RECEIVING HAITIAN MIGRANTS IN THE CONTEXT OF THE 2010 EARTHQUAKE

DISCUSSION PAPER

Patricia Weiss Fagen,
Georgetown University, 3 December 2013
The project is funded by the European Union with the support of Norway and Switzerland.
# Table of Contents

I. Introduction .......................................................................................................................................................4  
II. Internal and Cross-Border Flight .....................................................................................................................6  
III. A Tragic Legacy: Politics, Economics, Crime and Natural Disasters .................................................................9  
IV. Default Migration Pattern: The Dominican Republic .......................................................................................11  
V. The Trajectory of Haitian Migration to the Andean Countries and Brazil .........................................................14  
VI. Mexico’s Limited Humanitarian Visas ..............................................................................................................19  
VII. Venezuela, Chile, Argentina, Senegal and Other Venues ...............................................................................21  
    7.1. Venezuela ........................................................................................................................................................21  
    7.2 Chile and Argentina ............................................................................................................................................21  
    7.3 Senegal ............................................................................................................................................................21  
VIII. Canadian Responses Through Immigration Mechanisms ..............................................................................22  
IX. The US Migration Response ...........................................................................................................................25  
    9.1 Prior to the 2010 Earthquake ...........................................................................................................................25  
    9.2 Responding to Earthquake Victims ................................................................................................................27  
X. General Observations and Conclusions ...........................................................................................................28  
    10.1 Phases of Displacement ..............................................................................................................................28  
    10.2 Emerging Issues ............................................................................................................................................29  
XI. Annex: Interviews by Phone and Email Responses ........................................................................................30
I. INTRODUCTION

Haiti is a vivid case of unmet needs, legal inadequacies and institutional weaknesses on many levels. Following the Haitian earthquake of 12 January 2010, international presence was vital albeit flawed in ways common in similar situations. The country still is far from having achieved desired levels of recovery and citizen protection. The subject of this essay is the global failure to have anticipated or to adequately address the inevitable flight of the earthquake victims from the densely populated and devastated capital city, Port-au-Prince. International assistance was large – and to a large extent still is – in the locale of the disaster. However, the largely homeless and impoverished people who left Port-au-Prince in the wake of the earthquake received little international protection and assistance. Nor did their large scale flight receive much in the way of media coverage. The impacts and consequences of the internal and external flight of Haitians out of the ruined city and across the borders have yet to receive warranted attention.

This paper was commissioned by the Nansen Initiative to explore cross-border displacement and migration from Haiti in the wake of the 2010 earthquake. In particular, the paper will serve as a case study of cross-border disaster-induced displacement within the Nansen Initiative Central American Regional Consultation, which will take place in Costa Rica from 2-4 December 2013.

The international community recently marked the 60th anniversary of the UN Convention on the Status of Refugees and the 50th anniversary of the Convention on the Elimination of Statelessness. These conventions establish laws, norms and principles, respected internationally, that protect people defined as refugees and/or stateless who were forced to cross international boundaries and are unable to enjoy the rights of citizenship in their own countries. The more recent Guiding Principles on Internal Displacement (1998) complement the refugee and stateless conventions by protecting persons similarly forced to flee, including from natural disasters, within their national borders. That document is based on internationally recognized humanitarian and human rights law and norms. The remaining large gap is to address protection needs and find solutions for people displaced—and being displaced—by disasters and the effects of climate change across international borders. As the example of the 2010 earthquake in Haiti will show, the would-be host country governments determine their responses in accordance with their own national immigration laws, applying human rights and humanitarian practices and principles they deem appropriate at the time. They may expand legal admission criteria in order to relieve the plight of disaster victims, but are not obliged to protect people admitted under special arrangements from being returned.

International mandates and measures are targeted differently in cases of disaster than conflict. In the event of the latter, when hundreds of thousands flee and are unable to return due to conflict and repression, they are defined within refugee criteria or as internally displaced persons. Thus defined, they may expect to receive assistance and protection (however poorly delivered) inside or outside their home countries. In response to disasters, international assistance is channeled to the sites of destruction as soon as possible in order to help victims and enable them to remain in their own communities. Disaster victims are sheltered temporarily, given basic needs and aided in rebuilding their homes. Infrastructure and public institutions are brought into service as soon as feasible. However when segments of the population respond to a non-conflict crisis or a disaster by leaving the affected area, they risk being left on their own.
The international community has a long and generally commendable record of responding to disasters, usually at the request of governments in the affected countries. There are calls for improvement in the amounts and distributions of international disaster relief, and critics lament the unwillingness of relief agencies to stay long enough for disaster-affected regions to be rebuilt. Nevertheless, international interventions in disasters are fundamental to survival in poor countries and play important roles in wealthier ones as well. Where disaster relief projects fall most short is in regions affected by slower onset climate change.

A particular problem of terminology arises when, as noted above, victims of disasters leave the affected areas to become, effectively, involuntary migrants. Finding the appropriate classification of people forced to move due to disasters is a challenge for international assistance and protection agencies and for national governments as well. These are not traditional migrants because they are leaving their habitual places of residence in response to a crisis not defined in terms of economic needs, although economic needs are of primary importance. Should their movement therefore be termed as a “flight,” a “forced displacement;” a “crisis migration”? And why does the terminology matter? On the receiving end, especially when they cross an international border, in what category do host countries perceive them to fall? Host country governments may recognize them as victims of disasters and not voluntary migrants, but this recognition leaves open the question of appropriate responses and legal status, if any.

This paper will argue that it was inevitable that residents would flee Port-au-Prince although, compared to other disaster responses, it was somewhat unusual that so many would find it necessary to seek refuge in other countries. Three factors are important to keep in mind:

First, flight from Port-au-Prince was inevitable because the city was largely flattened; productive activity (and governance) were brought to a near standstill and services of all kinds were halted (outside of those brought by relief agencies).

Second, attempts to find relief within national boundaries, as many did, proved largely futile because Haiti’s under-resourced cities and towns could not absorb the earthquake victims and donor funding was only minimally available outside of Port-au-Prince. Hence the eventual outpouring of Haitians to other countries was almost certainly larger than it might otherwise have been.

Third, the mechanisms needed to assist Haitians who want to leave the country have long been in place, although few of these mechanisms enable them to enter other countries legally. Following the earthquake modest numbers of Haitians with close family ties in other places had limited access to legal status in these locations. For most Haitians, however, the available options were informal. Anyone who had networks elsewhere and could pay for transportation and “guides” could probably find a smuggler (coyote) to implement an exit plan.

The 2010 quake ranks far and away as the worst single disaster to strike Haiti, but Haiti has endured a long string of major disasters, political, economic and natural. Until the present, natural disasters have tended to temporarily displace people to locations within the country. The migratory responses to the earthquake disaster have been unprecedented. This paper will explore the well-established and new options, especially the cross-border options, Haitians have followed since 2010. It will conclude with general observations and recommendations about how such movements could be better addressed at present and in the future.
II. INTERNAL AND CROSS-BORDER FLIGHT

Approximately 300,000 people died in the Haitian earthquake of 12 January 2010, and much larger numbers were injured. The numbers are somewhat contested but there are no disagreements regarding the overall magnitude of loss of life, livelihoods and property. The epicenter of the quake was just outside the densely populated Haitian Capital Port-au-Prince, and the city’s entire population of 2.8 million felt its impact in one or another way, as did nearby towns, which received little attention. Houses, schools, banks, hospitals and government buildings were destroyed; essential personnel died; employment was lost; the national and local governmental administrations remained for a long time in virtual collapse and services no longer functioned.1

The international response was immediate and strong, with relief convoys brought to the country at once. An international donor conference on March 31 2010 pledged nearly USD 10 billion, with half earmarked for the following two years.2 In the first two years following the disaster – 2010 to 2012 – multilateral and bilateral agencies allocated USD 13.34 billion to Haiti, of which by the end of 2012, less than half had been disbursed. In addition, donors gave some USD 3 billion to UN agencies and NGOs for their relief and reconstruction activities.3 In 2010, government and private donors, international banks, the UN, numerous NGOs, and the Haitian government collectively promised to “build back better.”

