

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE DIVISION

FRICO JEAN (A [REDACTED]), ) Case No. 6:25-cv-00970-JDC-DJA  
VERSUS ) Judge James D. Cain, Jr.  
BRYAN PATTERSON, et al ) Magistrate Judge Ayo

**RESPONSE TO RESPONDENTS' MEMORANDUM OF LAW**

**I. Introduction**

On July 29, 2025, the Respondents filed their Reply to the Petitioner's Petition for a Writ of Habeas Corpus. The Reply focuses almost exclusively on the detention of Petitioner Mr. Frico Jean during his "removal period" as defined by 8 U.S.C. §1331. Petitioner, on the other hand, based his Petition on his ongoing Temporary Protected Status, which prevents his detention and his removal. Respondents argue that because Petitioner's initial grant of TPS "expired" on July 3, 2024, and his "application for re-registration" is unadjudicated by USCIS, he is no longer in Temporary Protected Status and therefore not afforded any of its benefits, despite the redesignation of Haiti. Dkt. 16, p. 4-5. The argument reflects a misunderstanding of the statutory and regulatory scheme which controls Temporary Protected Status. Instead, a person's Temporary Protected Status can only be ended by specific operation of the statute: through termination of the foreign state's designation, or withdrawal of the benefit by USCIS. When a foreign state is re-designated, Temporary Protected Status is automatically extended for all who have already registered for its benefits.

## II. Argument

### A. After the initial grant of Temporary Protected Status, if the foreign state is redesignated, a person's status must be withdrawn by USCIS; it does not simply end at the conclusion of that initial grant.

Temporary Protected Status establishes a temporary safe haven in the U.S. for nationals of a foreign state that is facing certain dire conditions, such as armed conflict, earthquake, flooding, droughts or other disasters which would impede that state's ability to handle the return of its nationals. 8 U.S.C. § 1254a(b)(1). A foreign state can be designated for a maximum of 18 months at a time. 8 U.S.C. § 1254a(b)(2). In the 60-day period prior to the expiration of the designation, the Secretary of Homeland Security, in consultation with other government authorities, re-examines the conditions of the country and determines whether or not to extend the designation. 8 U.S.C. § 1254a(b)(3). If the designation is extended, said extension and instructions for re-registration are published in the Federal Register. *Id.*

The nation of Haiti was designated on January 26, 2023, for a period lasting 18 months, ending on August 3, 2024. 88 Fed. Reg. 5022 (Jan. 26, 2023). Petitioner, a national of Haiti, registered for Temporary Protected Status and was provided with documentation coterminous with the period of designation, ending August 3, 2024. Haiti's designation was then extended, and the corresponding instructions were published on July 1, 2024, at 89 Fed. Reg. 54484.

After an extension, a registrant has a brief window within which to submit their re-registration, pursuant to the instruction in the Federal Register notice. This registration scheme is unique among all immigration benefits. A person with Temporary Protected Status is not re-applying; they are, instead, *re-registering*. If a timely re-registration is submitted, the status and the benefits extend. If a timely re-registration is not submitted, then, in the words of the Federal Register notice: "USCIS may withdraw your TPS following appropriate procedures. See 8 CFR §

244.14.” 89 Fed. Reg. 54484 (July 1, 2024) (citation in original) *available at* <https://www.federalregister.gov/d/2024-14247/p-42>. The status does not simply end or expire; USCIS must *withdraw* a person’s Temporary Protected Status if the nation’s designation is extended.

The statute provides only three grounds upon which a person’s Temporary Protected Status can be withdrawn: (A) if the alien was not in fact eligible or becomes ineligible, (B) if the alien was not continuously present in the U.S., or (C) if the alien failed, without good cause, to re-register as specified by the Attorney General. 8 U.S.C. § 1254a(c)(3); 8 C.F.R. § 244.14. A statute should be construed so that effect is given to all its provisions, so that no part will be rendered superfluous or insignificant. *Hibbs v. Winn*, 542 U.S. 88, 101 (2004). Respondents argue that because Petitioner only re-registered, and because USCIS has not “adjudicated” the re-registration, Petitioner does not have Temporary Protected Status. However, this would render reason (C) above completely superfluous – there would be no reason to “withdraw” a person’s Temporary Protected Status if it had simply ended upon expiration of a period designated by the Attorney General, despite extension of that designation.

In addition, the regulations also provide that re-registering keeps a person *in* Temporary Protected Status. In the very section relied upon by Respondents, aliens with Temporary Protected Status must re-register periodically in accordance with USCIS instructions, but “[i]f an alien fails to register, without good cause, USCIS will withdraw Temporary Protected Status.” 8 C.F.R. 244.17. Again, if a person simply fell out of Temporary Protected Status, despite re-designation, as Respondents argue, USCIS would not need to withdraw Temporary Protected Status from that person.

