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A History of Exclusion: Haitian TPS Termination and Legal Access

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Several hundred thousand Haitians, who used to have Temporary Protected Status (TPS), are now vulnerable to deportation. In June of this year, the US Supreme Court decided that the Trump administration had to the authority to move forward with terminating TPS for Haitians.ⁱ In late July, the termination took effect and in early August, a District Court judge issued a decision that dissolved an injunction that had been blocking further government action.ⁱⁱ

Since this time, U.S. immigration enforcement has been moving forward with plans to apprehend former TPS holders, who are still residing in the U.S., which also includes disseminating information to the Haitian community about how to self-deport.ⁱⁱⁱ ICE arrests of Haitians have already been rising drastically, rising from an average of about 150 per month in 2025, close to 200 per month in the first six months of 2026, to exceed 400 per month in July. During the first week of August (the most recent data available) more than 200 Haitians had already been arrested, which means ICE was on pace to arrest close to 900 Haitian people during the month.^{iv}

The termination of TPS for Haitians could result in the removal of almost half of the foreign-born Haitian population, considering that the pre-termination Haitian TPS population has been estimated to be approximately 350,000 people of the 850,000 Haitian-born people residing in the U.S., according to 2024 estimates.^v

The challenges that most Haitians face accessing legal counsel make them even more vulnerable to removal than other nationalities. Almost 18% of Haitians whose cases were initiated in immigration court in the past year and a half had legal representation at some point during their case, the lowest rate among the top 10 nationalities in the removal caseload.^{vi}

All of these facts point toward a crisis of legal access for Haitian immigrants, which could spiral to unprecedented proportions in the coming months.

The termination of Haitian TPS also takes place approximately one year after the

termination of TPS for Venezuelans, which affected over 700,000 people, along with terminations for several other nationalities that affected over 100,000 people.^{vii} The combined effect of all of these terminations has been to reduce the entire TPS caseload to one fifth of this former size.^{viii} Meanwhile, TPS terminations for El Salvadorans are scheduled to occur in early September, 2026.

TPS has been a critical lifeline for people fleeing political persecution, natural disasters and other kinds of mass-scale displacement events. The rationale for TPS issuance is similar to that for asylum and refugee relief, with the notable exception that TPS is a temporary status that is renewed at the discretion of the U.S. government, and does not provide a pathway to permanent resident status.^{ix} Nevertheless, for the past several decades, TPS has been the primary type of relief that the U.S. government has issued to people fleeing displacement events.^x

Haitians have suffered from a long string of displacement events, including a devastating earthquake that disrupted much of the nation's physical infrastructure in 2010, and chronic political instability (including government persecution, coups against the government, and instabilities caused by external interventions), which date to the 1970s, and most recently, by an escalation of organized criminal activity by gangs and other illicit networks.^{xi}

Haitian asylum seekers have also been subjected to some of the most exclusionary treatment, of any national-origin group, in the history of U.S. immigration and refugee policy. Haitians were the first national-origin group to be targeted by the U.S. government's interdiction operations, which apprehended asylum seekers in international waters, on the premise that Constitutional protections and international protocols on refugee rights that had been executed within U.S. law, did not apply to the government's treatment of asylum seekers until they reached U.S. territory. Haitians were also the first nationality to be detained on a mass-scale at the U.S. naval base in Guantanamo Bay Cuba and were the first group to be subjected to mandatory detention on U.S. soil.^{xii}

These are among the reasons why TPS has been such a critically important of relief for forcibly displaced Haitians. It's also important to note that many of the policies and enforcement practices that have been rolled out for Haitians — which begin as unprecedented developments — have become mainstays of the U.S. immigration system. This is why the legal and immigrant rights community should be concerned about the severe legal access challenges that the TPS terminations pose for Haitians, while also keeping in mind that support for the rights of Haitians is integral to any effort to create a stronger floor of due process and asylum rights for all immigrants.

Endnotes

ⁱ US Supreme Court, [Mullin v. Doe](#), Nos. 25-1083 and 25-1084, [598 U.S. \(2026\)](#), issued on June 25, 2026.

ⁱⁱ US Citizenship and Information Services, [Update on Termination of Temporary Protected Status for Haiti \(Release: July 29, 2026\)](#)

ⁱⁱⁱ Devan Cole, Priscilla Alvarez and Tami Luby, ["Court confirms that temporary deportation protections for Haitians are no longer in place."](#) CNN. August 5, 2026.