Estimates of persons made homeless by the earthquake range from 1.3 million to 2.8 million, which is to say that the earthquake affected nearly the entire population in the earthquake zone. The lower number refers most likely to those who could return to their homes after a short time. Victims with few resources and responsibilities that bound them to Port-au-Prince had little choice but to stay in the city. They took refuge in hastily assembled tent camps that became their homes for far longer than anticipated. As many as could left the city, mostly to destinations with which they were already familiar.4 Countries like the United States, Canada and Mexico quickly authorized entry to small numbers of Haitians with existing ties. In the first wave of flight following the earthquake, Haitians began heading for the Dominican Republic where they had been workers and migrants for generations. Among the earliest to arrive were people in need of urgent medical attention. Within a short period of time, a relatively small but important number of earthquake victims found their way to more distant places where Haitian migration had not yet taken hold.

A significant portion of the residents of Port-au-Prince in 2010 had migrated to the city from towns and rural villages, and they tended first to return to these locations in order to shelter, either with family or in informally established camps. Refugees International estimated in October 2010 that some 100,000 Haitians were living with families in the Central area alone.5 Haitian diaspora groups in the US, Canada and

---

1 http://reliefweb.int/reliefweb.int/reliefweb.int/disaster/eq-2010-000009-hti
3 Information from the Office of the Special Envoy for Haiti, www.lessonsfromhaiti.org/lessons-from-haiti/key-statistics/
4 An early estimate was that 605,214 people left Port-au-Prince, and that of these some 160,000 went toward the Haitian-Dominican border. Office of the Secretary General’s Special Adviser, http://www.lessonsfromhaiti.org/relief-and-recovery/key-statistics/
France contributed generously to help their Haitian hometowns accommodate the crisis returnees, but quickly exhausted their resources. OCHA and other UN agencies briefly and minimally assisted them in a variety of locations. However, few among the vast array of agencies working in Haiti after the earthquake undertook serious operations beyond Port-au-Prince. As the situation in the provinces was becoming dire, UNHCR took note of mounting protection problems in many locations due to the number of vulnerable people living in insecure and miserable conditions. UNHCR established some quick impact projects and sought to attend to protection needs. After about six months, the small amount of assistance both to camps and families had all but disappeared. Lacking support, the earthquake victims located in towns outside of the central relief area were obliged to return or leave for other destinations.

Ideally, international relief should have allowed the people who were displaced by the immediate impact of the quake to survive until reconstruction funds made it possible for them to resume normal lives, either in Port-au-Prince, or in another location in Haiti. That was doubtless the hope of donors whose generosity in providing relief in Haiti was at least partly motivated by the desire to minimize out-migration to the donor countries. Early optimism that large international contributions would bring rapid recovery, however, proved misplaced. It was well over a year before the city even appeared to have recovered use of its streets and critical infrastructure was repaired. Port-au-Prince remains in important ways a devastated city. Large numbers of the residents who fled the city to other Haitian locations or to other countries returned there, but not because the city was (or is) ready to receive them. Rather, it was because other options inside and outside of Haiti failed to resolve their plight. The large number of people who left Port-au-Prince and then came back inevitably added to the burdens of aid givers.

Many contend (this author included) that a more strategic approach to assistance that channelled development funding to regions outside of the capital would have enabled a more balanced recovery and less onward migration. Instead, not only was the relief...
funding overwhelmingly channelled to Port-au-Prince but, perversely, some of the well intentioned and much needed projects made available in Port-au-Prince ultimately exacerbated the problem. A few months after the earthquake, several international organizations and NGOs, IOM in particular, offered cash-for-work programmes meant to put resources in the hands of people who had lost their livelihoods in the quake. Learning of these efforts, Haitians who had gone to other parts of the country where their livelihoods were equally if not more precarious than in Port-au-Prince, hastened to return to the chaos and disruption of the capital city where at least something was being offered.7

There have been two historically dominant patterns of migration: first the depopulation of the Haitian countryside largely to Port-au-Prince. Second the continuing migration of Haitians out of the country. The former was largely the result of agricultural neglect and poverty, further undermined by corruption and chronic institutional weaknesses. One of the major motivations prompting Haitians to move to larger cities and especially to Port-au-Prince was to have access to education beyond the primary level. The out-migration from Haiti before the earthquake had been caused primarily by Haiti’s legacy of political repression, poor governance and economic failures.

As will be further explored below, access to education has been, and still is, an important pull factor. The 2010 natural disaster destroyed schools and killed educational personnel, which led Haitian families to seek education for their children outside of Port-au-Prince and ultimately outside of Haiti.8

---

7 Many Haitians and NGOs working in urban camp locations complained that people who had not been there at the beginning, appeared in these places later on. The assumption was that these people in were “free loaders” who wanted the relief supplies. There is no concrete evidence, but it seems plausible that at least some of the much criticized “free loaders” were in fact the people who had tried vainly to survive in other parts of Haiti.

8 There were also actions taken to bring affected children to other parts of Haiti and absorb them in schools. Interview Caleb Lucien, 8/13.
Haitians have been leaving the island since the nation’s independence struggle in the early 19th century, resulting in large Haitian populations in the United States, Canada, France, the Dominican Republic and other Caribbean islands. A large portion of Haiti’s best educated and most talented citizens had left and settled elsewhere by the beginning of the 21st century, but they remained attached to the land and culture. Haiti is one of the countries most dependent on migrant remittances. The presence of already existing Haitian communities outside the country encouraged earthquake victims to move, but it has always been difficult for them to find welcome in places whose governments want fewer, rather than more, Haitians in residence. Until the earthquake, Haitians were present in very small numbers in Panama, Brazil, Mexico and the Andean countries, but the numbers grew precipitously after that event. As will be described below, the greater the inflow, the greater the reticence of host governments to receive it.

The twenty nine year dictatorship under Francois Duvalier and his son (1957-1986) epitomized authoritarianism, repression and greed. Political parties were outlawed and regime opponents jailed – including prominent members of Haiti’s intellectual and cultural elite, its professional cadres and working class leaders. The economic policies favoured by the Duvalier regimes undermined independent farmers, and agriculture suffered overall. The first major Haitian exodus ensued in the 1950s and 1960s. Poor Haitians crossed the border into the Dominican Republic as they had in the past despite a legacy of hostility, while middle class professionals and those with sufficient economic resources flocked to the US (especially New York), Canada (primarily Montreal) and to a smaller extent, France. Later, during the 1970s -1990s, larger numbers of poor Haitians joined US bound migrants, as so-called “boat people,” mainly to Miami, then to other US cities. More often than not Haitian boats were intercepted and returned, in contrast to the welcome given the parallel wave of Cuban “boat people.”

The Duvalier family was overthrown in 1986. Haiti was then subject to military rule until 1994, except for a very brief interlude in 1991 under Jean Bertrand Aristide. Aristide was a hugely popular priest and his election in 1991 was widely welcomed inside and outside Haiti. But, he was quickly deposed by the military under General Raul Cedras, 1991-94. The international community opposed and embargoed the Cedras regime. In 1994 Aristide was reinstated by military action authorized by the United Nations Security Council and undertaken by the US army. During the repressive Cedras rule, Haitians were more readily granted political asylum in the US and Canada. During the early years of Aristide’s presidency, out migration declined.

Despite initial hopes for better times, the country did not prosper. To the contrary, under Aristide and his political party, Lavalas, corruption, criminality and violent political confrontations became increasingly common. After 2000, both political and economic migration again expanded. In 2004, French and US

---

9 Much of the material in this brief historical summary is taken from the author’s previous research for the Inter-American Development Bank, Haitian Diaspora Associations and their Investments in Basic Social Services in Haiti, by Patricia Weiss Fagen, et. al. January 2009.

10 In 1937, the Dominican dictator Rafael Trujillo undertook a massacre of Haitian immigrants in the country, most of whom were sugar cane workers. It is estimated that 15,000 to 20,000 were killed.
military forces returned to Haiti, this time to facilitate the removal and exile of President Aristide. A largely ineffective interim government gave way to carefully supervised elections that brought President Rene Preval to office in 2006. The earthquake that devastated the country took place during his term in office. Preval completed his term and the present Haitian leader, Michel Martelly, was elected President in 2011.

With the expulsion of Aristide in 2004, the UN Stabilization Mission in Haiti (MINUSTAH), was established and remains in place. The continuing presence of the UN peacekeeping mission, under Brazilian command, has been an important factor in maintaining stability and reducing violence. MINUSTAH also played an important role in disaster relief following the earthquake, although this was not its primary charge. Largely because of MINUSTAH, Brazil has maintained an involvement in, and commitment to, Haiti.