The statute further states that upon granting of Temporary Protected Status, temporary documents and authorization of such status shall be issued, and such documentation “shall be valid during the initial period of designation of the foreign state involved *and any extension of such period.*” 8 U.S.C. § 1254a(d)(2) (emphasis added). The statute does *not* claim that it will be valid only upon approval of an applicant’s request for extension; instead, it states it shall be valid for any extension *of a period of designation* of the foreign state. Haiti’s designation was extended, and therefore the benefits continue. It is this very same subsection which prohibits detention of an alien in Temporary Protected Status, 8 U.S.C. § 1254a(d)(4). The prohibition on detention is a benefit which is extended upon each period of designation of the foreign state.

Because the period of designation of Haiti was extended, and because Petitioner’s status was not withdrawn (indeed, cannot be withdrawn because he timely re-registered), Petitioner continues to be in Temporary Protected Status. He is entitled to all protections and benefits of that status, including the prohibition on detention.

**B. Petitioner’s receipt notice does not grant a benefit; the notice in the Federal Register does.**

Respondents make an additional argument that, at first blush, sounds appealing. They point out that the receipt notice issued by USCIS to Petitioner states on its face that it does not grant any benefit to the applicant. Dkt. 17, p. 2. However, it is not the receipt notice that grants the benefit, it is the extension of the period of designation as published in the Federal Register that extends Petitioner’s benefits. 89 Fed. Reg. 54484 (July 1, 2024). The language to which Respondents cite is standard across all receipt notices for every application submitted by a foreign national to USCIS; it is not particular to Temporary Protected Status.

Further, Petitioner was granted employment authorization by USCIS, in the category of A12. *See* Exhibit A. This category is only used for those in Temporary Protected Status. *See*



Employment Authorization: Form I-765 Category, <https://www.uscis.gov/employment-authorization> (last accessed July 30, 2025); 8 C.F.R. § 244.10(f). Though this document notes an expiration date which corresponds with the earlier period of designation of the foreign state, this document has been extended by USCIS in the same Federal Register Notice that extended the designation, and is therefore further recognition that he remains in Temporary Protected Status. 89 Fed. Reg. 54484 (July 1, 2024).

**C. Petitioner's detention violates 8 U.S.C. § 1154a(d)(4), which prohibits detention of those in Temporary Protected Status.**

Though Petitioner has a final order of removal, he is also in Temporary Protected Status. A person with Temporary Protected Status "shall not be detained ... on the basis of the alien's immigration status in the United States." 8 U.S.C. § 1154a(d)(4). Further, the government "shall not remove the alien from the United States a during the period in which such status is in effect."<sup>1</sup> 8 U.S.C. § 1154a(a)(1)(A). Because Haiti was redesignated, Petitioner continues to have Temporary Protected Status. He is not in a "period of removal" which would subject him to detention pursuant to 8 U.S.C. § 1231.

Finally, Petitioner notes that the Department of Homeland Security has decided not to appeal the district court judge's final decision in the case of *Haitian Evangelical Clergy Ass'n v. Trump*, No. 25-cv-1464, Dkt 63 (ND N.Y. July 1, 2025). The decision reinstated the effective date of termination of Haiti's designation to no earlier than February 3, 2026. Petitioner is therefore in

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<sup>1</sup> On July 15 or 16, 2025, Respondents did transport Petitioner to Haiti. Upon landing, he was given instructions not to deplane and was flown back to the United States. This Court then entered an Order enjoining his removal from Louisiana. Dkt. 11. On July 23, Respondents moved Petitioner to Kentucky. On July 24, Respondents moved Petitioner to Indiana. The undersigned notified Assistant U.S. Attorney Karen King of the transfers, and she facilitated his return to this jurisdiction. Respondents returned Petitioner to Louisiana on July 28, 2025.

Temporary Protected Status until that date. USCIS has updated its public guidance to note the February 3, 2026, termination date. Exhibit B.

### III. Conclusion

Petitioner's detention is in violation of the law. Petitioner therefore requests that this court issue the writ of habeas corpus and order his release from detention.

Dated: July 31, 2025

Respectfully Submitted,

Petitioner Frico Jean

By: /s/ Erin C. Cobb

Erin C. Cobb

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ATTORNEYS FOR FRICO JEAN

**CERTIFICATE OF SERVICE**

I hereby certify that on July 31, 2025, I electronically filed the foregoing with the clerk of court by using the CM/ECF system, which will send a notice of electronic filing to counsel for Respondents, as counsel for Respondents is an electronic filer with the court.

/s/ Erin C. Cobb  
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