^{iv} Government data on ICE Administrative Arrests provided by ICE in response to a FOIA request to the Deportation Data Project and analyzed by Acacia. Accessed on August 25, 2026.

^v Reputable news journalism sources have been reporting a Haitian TPS count of 350,000 as of the time of the SCOTUS decision that authorized the termination of Haitian TPS. See Gisela Salomon. [Supreme Court's ruling to end protections for Haitian, Syrian immigrants could have broader impact](#). Associated Press. June 25, 2026. The most recent estimates of the foreign-born population born in Haiti date to 2024 and vary depending on filtering techniques used to generate the population count. U.S. Census Bureau. ["Place of Birth for the Foreign-Born Population in the United States."](#) *American Community Survey, ACS 1-Year Estimates Detailed Tables, Table B05006*. Accessed on 24 Aug 2026. Note that estimates are slightly lower when counting the number of foreign-born people who identify as having Haitian ancestry (see U.S. Census Bureau. "Selected Population Profile in the United States." *American Community Survey, ACS 1-Year Estimates Selected Population Profiles, Table S0201*).

^{vi} See Figure 6. "Total Number of Cases and Representation Rate by Nationality - Ten Largest Caseloads," in Acacia Center for Justice, [Trends in Legal Representation of People Facing Deportation in U.S. Immigration Court](#). Data updated through June 2026. The representation rates described by the figure are for immigrants who were issued Notices to Appear in immigration court (NTAs) between the start of January 2024 and end of June 2026.

^{vii} National Immigration Forum, [Temporary Protected Status Factsheet](#). Last updated July 21, 2026.

^{viii} The total estimated size of the U.S. TPS population at the beginning of 2025, accounting for TPS holders that were enumerated by USCIS as of December 2025, and the TPS terminations that occurred earlier in 2025, was about 1.5 million people. After the recent series of terminations, the remaining total is under 300,000 people, also noting that this post-termination number includes several groups (including El Salvadorans and Ukrainians) whose TPS will expire later this year. Estimates are derived from National Immigration Forum, [Temporary Protected Status Factsheet](#); USCIS, [Number of Form I-821, Application for Temporary Protected Status By Country of Designation, Quarter, and Case Status](#).

^{ix} USCIS. [Temporary Protected Status](#). Retrieved August 8, 2026.

^x Between 2021 and 2024, over 750,000 people (of Venezuelan, Syrian, Myanmar and Cameroon nationalities) were newly designated TPS recipients. In contrast the number of refugee admissions during this same period of time was under 400,000 including approximately 200,000 resettled refugees and 175,000 grants of asylum. See Mohamad Moslimani, [How Temporary Protected Status has expanded under the Biden administration](#), Pew Research Center, March 29, 2024; See Figure 1. Annual Refugee Ceilings and Admissions in Congress.gov. [US Refugee Admissions Program in FY2025 and FY2026](#). Retrieved August 10, 2026; Noah Schofield and Amanda Yap, [Asylees 2023](#), Table 3. Total Individuals Granted Asylum (Affirmatively or Defensively) by Country of Nationality: Fiscal Years 2021 to 2023. Office of Homeland Security Statistics, October 2024. Retrieved August 21, 2026; Office of Homeland Security Statistics, [Asylees 2024](#). Retrieved August 21, 2026.

^{xi} Xin Lu, Linus Bengtsson, and Petter Holme. ["Predictability of population displacement after the 2010 Haiti earthquake."](#) Proceedings of the National Academy of Sciences 109, no. 29 (2012): 11576-11581; Maureen Taft-Morales. [Haiti's Political and Economic Conditions: In Brief](#). Congressional Research Service. December 1, 2017; InsightCrime. ["Haiti."](#) *InsightCrime: Analysis and Investigation of Organized Crime*, July 10, 2026 (Updated July 24, 2026). Retrieved August 19, 2026.

^{xii} Philip Kretsedemas, [Black Interdictions: Haitian Refugees and Antiblack Racism on the High Seas](#). Bloomsbury Publishing, 2022; Carl Lindskoog. [Detain and punish: Haitian refugees and the rise of the world's largest immigration detention system](#). University Press of Florida, 2019.