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The situation unfolding in Haiti today presents a significant challenge to the people of Haiti, The Haitian Asylum seekers at the US-Mexico borderlands, the region, and Haitian nationals living in the United States. As of 2019, The Haitian population in the United States is estimated to be close to a million.

¹ Haiti was not always a migrant-sending country. Haiti fought and became the first free Black republic after it declared independence from France and ended slavery in the 19th century and was a destination for migrants for more than a century.² But since then, years of dictatorships, devastating natural disasters, high levels of corruption, and foreign interference have held Haitians back from achieving prosperity and stability.

In January 2010, the country suffered a cataclysmic earthquake that killed between 220,000, and injured more than 300,000 people, injured hundreds of thousands more, and destroyed an enormous share of the country’s infrastructure.³ A widespread cholera outbreak introduced inadvertently by UN relief workers⁴ brought death and despair and together with subsequent natural disasters, including Hurricane Matthew in 2016, further exacerbated the country’s ability to recover and rebuild.

¹ U.S. Department of Commerce, “1990 Census of Population Social and Economic Characteristics: United States,” available at <https://www2.census.gov/library/publications/decennial/1990/cp-2/cp-2-1.pdf>; The U.S. Census Bureau, “2019 American Community Survey 1-year estimates, Table B05006,” available at <https://data.census.gov/cedsci/table?q=place%20of%20birth&tid=ACSDT1Y2019.B05006&hidePreview=false> (Last accessed March 2021).

² Georges E. Fournon, “Haiti’s Painful Evolution from Promised Land to Migrant-Sending Nation,” (Washington DC: Migration Policy Institute, 2020) available at <https://www.migrationpolicy.org/article/haiti-painful-evolution-promised-land-migrant-sending-nation>.

³ OXFAM, “Haiti Earthquake: Our response,” available at <https://www.oxfam.org/en/haiti-earthquake-our-response#:~:text=On%20January%2012%2C%202010%2C%20a,i n%20an%20immense%20humanitarian%20crisis>.

⁴ See Richard Knox, “Verdict: Haiti’s Cholera Outbreak Originated In U.N. Camp,” *NPR*, available at <https://www.npr.org/sections/health-shots/2011/05/06/136049974/verdict-haitis-cholera-outbreak-originated-in-u-n-camp> (last accessed March 2021).



In addition to dealing with the significant lingering effects of these national and public health disasters, Haiti today must deal with a rapidly escalating political crisis that began after much-disputed 2015 election and took a turn after President Jovenel Moïse decided not to step down in February 2021 – the official end of his term according to his opponents’ understanding of the Haitian Constitution.⁵ Accusing Moïse of dictatorship and against his decision to stay in power beyond the term limit, thousands of Haitians have participated in protests, many in the capital of Port-au-Prince. The fresh political unrest and the constitutional crisis comes in the midst of increasing instances of kidnappings-for-ransom that has skyrocketed by 200 percent from 2019 to 2020, which led many schools and other institutions to close.⁶ Haitians accuse President Moïse of supporting these gangs to help suppress his opposition. Haiti’s ability to respond to the many challenges it is facing is hampered significantly by the absence of a functioning legislature and the total lack of elected mayors throughout the country.⁷

According to reports, an internal report by U.S. Citizenship and Immigration Services (USCIS) within the U.S. Department of Homeland Security (DHS) recently concluded that “based on a recent analysis of conditions in Haiti, USCIS believes that Haitians removed to Haiti may face harm upon return to Haiti.” Nevertheless, in recent months DHS has deported or expelled thousands of Haitians including pregnant women and children as young as just two (2) months old to face that very risk of harm. Rather than continuing to pursue this harmful strategy, the Biden administration has several tools at its disposal to protect the safety of Haitian nationals here, asylum seekers at the US-Mexico borderlands and in the country and to help promote stability and recovery.

1. The Biden administration should immediately redesignate Haiti for Temporary Protected Status

The Biden administration should respond to the current crisis by redesignating Haiti for Temporary Protected Status (TPS). Based on the rising political unrest, growing authoritarian activities, and proliferation of gangs in the middle of an ongoing pandemic, Haiti is going through “extraordinary and temporary conditions” that makes it unsafe for Haiti nationals residing in the United States to return to the country. Haiti was designated for TPS in 2010 following the earthquake and redesignated in 2011 due, in part, to the cholera outbreak. The designations were extended regularly—including during the first months of the Trump administration—until they were set for termination toward the end of 2017. While the terminations have been prevented from taking effect due to ongoing litigation, the Biden administration can end the uncertainty experienced today by tens of thousands of Haitian TPS holders in the U.S. and extend protection to additional Haitian nationals facing the threat of deportation and expulsion by redesignating the country for TPS. Such a **redesignation** would permit qualifying Haitian

⁵ Peter Beaumont and Julian Borger, “Haiti in fresh crisis amid coup claims and dispute over president’s term,” February 10, 2021, *The Guardian*, available at <https://www.theguardian.com/world/2021/feb/10/haiti-coup-attempt-allegations-jovenel-moise-president-term>

⁶ Amelia Cheatham, “Haiti’s Protests: Images Reflect Latest Power Struggle,” (New York: Council on Foreign relations, 2021) available at <https://www.cfr.org/article/haitis-protests-images-reflect-latest-power-struggle>.