Following the earthquake in 2010, international donors promised to channel the massive amounts of relief assistance through the Haitian government, and to take decisions consultatively with the government. They did so to a limited extent, but the government was not the dominant actor in months of crisis that followed. Critics have rightly complained that the government should not have been so purposely bypassed, but it is hardly surprising in the Haitian case. Its government has had a near absence of experience in responding to disasters, an extremely weak institutional presence in the country, and has not enjoyed the confidence the Haitian public. Following previous disasters, particularly the hugely damaging tropical storm Jeanne of 2004 that all but destroyed Haiti’s second city, Gonaives, international humanitarian assistance and diaspora contributions came to the (inadequate) rescue, while government initiatives were almost inexisten.

International humanitarian assistance has been brought in as each of the nearly annual hurricanes and floods has destroyed parts of the Haitian landscape, killed and further impoverished its people. But, the most reliable support for the population has come from solidarity and the remittances from their own family members inside and outside the country. The damage produced by powerful storms each year, as well as the major soil erosion and deforestation that have exacerbated the consequences of weather related events, have been aggravated by minimal local or national preparation or prevention activity. Local and national government entities have little or no budget or resources for relief and assistance. Prevention, disaster risk reduction and strategic rebuilding are desperately needed. These policies have improved survival and recovery in several countries, but have barely begun to be part of the Haitian government’s agenda. In fairness, earthquakes are not common in Haiti, and it would have been unrealistic to expect that the state would have been prepared for one, let alone one of such magnitude. Nevertheless disaster preparedness and management are certainly relevant to Haiti’s future.

11 The Office of the Special Envoy for Haiti sharply criticized the fact that of the donor humanitarian and recovery funding channeled to Haiti less than 10% was disbursed directly to the Government, using government systems. www.lessonsfromhaiti.org/download/report_center/osereport2012.pdf. The report also criticizes inadequate investment in infrastructure, local businesses and capacity building and funding for institutions.

12 Patricia Fagen, Remittances in Crises. A Haiti Case Study Overseas Development Institute, London. 2006. The major assistance in this case came from NGOs, bilateral donors and Haitians inside the country and in the diaspora.

13 It is striking to compare outcomes in Haiti, the Dominican Republic and Cuba, all of which receive the same massive storms. Of the three Cuban has by far the most admirable record of preparation and citizen action. The Dominican Republic has made a concerted effort to improve disaster response and management. Haiti lags far behind.
Since the early 20th century, Haitians have been moving to and from the Dominican Republic – the country with which Haiti shares an Island, but neither language nor historical culture. For the most part, the early Haitian migrants were wage labourers who worked seasonally as cane cutters in the sugar harvests. By the beginning of the current century, as the Dominican economy prospered, Haitians were able to find work in diverse parts of the Dominican economy including: construction, tourism, commerce, domestic service and other urban sector jobs. Instead of migrating seasonally, growing numbers of Haitians stayed and established their families. Haitians have always faced racial discrimination, harsh conditions, low wages and few rights in the Dominican Republic.

There are no firm figures on how many Haitians were living in the Dominican Republic prior to the earthquake (or how many live there at present). This is the case first because they were not likely to be registered; second because they were mixed with the general population and many had established Dominican families; third, because despite large scale deportations that occurred periodically, the Haitians usually returned across an exceptionally porous common border. Estimates vary from 500,000 to double that number. Additionally, it is often unclear who is a Dominican and who is a Haitian, especially in the case of bi-national families. Punitive laws in the Dominican Republic have denied citizenship to large numbers of Haitian origin children who were born in the Dominican Republic, sometimes legally registered with parents who are Dominican citizens (elaborated below). The 2004 Dominican Migration law did not enforce regulations that would permit its implementation and clarify the legal status for foreigners who had lived long periods in the country. Numerous long-term Haitian residents did not have identity documents and could not acquire legal status which would permit them to register their children. New legislation (below) has markedly worsened the situation.

The border area is poor as well as porous. Forward looking policy makers on both sides not only have been focused on immigration reform, but also have long promoted comprehensive border development programmes that could absorb migrants and address poverty on both sides. The border development project has been under discussion for years, but neither government seems eager to move forward. The strong mutual dependence between the two countries suggests potential mutual benefits should the political situation between them improve. These benefits are being sacrificed in the name of short cited policies of exclusion.

In light of this context, the first actions by Dominican authorities in response to the 2010 earthquake were exceptional. Almost immediately after the earthquake, an estimated 160,000 Haitians assembled at points along the Dominican border. The Dominican government removed border obstacles to entry and allowed those at the border to come into the country to receive medical assistance where needed. Privately owned helicopters were made available to transport the most seriously injured. Family members of patients received multiple entry humanitarian visas to permit them to care for their loved ones while still attending to their losses in Haiti. The Dominican government enlisted its National Council

---

16 Lessons from Haiti
of Children (CONANI) which, along with international and private aid groups, assisted the Haitian children who often entered the country alone and needed protection.21

Dominican authorities responded with speed, generosity and effective measures to facilitate cross border and direct humanitarian assistance to Haiti. The Dominican government worked closely with the UN system and, thanks to the initiatives of both, the UN cluster system was authorized to mobilize for coordinated efforts on both sides of the border. Dominican relief workers worked along with other international actors. Severely injured and ill Haitians had access to medical care through the small border city of Jimani, where they were received by UNICEF, the Pan American Health organization, UNHCR, and NGOs.18

Unsurprisingly, within a short time, many more Haitians made their way to the border, from Port-au-Prince as well as from the rural locations where they had first gone and found little assistance. They lived in hastily assembled makeshift camps along with almost no international or national oversight or support. The UN system in the Dominican Republic was not large. UNHCR had a small office there with a very limited mandate. (Its presence was established in Haiti only after the earthquake under the Protection Cluster led by the OHCHR.)19 UNHCR buttressed its presence by sending a five person emergency team to the Dominican Republic. The World Food Program, UNICEF, UNFPA and other agencies also had small representations in the Dominican Republic. Nevertheless, for three to four months the UN system, under the leadership of the Resident and Humanitarian Coordinator in the Dominican Republic, led the response to border protection and took responsibility for the support and management of the camps in an approximately 20 km area on the Haitian side of the border.20

First UNHCR and then the UN system as a whole appealed for funding to support continued relief not only in and around Port-au-Prince, but also for assistance to the Haitians living outside of camps and in the Dominican Republic. The latter activities were aimed at sustaining protection activities in the Dominican Republic and initiating quick impact projects on the Dominican-Haiti border, in collaboration with the Dominican government.21 In the Dominican Republic, Haitians were not in camps, but rather with families, in medical facilities, or in shelters. Specific protection activities in the Dominican Republic included assistance to: 1) medical patients and families; 2) other non-medical but vulnerable groups; 3) counselling activities on cross-border issues; 4) family tracing/reunification. UNHCR also provided small amounts of aid to Haitians in camps.

The protection issues facing displaced persons in other parts of Haiti were especially worrisome in the border area, particularly in relation to the problem of abandoned and at-risk children. Frequently quite young children who had lost parents in the earthquake made their way to the border, together with hundreds of other Haitians, to find and reunite with relatives in the Dominican Republic. In the best of circumstances, family members located there knew of their arrival and met them at the border. In more tragic instances, the people who came for the children were there to traffic or otherwise abuse them. Women, as well as children, traveling alone to these camps were vulnerable to sexual abuse and some were so badly treated that UNHCR determined they needed to be resettled in another country.22 Within a few months, UNHCR with partners from UNFPA and UNICEF were participating in protection efforts orchestrated from the Dominican side, and in collaboration with the Dominican Republic’s Child protection agency, CONANI.23 CONANI and UNICEF were able to create databases that helped with family reunification. Other UN agencies or NGOs also based themselves on or near the border to assist the disaster victims there.

The conciliatory Dominican response to the arriving Haitian earthquake victims did not last. The Dominican Constitution, in effect since 1966, was revised and, coincidently, made public in January 2010 – the time of the earthquake. The former Constitution and Dominican legislation had recognized as citizens all persons born in the country, with the exception of diplomats and persons in transit—the latter defined as those remaining fewer than ten days. The January 2010 Constitution revised the concept of in-transit to encompass irregular entrants, and a later decision of the Constitutional Court made its application retroactive to include the Dominican born children of undocumented parents. The measure effectively denies citizenship to children born to Haitian families unless there is Dominican parent, and it renders stateless people who had or could have had Dominican nationality and identity cards before the Constitutional change. Haitians are by far the most affected group, impacting an estimated 200,000 people.

