh*t hole countries” and made other discriminatory statements.

Marliene Bastien, the Executive Director for Family Action Network Movement (FANM), stated, “This President has time and time again demonstrated his animosity towards Haitian nationals and Black and Brown immigrants. His comments and actions are discriminatory and disgraceful. Most Haitian TPS Recipients have lived and worked in the United States for over 20 years and many have US citizen children. They are hardworking taxpayers who have greatly contributed to our economy and our communities. Americans must fight racist ideology with bold reform. We must fight for a permanent solution for these well deserving families and individuals. This moment calls for it.”

A federal district court issued a preliminary injunction in April 2019 that has temporarily blocked termination of the program. The Honorable William F. Kuntz II wrote a 150-page decision excoriating the federal government’s unlawful and biased process.

Among other findings, the Court cited then-DHS Secretary John Kelly’s orders to “search for criminality and welfare data” as “further evidence the agency was fishing for reasons to terminate TPS for Haiti,” and as evidence of discriminatory intent. The Court also took note of Kelly’s racist statement that Haitians are “not a bad people, but they are welfare recipients.”

The U.S. government appealed the decision. Attorneys for both sides will argue the case telephonically with a live audio feed. The Second Circuit Court of Appeals is located in New York.

Courts across the nation have heard challenges to TPS termination. Notably, the Court in Ramos v. Nielsen also issued a preliminary injunction blocking termination of TPS for El Salvador, Nicaragua, Haiti and Sudan. That case is on appeal in the Ninth Circuit, and a decision could issue at any time.

Just Futures Law, Kurzban Kurzban Tetzeli and Pratt, Mayer Brown LLP, and NIPNLG are co-counsel in Saget v. Trump.

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