



ARE YOU A NATIONAL OF HAITI?

YOU MAY BE ELIGIBLE FOR “TEMPORARY PROTECTED STATUS”

Disclaimer: This advisory has been created by The Legal Aid Society, Immigration Law Unit. This advisory is not legal advice and does not substitute for the advice of an immigration expert.

If you came to the U.S. from Haiti by crossing the border without inspection, or if you came on a visa that expired, you are now undocumented. You may be able to apply for Temporary Protected Status (TPS), which would allow you to live and work legally in the U.S. for as long as Haiti is designated a TPS country.

In order to apply for TPS, you will need to prove three things: (1) that you are Haitian, (2) that you were residing in the U.S. on January 12, 2010, and (3) that you have been residing in the U.S. continuously since that date.

What documents will you need?

(1) Proof of Haitian Nationality

- Passport, or
- Birth certificate accompanied by photo identification, or
- Any national identity document from Haiti with your photo and/or fingerprint.

(2) Date of Entry

- Passport, or
- I-94 Arrival/Departure Record, or
- The kind of documents used to prove (3) Residence, below.

(3) Residence in U.S. on January 12, 2010:

- Employment records (pay stubs, W-2 Forms, IRS tax transcripts, state verification of filing state taxes, letters from your employer, letters from banks with whom you have done business).
- Rent receipts, utility bills (gas, electric, phone, etc.), receipts, or letters from companies showing dates you received service.
- School records (report cards, letters, etc.) from schools you or your children attended in the U.S., showing names of the schools and dates of attendance.
- Hospital or medical records for treatment you or your children received, showing name of the medical facility or physician and the dates of treatment or hospitalization.
- Attestations by churches, unions or other organizations, concerning your residence and identifying you by name.
- Other miscellaneous documents, such as birth certificates of children born in this country, dated bank transactions and wire transfers, letters, U.S. Social Security card, driver's license, Selective Service card, contracts, mortgages, insurance policies, etc.

(4) Two passport photos.

Criminal Bars to TPS

Individuals convicted of two misdemeanors or one felony are not eligible for TPS. Also, some single misdemeanor convictions could bar individuals from getting TPS, though sometimes the law allows U.S. Citizenship and Immigration Services to waive those bars. Anyone with a criminal arrest should speak to an immigration law expert before applying for TPS.

HOW TO GET YOUR CERTIFICATE OF DISPOSITION:

If you have ever been arrested or convicted of a crime, you should get a copy of the Certificate of Disposition. The Certificate will tell you what crime(s) you were charged with, what crime(s) you were convicted of, what date you were convicted, and the sentence you served. If you have been arrested more than once, you must get a separate Certificate for each incident.

Get a Certificate of Disposition for every arrest from the Court Clerk in the county where arrested. You should make sure you have the docket number (if you know it), date of arrest, photo ID, and **\$10** (exact change only).

County Clerk Office Locations in New York City:

New York County (Manhattan)

Room 134
100 Centre Street, New York, NY 10013
Monday to Friday, 9 a.m. to 5 p.m.

Kings County (Brooklyn)

Room 510
120 Schermerhorn Street, Brooklyn, NY 11210
Monday to Friday, 9 a.m. to 5 p.m.

Queens County

Room G-78
125-01 Queens Boulevard, Kew Gardens, New York 11415
Monday to Friday, 9 a.m. to 5 p.m.

Bronx County

215 East 161st Street
Bronx, NY 10451
Monday to Friday, 9 a.m. to 5 p.m.

Richmond County (Staten Island)

Central Clerk's Office (1st Floor)
67 Targee Street, Staten Island, NY 10304
Monday to Friday, 9 a.m. to 5 p.m.

If you have been issued a summons by the **Metropolitan Transportation Authority (MTA)**, get a **disposition letter**. In NYC, this is obtained at the NYC Transit Adjudication Bureau, 505 Fulton Street, 6th Floor, Brooklyn, NY 11201, **(347) 643-5805**. A \$10 fee, government ID and Social Security Card will be required. If you do not have a Social Security Number, you must provide a notarized statement that you have not been issued one.

CAUTION: If you have received a summons or been arrested, consult with a qualified attorney before applying for TPS or any other immigration benefit. Also, if you only got arrested but did not have a court case, be sure to tell your attorney about the arrest.