18 http://www.unicef.org/republicadominicana/english/emergencies_17768.htm
20 The UN Country team in the Dominican Republic assumed responsibilities in Haitian territory at the request of the Port-au-Prince based UN offices, which were very heavily burdened with crisis response in the Capital. Notes from Gonzalo Vargas Llosa, UNHCR Representative October 2013; and comments of Valerie Juilliand, UN Resident and Humanitarian Coordinator Representative in Dominican Republic, December 2013.
22 Interview with Anna Greene.
23 The Jesuit Refugee Service and US Conference of Catholic Bishops have expanded at greater length on the problems noted here.
The Inter American Commission of Human Rights declared the legislation and Court actions to be of serious concern and in violation of both the Inter American Convention on Human Rights and the jurisprudence of the Inter American Court on Human Rights. The Commission undertook a site visit at the end of November 2013 and issued a report that condemned the denationalization of Haitians caused by the action of the Dominican Constitutional Court. The Dominican government has received protests from human rights supporters, international bodies and legal entities. The leaders of the Caribbean Community, CARICOM, issued an October 2013 statement urging reconsideration and expressing serious concern over the humanitarian consequences of the legislation.

According to IOM estimates, close to 200,000 Haitians crossed the border into the Dominican Republic following the earthquake. By 2011, the mood in the Dominican Republic had grown hostile to the increasing Haitian presence, and the Dominican political right protested in the streets. Much of the hostility at the time was related to the cholera epidemic that broke out in Haiti late in 2010, spread rapidly in the next two years, and which Dominicans feared would be carried across the border. The IOM had been assisting Haitians willing to return, particularly those who had crossed the border in need of medical attention and hospitalization after the quake. In light of the growing tensions in 2011, the IOM offered USD 50 to each Haitian who volunteered to return. Though the amount was small, IOM and UNHCR further assisted those who received assistance to establish small businesses in Haiti. Approximately 1,500 took advantage of the program, although some of them undoubtedly re-crossed the border thereafter.

The Independent Expert on Haiti, as well as UNHCR and OHCHR, urged UN member states to suspend forced returns to Haiti due to the on-going humanitarian crisis, but deportations resumed shortly after the earthquake and have continued. According the Jesuit Refugee Service, probably the organization that has been following Dominican-Haitian practices most closely, the frequency of deportations to Haiti has increased. In March 2010 the Dominican government replaced key ministerial figures, and appointed a new Director in the Ministry of Immigration, Jose Ricardo Taveras, who served also as Secretary General of the National Progressive Force (FNP). The FNP is known for outspoken hostility towards Haitian immigration.

Thus, within a few months of the earthquake, distinctions between Haitian disaster victims and Haitian migrants had generally disappeared. As Dominican citizens vigorously protested the continuing arrival of Haitians, the Dominican government decided on a strategy for managing Haitians already in the country that by numerous accounts violate Haitian’s human rights and deny them legal status. Not only are thousands deported arbitrarily, but reportedly, the Dominican Civil Registry routinely denies citizenship documents to people of Haitian ancestry who were born in the country, affecting access to services, including education for their children. Racial perspectives in the Dominican Republic are a key factor. Darker skinned people are identified as undesirable, and the resulting discrimination is such that the measures enacted to resist Haitian immigrants have sometimes endangered dark skinned Dominicans as well.

Anecdotal evidence indicates a sharp spike in the numbers of Haitians currently crossing into the Dominican Republic in 2013, restrictions notwithstanding. As of August 2013, buses are reported to be arriving daily at the border at levels even higher than before the earthquake. More than ever, Haitians with visas are seeking to register their children in universities in Santiago, the city closest to the border with Haiti, and middle class professionals are settling there. It is also reported that once having crossed the border into the Dominican Republic, fewer travel back and forth as previously had been the frequent pattern, seemingly indicating that more are remaining in place. In addition, unknown numbers of Haitians seem to be entering the Dominican Republic not with the intention of remaining there, but rather to make contact with a coyote and travel onward to South America.

From a Press Release of the Commission reporting on its 140th session. In the same session, the Commission denounced the growing practice of illegal forced removals of IDPs from camps in Haiti. The Manchester Guardian makes the same point in an article by Carrie Gibson, 7 October 2013. http://goo.gl/HxizX3


Issued October 17, 2013. http://goo.gl/HUn50i

http://goo.gl/AJL9A4

http://goo.gl/T2x0gz; Elizabeth Ferris, “Recurrent Acute Disasters, Crisis Migration: Haiti has had it All,” chapter 4 in forthcoming bok on crisis migration, Georgetown university. P. 13


http://goo.gl/30yDv, 23 September 2013

Interview with Emilio Travieso, SJ (currently based in Onaminchte, the Haiti-Dominican border) August 30, 2013
V. THE TRAJECTORY OF HAITIAN MIGRATION TO THE ANDEAN COUNTRIES AND BRAZIL

Haitian flight to South America after the earthquake, like the migration in North America, followed paths already taken, albeit in smaller numbers, by past migrants. A relatively small number of Haitians were living in Brazil and the Andean countries prior to the 2010 earthquake, primarily as labour migrants (possibly having arrived illegally) and students taking advantage of whatever opportunities were made available to obtain university training. Educational opportunities continued to attract Haitians even more after the earthquake because the quake damaged or destroyed universities in Port-au-Prince, and normal schooling at every level was halted for a substantial period.

When the Ecuadoran government temporarily suspended visa requirements for all would-be entrants in 2008, the way was open for Haitians and other nationalities to enter Ecuadoran territory. Some Haitians were, therefore, already traveling to Ecuador prior to 2010, and after the earthquake, the small stream became a much larger movement. Outside of a few scholarship students, few contemplated staying in Ecuador. While Ecuador’s relaxation of visa requirements allowed all entrants easy access to the territory, it did not change the fact that the government offered only a normal three month tourist visa, and was not accompanied by programmes to receive migrants. The people who enter without visas can ask for, and receive, tourist visas but there is no institutional structure through which they can request a change of status. Entering Ecuador permitted Haitians to move on to Brazil, French Guiana, or elsewhere.

The primary southern destination after the earthquake was, and remains, Brazil. Brazil has played a major role in Haiti since the late 1990s and that role contributed to a national commitment to help Haitian victims. Although, as noted, few of the Haitians knew the country first hand or had families there, they were familiar with Brazilians through MINUSTAH and possibly were encouraged to undertake the long trek. Moreover, in the early years of the 21st century Brazil for the first time was experiencing a labour shortage.

Following the earthquake Haitians have arrived in Brazil by two paths: (1) they travel without visas by a long, dangerous and costly route to South America. The route usually passes through Ecuador where they can enter without a visa and ends in Brazil, but may also involve stays of differing lengths in the Dominican Republic, Panama, Bolivia, Peru and small towns on the Brazilian border. (2) The other path to Brazil is a legal option made available in 2012 in order to reduce the uncontrolled arrivals. Haitians still in Port-au-Prince may apply for a humanitarian visa provided by the Brazilian embassy and travel to Brazil with documentation in hand. Theoretically, Brazilian consulates en route can now issue visas, as well, to Haitians already in the Dominican Republic or Ecuador.

For Haitians without visas the route to Brazil has usually been by air to Ecuador and then by land to Peru, or less often, by air directly to Peru and onward through the Amazon selva (jungle) to the western frontier towns of Amazonas or Acre state. This is still the predominant means of travel. While most leave from somewhere in

---

34 The action appears to have been motivated by Ecuador’s political aims related to Latin America. The government did not foresee that people from outside the region would enter and cross borders into neighboring countries.

35 Haitians apparently believed they could make a good life in French speaking Guiana, but the latter quickly closed its borders.
Haiti and go on to Ecuador, other routes take Haitians from the Dominican Republic. In Ecuador, paid guides meet the arriving Haitians and take them to the next destination. This, in turn, requires that they wait with many others in a designated dwelling until there are enough travellers to make the trip worthwhile. The convoluted routes would be difficult if not impossible without the assistance of paid guides, or “coyotes”, some of whom are straight forward entrepreneurs and others who are traffickers, charging large fees, exposing their clients to human rights violations and/or abandoning them. The fees cited for past years reportedly ranged between USD $1,500 and USD $5,000, but may be rising at present. It is distressing to imagine how travellers are managing to amass these sums.