⁷ *The Economist*, “Can Haiti rid itself of Jovenel Moïse?” February 27, 2021, available at <https://www.economist.com/the-americas/2021/02/27/can-haiti-rid-itself-of-jovenel-moise>.



nationals in the United States to live and work lawfully, simultaneously promoting their own safety and the country's efforts to achieve stability.

2. The Biden administration should immediately Stop all deportations and expulsions to Haiti

We strongly urge the government to halt all deportation and expulsion flights to Haiti. While nationwide unrest and political turmoil bring Haiti to “[the verge of explosion](#),” Immigration and Customs Enforcement (“ICE”) has deported more than [1000 people](#) to Haiti in furtherance of its goal of deporting 1,800 by mid-February. According to credible sources, the February 9, 2021 flight included five pregnant women, including two women who were almost at full term, risking the health and safety of these expectant mothers. The flight also reportedly included twenty-six children, including eighteen toddlers who were three years old or under. Children at this stage in their development are subject to lasting trauma and [mental health disorders](#)⁸ caused by their families’ imprisonment, mistreatment, and deportation by ICE. *We strongly urge* the government to stop expelling Haitian asylum seekers to Mexico, as it did on February 3, 2021, when it forcefully removed dozens of Haitians to [Ciudad Juarez](#) from El Paso, Texas. Some of these families reported that U.S. immigration authorities threw away their personal belongings after holding them in detention for days. They did not have a chance to file for asylum, and now face significant risk of exploitation and anti-Black violence in Mexico because they stand out as Black migrants and do not speak Spanish. Further, conditions on the U.S.-Mexico border become more dangerous by the day. Last month, [Mexican police were charged in the massacre of 19 migrants on the border](#). Only the migrants’ charred bodies, many too burned to be identified, were found. In recent months, there have been [reports](#) of Haitian and other women and their newborns being sent to Mexico immediately after giving birth.

We strongly urge the government to end President Donald Trump’s “[Title 42](#)” order that allows Customs and Border Protection (“CBP”) and ICE to deport migrants apprehended at the border, as in the El Paso case mentioned above, without allowing them to pursue asylum claims. The Biden Administration’s 100-day moratorium on deportations, which has been temporarily stayed by a [Texas Federal Court](#), did not include protection against Title 42 expulsions. Moreover, notwithstanding the Texas court order, the Administration retains the ability to use [prosecutorial discretion](#) in its detention and removal decisions.

Under the Trump Administration, deportation flights soared in the midst of the coronavirus pandemic, despite numerous [reports](#) that detention and deportations put people at great risk of contracting the virus. Deportation flights also [export](#) the virus to countries like Haiti that lack the health and other infrastructure to adequately control this deadly pandemic. In addition, “Title 42” (of the U.S. Code) expulsions, [as intended](#), have resulted in a complete border shut down under the false pretext of public health, and denied many of the over [380,000](#) immigrants expelled under Title 42 in 2020 their right under international human rights law and U.S. law to state a claim of fear of persecution or torture. The vast majority of the young families being deported to Haiti have risked their lives in a [long, dangerous, and](#)



[traumatic journey](#) from Haiti, up through South and Central America, to the U.S. Mexico border, only to be summarily expelled without the chance to request asylum.

We strongly urge the government to halt all flights to Haiti pending review of policies and practices concerning immigration enforcement, which have resulted in systemic discrimination against Black asylum seekers and other Black immigrants. Just one victim of this negligent and discriminatory system is [Paul Pierrilus](#), who was deported to Haiti on February 2, 2021, even though he was not born in Haiti, has never been to Haiti, and is not a Haitian citizen. The only just and appropriate remedy is to return Mr. Pierrilus to his family in New York, who themselves are U.S. citizens.

We are incensed but not surprised by these deportations to Haiti; Haitians have [historically](#) been denied access to the United States and continue to be disproportionately denied such access, despite conditions that clearly qualify them to refuge under the law. In fact, the immigration prison system as we know it today, with a goal of mass detention and summary deportation, was started in the early [1980s](#) in response to the thousands of Haitian migrants fleeing the Duvalier dictatorship.

