

EXHIBIT D

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

CENTRAL AMERICAN RESOURCE
CENTER, *et al.*,

Plaintiffs,

v.

KENNETH T. CUCCINELLI II, in his
purported official capacity as Senior
Official Performing the Duties of the
Director of U.S. Citizenship and
Immigration Services, *et al.*,

Defendants.

Case No.

DECLARATION OF HEROLDINE BAZILE

Pursuant to 28 U.S.C. § 1746 and subject to penalty of perjury, I declare that the following is true and correct:

1. My name is Heroldine Bazile. I was born in Haiti in 1997, but I have lived in the United States for practically all of my life, since I was eight months old. I currently live in Miami, Florida.

2. My mother fled Haiti with me in 1998 because she feared for our safety. My mother and I entered the United States on a boat. My mother filed an asylum application for us, but, on October 26, 1999, the Immigration Judge denied our asylum application and ordered us removed to Haiti. However, my mother and I stayed in the United States and, as a result, this is the only country I have ever known.

3. On January 21, 2010, when I was 12 years old, the U.S. government designated Haiti for Temporary Protected Status (“Temporary Protected Status”). Soon after, my father applied for TPS on my behalf. USCIS granted my TPS application and I

have had TPS since 2011. Since then, I have timely re-registered for TPS during the subsequent registration periods. Thanks to the TPS protection that USCIS has granted me for the past ten years, the U.S. government did not remove me from the United States even though I had a final order of removal.

4. Since I have been in the United States, I have lived with my U.S. citizen father, Eroid, and two younger U.S. citizen sisters Monica, who is 20 years old, and Eneida, who is 13 years old. I have done my best to contribute to society and abide by the law. I have never been arrested or convicted of any crimes. I believe I would be an excellent U.S. citizen one day if I can first obtain permanent residence.

5. During high school, I earned my Certified Nurse Assistant (“CNA”) certificate and worked as a CNA. I graduated high school in 2016 with an Advanced Placement program diploma.

6. In 2017, after high school, I became a Pharmaceutical Technician (“PT”). I have been working as a PT since 2017.

7. I am currently in college pursuing a bachelor of science in mortuary science. Due to my lack of lawful permanent residency I am ineligible for any type of federal student aid, but my father has sacrificed and worked hard to ensure that I am able to obtain an education despite not being able to access federal student aid.

8. I expect to obtain my college degree in May 2021. After graduating college, I hope to own a funeral home. I fear that if the U.S. government ends TPS before I have the opportunity to obtain permanent residence, I will no longer be able to pursue my bachelor’s degree or my professional goals.

9. In 2013, I applied for a travel document from U.S. Citizenship and Immigration Services (“USCIS”) using Form I-131 (Application for Travel Document) for a family trip to the Bahamas. USCIS approved it, and I traveled to the Bahamas. I re-entered the United States lawfully on December 24, 2013, presenting my advance parole document to an officer who reviewed my documents and allowed me to enter the United States.

10. On March 28, 2014, my U.S. citizen father filed a Petition for Alien Relative (Form I-130) with USCIS to prove that I am related to a U.S. citizen—*i.e.*, my father. I understand this was a necessary step for me to be eligible to apply for permanent residence.. At the same time, I applied to USCIS for adjustment of status to become a permanent resident (Form I-485).

11. On June 25, 2015, USCIS approved the Petition for Alien Relative (Form I-130) that my father had filed for me. USCIS never issued a decision on the adjustment of status application (Form I-485).

12. I filed a new application for adjustment of status (Form I-485) on September 29, 2017. On August 3, 2020, USCIS denied my adjustment of status application. USCIS’s decision says that USCIS does not have jurisdiction to process my adjustment of status application because I have a final and unexecuted order of removal. This means that, despite having left the United States and returning lawfully with an advance parole, USCIS believes that I continue to have an order of removal from the Immigration Judge. I later learned that this decision was part of a new USCIS policy about people who have TPS and a prior removal order and travel abroad that USCIS officially announced in December 2019.

13. I understand that I could ask the Immigration Court to reopen my removal order from 1999 so that, once my case is reopened, I can apply for permanent residency before the Immigration Court, but that it is unlikely to result in the Immigration Court reopening my case because there are very strict rules for seeking reopening of an order of removal. I also understand that the process to seek reopening would potentially take a long time and be expensive. I have been trying to obtain permanent residence since 2014 paying all of the associated costs along the way to no avail. I very am worried that the longer this process continues, the more likely the government will end TPS.

14. I also understand that I could try to obtain my permanent residence by leaving the United States and attending an interview for an immigrant visa at the U.S. Consulate in Haiti. I am afraid that if I have to go back to Haiti I could get stuck there and might never be allowed to return to the United States. My father and my younger sisters need me, and I need them as well. My family means everything to me, and I cannot envision my life without any of them. Plus, I would have to give up my professional goals.


15. If the U.S. government ends the TPS program for Haiti, the U.S. government could remove me from the United States and send me back to Haiti where I have not lived since I was a baby.

16. If not for the new policy USCIS adopted in December 2019, I would be able to adjust my status as I had originally planned to do. If not for the new policy, I could be a lawful permanent resident by now. If that policy were removed, I would take whatever steps are necessary, including re-filing my adjustment application if required, and believe that I would be successful in doing so.

I declare under penalty of perjury that the forgoing is true and correct.

Executed: 08/20/2020

Miami, Florida



Heroldine Bazile