Typically, upon crossing the border, the newcomers ask Brazilian authorities to grant them political asylum, as “refugees” from the earthquake. The relevant Brazilian agencies, the National Refugee Committee (CONARE) and the National Immigration Council (CNI) reportedly debated this possible designation as the first Haitians were arriving. According to the President of the latter, “refugees” from the earthquake. The relevant Brazilian agencies, the National Refugee Committee (CONARE) and the National Immigration Council (CNI) reportedly debated this possible designation as the first Haitians were arriving. According to the President of the latter, Paulo Sergio de Almeida, the authorities examined the Haitian situation in 2010 acknowledging that these entrants did not meet the refugee definition of the Convention/Protocol or the terms of the Cartagena Declaration, but affirmed that this post-earthquake flight was not typical economic migration either. The CNI determines Brazilian immigration policy. It is inter-ministerial and includes labour unions, business representatives, academic experts and immigrant support groups. Ultimately the CNI took the position that Haitians would receive legal visas that reflected their need for humanitarian protection. Almeida further noted in an article posted by IOM:

Brazilian migration policies are based on integral respect for the fundamental rights of the migrants. However, in recent years, Brazilian migration policies have viewed the migrants as subjects with rights, whereas during the 1970s and 1980s immigration policies were based on the theme of national security.

While the issue was being debated during 2010, the Brazilian government issued 475 documents attesting to the legal status of the bearers, until such time as a decision could be reached regarding their condition. After February 2011, the government for the most part ceased issuing the refugee forms to Haitians, having determined the earthquake victims did not meet the refugee definition.

By the end of 2011 the Brazilian economy was beginning to show less vigour and fewer potential employers were traveling to the remote border towns to recruit workers. As the number of post-earthquake migrants in tiny towns on both sides of the border grew, their need for sustenance became critical. Undocumented, destitute Haitians and other nationalities were making the long and treacherous trips along various routes from Ecuador to the Peruvian border and through the Amazon jungle. When they finally arrived at the Brazilian border, exhausted, destitute and often ill, they were increasingly prevented from crossing because there was a back-log of people on the Brazilian side. Haitians have waited for long periods of time on the Peruvian side of the border in towns with no amenities whatsoever. A Jesuit working at one crossing on the Brazil-Peru-Colombia border in December 2011 reported that over 1,000 Haitians were stranded there. When they did cross into Brazil, they found themselves in small, poor Brazilian jungle towns, also unable to accommodate them or provide them with much needed food and shelter. The minimal humanitarian assistance they received generated local resentment on both sides. In 2012, Brazilian authorities estimated that about 2,000 Haitians were living in border towns, waiting until Brazilian authorities could attend to them and they could find work in other parts of the country. The new arrivals, as in the past, asked to be recognized as political asylum seekers, which Brazilian authorities did not accept as valid. Instead, status regularization needed to follow upon obtaining employment. The fact that more Haitian families with women and children are now joining the trek southward, combined with the slowing Brazilian economy, makes employment increasingly difficult to find.

With no end in sight to the continuing flight, the Brazilians, in 2011-2012, established the above noted mechanism for internal processing prior to departure from Haiti. This mechanism is supposed to allow Haitians wishing to go to Brazil to request humanitarian visas and work authorizations at the Brazilian Embassy.
in Port-au-Prince. The cost for visas is set at $200.00. According to the Brazilian authorities and press, most requests have been granted, but this claim has been refuted by Brazilian human rights advocates, and in the Haitian press and expatriate circles.43 A research professor at the State University of Campinas, who has reported over a long period of time on the Haitian migrants, contends that there is a marked preference at the Embassy for Haitians with money and/or seeking student visas. There have been reports about Embassy staff charging large amounts of money in bribes for would-be travelers and conflicting views as to whether the 1,200 visas authorized until mid-2013 were actually granted.44 The Brazilian government insists the humanitarian visa system is meant to eliminate, or at least reduce, the ability of criminal elements to dominate the migrant traffic and commit human rights violations. Critics maintain that the operation of the humanitarian visa system is flawed and subject to corruption.45

Brazil is pursuing the humanitarian visa option. At the end of April 2013, the National Immigration Council removed the 1,200 limit and allowed locations outside of Port-au-Prince, including Brazilian embassies in the Dominican Republic, Ecuador and Peru, to issue humanitarian visas.46 Nevertheless, the legal option apparently does not serve the purpose of effective control. According to the Campinas researcher and Haitian informants, the applicants who are denied visas at the Embassy in Port-au-Prince are identified at once by “coyotes” who offer them a price for guiding them to their destination without Brazilian visas.

Brazilian authorities have sought a common approach with bordering countries to limit Haitian entries. Having established the legal route for Haitians to come to Brazil, President Dilma Roussef announced in January 2012 that while Brazil would regularize the status of some 4,000 Haitians who already had entered illegally, new entrants would no longer be able to cross the border without a visa.47 Several hundred Haitians have, in fact, obtained visas in Ecuador and Peru, but the process is reportedly difficult. President Roussef pledged to coordinate this move with Peruvian, Ecuadorian and Bolivian authorities. In the same month, on January 9, the Peruvian government also issued a decree requiring a visa for entering Haitians and arrested several hundred in the following months for illegal entry.48 The Peruvian government, which had 162 new Haitian entries registered in 2010, saw the number climb to 2,253 in 2011, not counting informal entries. The visa restrictions are ineffective deterrents.49 The industry that transports thousands of migrants to the borders of Peru and Brazil has not been deterred by the official decrees. The smugglers and criminal traffickers alike find ways around the restrictions and charge their clients more.50 As for Ecuador, on 15 March 2013 a notice in the press proclaimed that forthwith all Haitian entrants would need a letter of invitation before being admitted, but the notice was almost immediately withdrawn. Efforts by neighboring countries to regularize immigrant entries have uniformly failed, but the fact that restrictions are in place adds to the misery, time, and cost of the journey.

News of tighter border controls may have spurred more Haitians to rush to the border towns in order to cross before the restrictions were implemented. In March 2013, a Brazilian task force of professionals sent from the Federal Government went to the border state of Acre, to the remote town of Brasileia, to attend to the needs created by a population of 1,315 Haitians and other nationalities who had recently arrived in this jungle setting. All had arrived without documentation. The task force spent four days, registering them, providing needed health care and vaccinations, and giving them temporary refugee documents to legalize their presence51 and allow them to work. New immigrants, primarily, but not exclusively, Haitian, had been arriving in the remote jungle border state at the rate of approximately 30 per day. The demographic profile of those arriving in 2013 was mainly men between 25-35 years old; most reported that they had left families still in Haiti who might follow. The majority of the immigrants processed on the border had minimal education, (although Haitians on average have

43 As stated in the Sentinel published on line, June 3, 2013. www.sentinel.ht. The publication also reports deportations from Brazil to the Dominican Republic. The researcher is Professor Sebastiao Nascimento.
44 Correspondence from Professor Nascimento, August 19, 2013. The Brazilian human rights organization, Conectas has also cited government mis-information and abuses and called for more humane and coherent policies. Professor Nascimento claims that only 30% of the available 1,200 annual visas are being distributed. He cites Brazilian press sources as supporting his contention that Haitians pay bribes to receive the visas.
45 In addition to Nascimento, the JRS spokesmen have taken a similar position.
47 http://goo.gl/VcXzbv
50 IOM has contracted in depth studies on Haitian migration to Ecuador and Peru. These are not publicly available at the time of this writing.
51 (Question this information if, as indicated above, the forms ceased to be distributed early in 2011.)
a higher educational level than Brazilians). The Task Force reported that nearly all soon left Acre with jobs somewhere else in Brazil, or by their own means.52

For the most part, both the Haitians entering through legal and illegal streams have been able to regularize their status through humanitarian visas and work authorizations. The latter are valid for 5 years and are renewable if the individual is employed. After ten years, the visa holder may become a permanent resident. Haitian labour is still in demand for work in remote and/or difficult settings. In the case of undocumented entrants, potential employers travel to the border entry points to recruit Haitians for work in factories or in agriculture elsewhere in the country. Documents in hand, the Haitians may seek more attractive venues of work in Brazil’s cities.