3. The Biden administration should restart the Family Reunification Parole Program

During the Obama administration, to promote the health and safety of Haitian nationals who were the beneficiaries of approved family-based immigration petitions, DHS created a program to parole into the United States certain individuals so that they could be reunited here with their families while they wait for a visa number to become available. The program was a smart and entirely lawful effort to use the statutory tool of humanitarian parole to facilitate lawful migration to the United States and promote family unity. That program was effectively terminated during the Trump administration as part of its overall slash-and-burn efforts toward legal immigration and should promptly be resumed by the Biden administration.

4. The Biden administration should consider restoring the ability of Haitians to participate in the H-2A program

In 2012, the Obama administration added Haiti to the list of countries whose nationals are eligible to participate in the H-2 A program.⁹ This program allows qualified applicants of the eligible country to apply for agricultural jobs in the United States. But the Trump administration removed the designation barring Haitians from accessing these jobs and denying them an opportunity to not only help Haiti through remittances but also help the U.S. economy.¹⁰ While there are clear benefits of adding Haiti to

⁹ International Organization for Migration, "H2-A visa program in Haiti," available at <https://files.givewell.org/files/shallow/international-migration/grants/Annex%203%20H2A%20Worker%20Recruitment%20Services.pdf>.

¹⁰ Yeganeh Torbati, "Trump administration bars Haitians from U.S. visas for low-skilled work," January 17, 2018, Reuters, available at <https://www.reuters.com/article/us-usa-immigration-haiti/trump-administration-bars-haitians-from-u-s-visas-for-low-skilled-work-idUSKBN1F702O>.



the H-2A program, there have been valid and major concerns raised about the working and living conditions of workers with -A visas compounded by their disincentive to raise their voices against mistreatment given that their visa status is tied to their jobs.¹¹ These concerns must be addressed to ensure that the workers are protected against exploitation.

In conclusion, we are demanding that this Administration stop these deportations and expulsions immediately. We note the **Haitian government's irresponsibility** in agreeing to receive Haitian Asylum seekers given the political turmoil, which shows a disregard for the well-being of our brothers and sisters who will face severe hardship or even death upon their return. We continue to **hope** that the Biden-Harris Administration will change course and not continue the same draconian, cruel, evil, and inhumane practices of the Trump Administration. President Biden and Vice President Harris specifically promised the Haitian community and other immigrant communities that they would build back better. We need them to take bold action, Stop the expulsion and deportation of Haitian asylum seekers including women and children as young as 2 months old, provide much needed protection, and honor their promises to our Haitian-American and immigrant communities. We demand that we Black immigrants including asylum seekers are given the opportunity to be welcomed with dignity.

Anpil men, chay pa lou!

¹¹ Daniel Costa, "New survey and report reveals mistreatment of H-2A farmworkers is common," (Washington DC: Economic Policy Institute, 2020), available at <https://www.epi.org/blog/new-survey-and-report-reveals-mistreatment-of-h-2a-farmworkers-is-common-the-coronavirus-puts-them-further-at-risk/>.



More Resources:

Customs and Border Protection, *FY 2020 Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions* (2020),
<https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020> (last checked Feb. 10, 2021).

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<https://cgrs.uchastings.edu/sites/default/files/A-Journey-of-Hope-Haitian-Womens-Migration-to-%20-Tapachula.pdf>.

Jacqueline Charles, *He wasn't born in Haiti. But that didn't stop ICE from deporting him there, lawyer says*, Miami Herald (Feb. 2, 2021),
<https://www.miamiherald.com/news/nation-world/world/americas/haiti/article248959659.html>.

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<https://www.nytimes.com/2021/02/10/opinion/haiti-us-deportations.html?action=click&module=Opinion&pgtype=Homepage>.

Jacqueline Charles, *Biden to Haitian-American voters: You can help decide the next U.S. president*, Oct. 5, 2020, <https://www.miamiherald.com/article246223940.html#storylink=cpy>

Newsweek // [Exclusive: Hundreds of Rights Leaders Demand U.S. End Haiti Deportations](#) // 6/19/20

3/2/21: BuzzFeed News: [US Officials Say Haitian Immigrants May Face Danger In Their Own Country. They're Deporting Them Anyway.](#)

Haitian Bridge Alliance and UndocuBlack Network // [Press Release: BREAKING: ICE Deports Black Immigrants On First Day of Black History Month](#) // 2/1/21

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti>

[A decade after the earthquake, Haiti still struggles to recover](#)



[UNICEF report](#)

[Haiti history -](#)

<https://www.weavenews.org/stories/2021/3/3/a-sense-of-history-lessons-from-haitis-new-political-uprising>

[Moïse Refusal to Exit Locks Haiti – And Haiti's Diaspora – In Constitutional Crisis](#)

[Insight Crime - Barbecue](#)

[Haiti's Painful Evolution from Promised Land to Migrant-Sending Nation](#)

[Economic impacts of H-2 visa eligibility for Haiti](#)

[How the Haitian refugee crisis led to the indefinite detention of immigrants](#)