Brazilian, Ecuadoran and Peruvian authorities have repeatedly expressed concern that the Haitian trajectory has become a lucrative business dominated by criminal elements that charge high sums for their services and, not infrequently, rob and abuse their clients. Part of what is worrying the authorities is that the clients are not limited to Haitians. The trans-Amazon route to Brazil has attracted nationals of African and Asian countries as well, who have joined the Haitians in Ecuador and in border towns. The public service organizations and press in all three have documented and condemned the practices of criminal smugglers. One of the swindles frequently used has been to attract Haitian clients with bogus promises of special educational offers from the Ecuadoran, Brazilian or other government that, allegedly, would cover all costs for the would-be students – after the smugglers had been paid needless to say.53 Haitian parents have gone into debt to fund their children’s travel, only to learn later that these children have been left abandoned with no prospects, educational or otherwise, and in need of more funds to leave.

The majority of travellers consider Ecuador, Peru and Bolivia as countries of transit. They have little choice except to transit because the countries in question offer few, if any, employment options. Despite a decree that enabled Ecuador to regularize the status of Haitians living in Ecuador at the time of the earthquake (mostly students), the measure did not affect subsequent entrants who received tourist visas not subject to revision. What has changed is that the Haitians currently arriving in Ecuador awaiting an onward journey may no longer be as intent on reaching Brazil. Reportedly, more are opting to move further South to Chile and Argentina or north to Venezuela. And, those who settle in Brazil and regularize their status there, again reportedly, may still wish to move on to the US or Canada. Haitians still in Ecuador or Peru, if not students, are likely to be people who do not have the means to hire another coyote to move them elsewhere.

In September 2013 high level officials from Haiti and Brazil met in Port-au-Prince under the auspices of the International Organization for Migration to discuss the migration issues between their countries. Its purpose was to identify legal channels for migration, improve information flows, and especially to provide better protection for vulnerable migrants. IOM presented an in depth study of the routes and experiences the Haitian migrants were following thus far.54 Country studies under way are not yet published.

The figures available, produced in connection with the above noted Port-au-Prince meeting organized by IOM, show that as of June 2013 some 12,204 Haitians had legally entered Brazil. The government had issued 10,165 humanitarian visas to those already in the country.55 As can be seen by these figures, the total number of Haitians absorbed in Brazil is not large, given numbers of asylum seekers in other places, and the number of Haitians seeking safe haven. But Haitians continue to enter Brazil and numbers are growing rapidly.

---

53 Woody Edson Louidor, op cit.
54 http://goo.gl/IVWFxp
### Table 1: Residency Documents Issued for Haitians in Brazil

<table>
<thead>
<tr>
<th>Official Gazette</th>
<th>Number</th>
<th>Dependents</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011 and 2012</td>
<td>5,957</td>
<td>101</td>
</tr>
<tr>
<td>15/05/2013</td>
<td>50</td>
<td>0</td>
</tr>
<tr>
<td>14/06/2013</td>
<td>87</td>
<td>0</td>
</tr>
<tr>
<td>10/07/2013</td>
<td>48</td>
<td>0</td>
</tr>
<tr>
<td>15/07/2013</td>
<td>38</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total Beneficiaries</strong></td>
<td><strong>6,281</strong></td>
<td></td>
</tr>
</tbody>
</table>

Source: Justice Ministry, Diário Oficial da União.

### Table 2: Additional permanent visas issued based on RN 97/2012

<table>
<thead>
<tr>
<th>Permanent visas issued by Brazilian consulate in Haiti</th>
<th>2,574</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permanent visas issued by Brazilian Consulate in Dominican Republic</td>
<td>8</td>
</tr>
<tr>
<td>Permanente visas issued by Brazilian Consulate in Quito</td>
<td>4</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>2,586</strong></td>
</tr>
</tbody>
</table>

Source: Sister Rosita Milesi, Director Institute for Migration and Human Rights, as of 15 July 2013.\(^5\)

---

\(^5\) Rosita Milesi (imdh.diretoria@migrante.org.br) is the director of an organization (Instituto de Migração e Direitos Humanos) *Haití Libre* 9. 9. 2013. [http://goo.gl/ZTHZEW](http://goo.gl/ZTHZEW)
Mexico has a long and admirable record as a country in which political refugees have found welcome. At the end of the 1930s Mexico brought over thousands of Spanish Republicans who were trapped in France. The vast majority, well educated professionals and intellectuals, remained and their families became Mexican. In the 1970s, refugees from Brazil, Chile, Argentina and Uruguay found in Mexico a safe haven from repressive dictatorships in their own countries. Probably the majority returned when democracy revived in the Southern Cone, but some of the cutting edge intellectual leaders stayed in Mexico and have enriched Mexican institutions. In the 1980s, Mexico (somewhat more reluctantly) admitted refugees from Guatemala and El Salvador. During the 1990s and still at the present time, Mexico has increasingly served as a country of transit for Central Americans and diverse other nationalities, heading for the United States and Canada. In this instance, Mexicans have been criticized domestically and internationally for mistreating those crossing their territory, i.e. failing to protect them not only from the criminal elements in the country, but from abusive Mexican officials.

VI. MEXICO’S LIMITED HUMANITARIAN VISAS

Like Brazil and the Andean countries, Mexico had a relatively small population of Haitians prior to the earthquake. Most of these were students and there were a few refugees. Like the Andean countries, Mexico has been primarily a country of transit for Haitians. Among the relief and assistance measures taken by Mexico in response to the Haitian earthquake, the government put into effect a humanitarian immigration program that lasted from February through May 2010. This program authorized and facilitated residents of Mexico with family members in Haiti to travel to the earthquake shattered country and rescue affected relatives. Previously recognized Haitians refugees residing in Mexico needed special permission to return to their country of origin for this purpose.

The Foreign Ministry and the Mexican Secretary of the Navy jointly organized a rescue operation to bring Haitians of special interest, i.e. close relatives of Mexican citizens and legal residents to Mexico. They came under Mexican provisions for family reunification, but received only temporary status as visitors. Three boats left Mexico on March 2, April 25 and June 2 and brought back a total of 511 Haitian earthquake survivors. In June 2010 the National Institute of Migration reported the presence of 1011 Haitian earthquake victims in Mexico, the 511 who had been rescued and another 500 who had come on their own by other means. 57

The new arrivals from the boat lift, and those who arrived unofficially, received a document that legalized their presence in Mexico for one year. The Haitians were classified as non-immigrant visitors in Mexico for “humanitarian reasons or in the public interest” and allowed to work legally or to study. Those already studying in Mexico were authorized to continue their studies, to be classified as students, and to work part time if needed. 58 The work authorization was necessary as many could no longer count on family resources from Haiti. The one year humanitarian visas were subsequently extended and then expired at the end of 2011.

The Mexican humanitarian visas for earthquake victims were considerably more limited in time and scope than those issued by the Brazilian government. As in Brazil, Haitians entered the country legally and illegally, but neither category received official assistance beyond

57 INM/045/10. Ibid.
58 Interview with Guy Lamothe, Haitian Ambassador to Mexico.
work authorization. The Haitians brought to Mexico reportedly had been led to expect benefits on their behalf. With the expiration of the humanitarian visa program, Haitians like other undocumented entrants, became subject to deportation, and are currently being deported. Highly placed Haitians report, additionally, that even tourist visas are more difficult to obtain than was previously the case.\(^{59}\)

By all accounts, the work authorizations were of limited value because few newly arrived Haitians could find suitable employment. Their temporary work authorizations were not attractive to employers in a country like Mexico where the workforce is plentiful. Importantly, they lacked language skills and personal networks and faced racial discrimination. The Calderon government left them on their own and resumed deportations when their visas expired (or sometimes before the expiration).\(^{60}\) Haitian sources affirm that the majority of the Haitians who received humanitarian visas or who entered Mexico by other means have left Mexico, for the most part following the large stream of migrants heading for the US. In some cases, they returned to Haiti.\(^{61}\)

While not significantly changing its migration policies vis-à-vis Haitians, the Mexican government has contributed more assistance to Haiti, and in September 2013 promised university scholarships to 109 Haitian students over the course of 2013-14. That will bring the total of Haitian students on government scholarship to 300.\(^{62}\)

Haitian refugees in Mexico dated from about 2007, when a small number fleeing the Aristide government had made their way to Mexico, and received refugee status. They were assisted by the human rights NGO, Sin Fronteras, which is one of the very few agencies that has initiated assistance programmes for the post-earthquake migrants. The primary emphasis of the Sin Fronteras programs has been to attend to the psychosocial needs of the newly arriving population, traumatized by the earthquake and human losses. The psychosocial team in Sin Fronteras sought the collaboration of the National University of Mexico (UNAM) faculty of Psychology for methodologies in dealing with traumas experienced by disaster victims. Additionally, the agency has initiated language classes and assistance in finding employment.\(^{63}\)

Haiti advocates among civil society and human rights organizations have been urging the recently elected Peña Nieto government to renew the humanitarian visas and to fulfil the unrealized promises made to Haitians for integration assistance. They have couched this plea in terms that should appeal to fellow Mexicans. After all, they are saying, the Mexican government is asking exactly the same thing of the US government: treat the migrants humanely and develop mechanisms that permit them to regularize their status.\(^{64}\)

\(^{59}\) Two organizations that have advocated on behalf of Haitians and now urge the new Mexican government to adopt more generous measures are the well-recognized human rights and pro-immigrant organization, Sin Fronteras, and the Comité Ciudadano de Defensa de los Naturalizados y Afromexicanos.

\(^{60}\) Interview Ambassador Lamothe and others.


VII. VENEZUELA, CHILE, ARGENTINA, SENEGAL AND OTHER VENUES

These countries all had small Haitian populations in 2010 and responded in some manner to the earthquake. They declared humanitarian safe havens so that those already present would avoid deportation and issued temporary humanitarian refuge for victims with close ties to citizens and residents. Students have been allowed to complete their studies despite the fact that in most cases parents no longer could pay for them. Venezuela had the most Haitians in residence prior to and following the earthquake. Presently only Chile seems to be able to offer many opportunities for legal employment.

7.1. VENEZUELA

Haitians had found their way to Venezuela over many years, entering both legally and illegally, and probably numbered well over 20,000 in 2010. Since the earthquake, several thousand more have entered illegally from Ecuador, traveling by boat and land. President Chavez authorized temporary humanitarian visas for Haitians entering immediately after the earthquake and subsequently Venezuelan authorities regularized the status of those who had arrived previously, but deadlines have expired. With an estimated 40,000 Haitians dispersed in several locations in the country in 2013, over half are now believed to be undocumented. Living conditions reportedly are poor and even informal employment is difficult to find.

7.2 CHILE AND ARGENTINA

For Chile (and Argentina), the small numbers of post-earthquake Haitians to arrive comprised the first black population of any size in modern memory. Reportedly, Haitians have been making their way to Chile mainly through Ecuador, Peru and Bolivia. As Chile’s economy is presently expanding, Haitians have found employment in some of the commercial areas near the capital of Santiago, most notably the up and coming community of Quilicura (where Google has recently located a hub). The Haitian Embassy estimates close to 3,000 Haitians reside in Chile and though their status is legal, they are not permanent residents. Conditions for the Haitians are promising, but integration has been a major problem for racial, linguistic and other reasons. They lack health care and other services.

7.3 SENEGAL

In what might have been an inspiring example of third world solidarity, President Aboulaye Wade of Senegal offered to shelter Haitian earthquake victims and to give them land as an act of “repatriation,” since Haitian slaves had been brought from Senegal. The Senegalese public was not pleased, complaining that they lived in abject poverty and lacked land themselves. President Wade withdrew the offer and instead offered to take 163 students, paying all their expenses. This too was unpopular, but went forward in October 2010.

---

67 http://www.rnw.nl/africa/article/senegal-president-wade-rethinks-aid-haiti
Canada and the US were the two major destinations of Haitians fleeing the Duvalier regimes. Until about 1960 there were fewer than 400 Haitians, but by 1976, the number had grown to over 14,000, doubling again by 1992.69 Presently, over 100,000 Haitians live in Canada, with some 90% residing in Quebec, concentrated in Montreal.70

Two important factors attracting Haitians to the distant north after 1960 were, first, the end of Canada’s previous racial bias in its immigration policies and, second, the political emergence of Quebec as a francophone entity with considerable policy independence from the rest of Anglophone Canada. The Duvalier refugees, as noted, included an important segment of Haiti’s intellectuals and professionals, and these French speaking professionals were in short supply in Quebec at the time. The high level of the Haitian refugee and migrant professionals outweighed the still strong elements of racial prejudice in Canada. By 1969, the number of Haitian professionals living in Quebec—primarily in Montreal—had grown so much that physicians there were said to outnumber those in Haiti itself. Haitian exiles undoubtedly raised the quality and availability of health care and education in Quebec province.71 As the community stabilized, Haitians brought other family members. They also came together organizationally. Within Montreal there are close to 132 organizations and associations, professional—doctors, teachers, engineers, nurses; and diaspora—or home town associations.72

Haitians immigration since the 1970s73 has been largely driven by natural growth, family reunification and a small numbers of refugees from the years of military rule and the subsequent Aristide period.74 Although immigration law is a federal responsibility, Quebec province negotiated a separate provision in 1991 allowing it to admit selected immigrants in the interest of expanding its francophone population. Haitians therefore have been able to immigrate to Quebec through formally approved immigration channels.

Canada has closely followed events in Haiti and has generously supported humanitarian, security and developmental programs for decades. Since 2004, Canada development assistance has amounted to more than CA$100 million yearly.75 The earthquake evoked an immediate response from the Federal Government and, separately, from the Provincial authorities in Quebec. The large and influential Haitian diaspora in Canada lobbied the national and provincial governments to channel direct assistance to the country and to encourage expanded policies of admission.

70 Statistics Canada. 2006 Census Data sorted by Ethnic Origin for Quebec.
72 The number of presently active organizations is probably about half that number, but several of them now have consolidated.
73 Most of the information in this section has been drawn from the comprehensive MA thesis by Sarah D’Aoust, An Examination of Canada’s Post Earthquake Immigration Measures for Haiti and the Influence of the Haitian Diaspora in Canada, School of International and Global Studies, University of Ottawa, 2012. Information not from that source is separately footnoted.
74 Migrants to Canada fall into three principal categories: economic, family reunification and refugees.
for victims. Diaspora groups directly contributed to Haitian reconstruction through targeted projects and significantly increased remittances. One of the major arguments Canadians have made (advocates in the US as well) for a generous admission policy has been that once Haitians come to Canada (or the US) they are able to send remittances to families who badly need help.

Admission issues were front and centre in the Canadian response to the January 2010 earthquake. Almost immediately after the earthquake the Federal government in Ottawa created an Ottawa-Haiti processing office in Port-au-Prince, primarily to facilitate Haitian applications for permanent residence. The Office allowed close coordination between officials in Canada and Haiti in expediting visas. Air Canada and military aircraft evacuated Canadian citizens and residents, and visa processing was expedited for all eligible categories. Canada’s response targeted both Haitians present in Canada at the time of the earthquake and those in Haiti who had ties to Canada which could make them eligible for immigration. Requests for family visa applications filed before and during the earthquake were speedily expedited, including applications filed on behalf of common law partners. Haitians in Canada with temporary visas could extend their time and seek employment. The visa applications already filed for adoption of some 200 Haitian orphans were approved and the orphans were evacuated to Canada.

The Federal and Quebecois governments were prepared to facilitate entry for Haitian earthquake victims with connections to Canada. In practice, this meant expediting and to some extent stretching the existing immigration categories through which Haitians would be eligible to come to Canada without changing existing immigration rules and regulations. The emphasis was on acting quickly and effectively within the existing framework. The major criteria for eligibility for permanent resident permits were through the family reunification measures in Canadian immigration statutes. Additionally, there were provisions for making special appeals to the Immigration Appeal Division. Residents of Quebec could apply through a broader Special Admission Measures that Quebec province put in place for Haitians affected by the earthquake (see below). Canada’s combined Special Measures resulted in the admission of 3,144 persons as permanent residents. The government had received 5,577 applications of which 2,433 were rejected, while 673 were withdrawn.

The number of people in Canada applying for permanent residence for their resident spouses and common law partners, and from protected persons categories more than doubled immediately after the earthquake. The rate of acceptance remained about the same as before. Whereas in 2009, 4,067 Haitians applied for permanent residence and 2,086 were approved, in 2010 there were 8,855 applications for permanent residency of which 4,549 were approved.

Unquestionably the measures taken were helpful in thousands of cases, but it was never the intention to allow large numbers of people into Canada who would not have some claim to immigrant status in a non-crisis situation. Nor did the Canadian government waive the application fees and documents required for the visa applicants entering through family reunification. Indeed the government added further requirements, such as DNA exams. This meant that families in Canada and Haiti who could not afford financial support, or who could not produce the required sponsorship fees for applications and processing, were unable to complete the visa application process.

A smaller number of Haitians deemed to have been seriously impacted by the earthquake but who fell outside of Canadian immigration and refugee criteria did receive temporary resident permits (616 people) or visitors visas (3,092 people) to come to Canada. In most cases they were dependents of Canadian citizens whose families successfully demonstrated that they were suffering special hardships due to the earthquake. The normal fees paid by visitors and short term residents were waived for these individuals, who included the above mentioned 200 orphans. Since these permits and visas expired within a period of one year and six months respectively, recipients had to extend them thereafter, which most have done. There is no realistic expectation that the beneficiaries will return to Haiti any time soon. Since 2004 there has been a moratorium on removing Haitians from the country.

Haitians in Canada who had pending applications for political asylum were given priority in processing, and their cases were expedited. There was a backlog of over 9,000 applicants as of the beginning of 2010. During 2010, 4,563 Haitian refugee claims were finalized, and 2,490 were accepted. Expedited asylum processing enabled newly approved refugees to begin the process of requesting family reunification at once. Those refused were protected by the existing moratorium on removals, noted above. The 2004 moratorium was expanded following the earthquake to include people who were

---

76 Sarah D’Aoust, p.32.
77 CIC 2011, D’Aoust, p. 37
78 D’Aoust p.26
79 Interview Maryse Alcindor of the Bloc Quebecois.
81 D’Aoust p. 52
formerly ineligible for protection due to criminality or violations of security. Although the moratorium eventually will be ended, most of its beneficiaries will probably have regularized their legal status by that time.

The Canadian approach to bringing eligible Haitian earthquake victims to the country through the existing immigration regulations is unusual if not unique. The more frequently used responses to disasters are government grants of temporary admission and protection from deportation to a class of persons who do not meet the UN Convention/Protocol refugee definition but are politically, economically or environmentally threatened and in need of temporary protection outside of normal immigration channels. On the one hand, admitting a larger than usual number of Haitians as immigrants, as Canada has done, clearly represents a more durable solution than temporary forms of humanitarian protection. Moreover, it allows the government to more thoroughly vet would-be immigrants from the outset. On the other hand, the immigration mechanisms do not always work to protect those most in need of protection, and can be a burden. For family reunification, the families had to pay fees and demonstrate that they could financially support their relatives. The small number of recipients of temporary humanitarian resident and visitors permits did not have to pay fees for their entry visas, although they are required to pay for adjusting their visas. There were no federally mandated financial assistance programs or fee waivers for Haitians coming to Canada as had been the case in other instances, for example Bosnian entrants and 2004 Indian Ocean Tsunami victims.

The Province of Quebec did not take an altogether different path from the rest of the country, but used its provincial authority over immigration to define distinct priorities and broaden eligibility criteria for admission. While the provision of family sponsorship in the country as a whole was limited to immediate family, Quebec expanded the regulations to include the formerly inadmissible categories of adult brothers and sisters, step brothers and sisters and adult children, along with their own families. This was a significant expansion. Additionally, on the troublesome issue of required fees noted above with regard to sponsorships, Quebec for the first time authorized co-sponsorship, or even collective sponsorship, meaning that family financial responsibility for new arrivals could be more widely shared. Finally, over and above the family class admission policies, Quebec had its own humanitarian relief measures that permitted the entry of persons deemed to be in particularly dire situations. Families still initiated the sponsorship, but requirements were shorter and less bureaucratic. All told, the Quebec program led to the admission of nearly 9,000 Haitians, about three times what had been expected. These Quebec initiatives on behalf of Haitian earthquake victims were employed for the first time in the Province’s history. The program, however, was short lived, and was terminated in July 2010.

As the destination of most of the Haitians brought to Canada after the earthquake, the city of Montreal established its own program, SILA-Montreal (Support to Integration, Liaison and Accompaniment) through which the city targeted attention to the three districts where most newly arrived Haitians were concentrated. Social service agencies worked with the immigrants to help them find work, lodging, obtain documents, and learn how to access the services they would need. The programme was funded by the Quebec Immigration Office and initiated in February 2010, but its services were mainly sought later in the year as people arrived and settled. The organization filled a gap. Not only did the new Haitian immigrants lack documents and information regarding their eligibility to services and assistance, but many of the city employees needed to be oriented in this regard as well, since they had not previously dealt with a group whose admission had been effected through family reunification programs. The SILA-Montreal office was funded only for two years for CAD 300,000. Given the late start of the first year, and the fact that more immigrants than had been anticipated arrived to use its facilities, impacts were lower than what had been hoped.

The Province of Quebec did not take an altogether different path from the rest of the country, but used its provincial authority over immigration to define distinct priorities and broaden eligibility criteria for admission. While the provision of family sponsorship in the country as a whole was limited to immediate family, Quebec expanded the regulations to include the formerly inadmissible categories of adult brothers and sisters, step brothers and sisters and adult children, along with their own families. This was a significant expansion. Additionally, on the troublesome issue of required fees noted above with regard to sponsorships, Quebec for the first time authorized co-sponsorship, or even collective sponsorship, meaning that family financial responsibility for new arrivals could be more widely shared. Finally, over and above the family class admission policies, Quebec had its own humanitarian relief measures that permitted the entry of persons deemed to be in particularly dire situations. Families still initiated the sponsorship, but requirements were shorter and less bureaucratic. All told, the Quebec program led to the admission of nearly 9,000 Haitians, about three times what had been expected. These Quebec initiatives on behalf of Haitian earthquake victims were employed for the first time in the Province’s history. The program, however, was short lived, and was terminated in July 2010.

As the destination of most of the Haitians brought to Canada after the earthquake, the city of Montreal established its own program, SILA-Montreal (Support to Integration, Liaison and Accompaniment) through which the city targeted attention to the three districts where most newly arrived Haitians were concentrated. Social service agencies worked with the immigrants to help them find work, lodging, obtain documents, and learn how to access the services they would need. The programme was funded by the Quebec Immigration Office and initiated in February 2010, but its services were mainly sought later in the year as people arrived and settled. The organization filled a gap. Not only did the new Haitian immigrants lack documents and information regarding their eligibility to services and assistance, but many of the city employees needed to be oriented in this regard as well, since they had not previously dealt with a group whose admission had been effected through family reunification programs. The SILA-Montreal office was funded only for two years for CAD 300,000. Given the late start of the first year, and the fact that more immigrants than had been anticipated arrived to use its facilities, impacts were lower than what had been hoped.86

82 Interview Vivian Barbot MP, ex Bloc Quebecois, by Katleen Felix, August 14, 2013.
83 Interview Maryse Alcindor
84 D’Aoust, p/ 90
85 Ville de Montréal, « Intégration des Personnes Immigrantes, » http://goo.gl/nisc5I
86 Interview with Montreal officials, Claudie Montpoint and Claire Bradet. August 19 by Katleen Felix
IX. THE US MIGRATION RESPONSE

The United States mobilized its full array of assistance mechanisms in response to the needs of Haitian earthquake victims and for the purpose of restoring infrastructure destroyed by the quake. The US Government and non-government outpouring of assistance on behalf of Haiti was unprecedented. Former US President Bill Clinton's Haiti Relief Fund mobilized funds and expertise and was a major force in organizing and maintaining international relief. Secretary of State Hillary Clinton addressed the United Nations and urged states to respond generously. The clearly stated goal was to rebuild as quickly and effectively as possible. This is not the place to discuss the multitude of obstacles in the way of achieving that objective, or to cast blame for the disappointing results. What can be said is that the US political will to help Haitians in Haiti was strong.

The political will to bring Haitians to the US, even temporarily, was low. Haitians with urgent medical needs were evacuated for hospital care, as were those with direct ties to the US or to US citizens and residents. The Department of Homeland Security issued Temporary Protected Status for Haitians in the US, including to undocumented residents, to protect them from deportation. Few additional efforts were made to admit earthquake victims. Authorities acted to avert a sharp rise in Haitian arrivals.

9.1 PRIOR TO THE 2010 EARTHQUAKE

Haitian professionals, politicians and intellectuals fled the Duvalier dictatorships in significant numbers during the 1950s and 1960s, and the majority went to New York, Montreal and other cities where they were effectively integrated. The "boat people" arrived in the 1970s, mainly to South Florida, and were presumed to be economic migrants. Despite US restrictions and regulatory mechanisms, Haitian migration spiked in the 1970s as described above. The two tools used to discourage Haitian entry have been the interdiction of Haitian boats and the detention of those who manage to arrive without documents. Without doubt, economic improvement was a key element in Haitian migration to the US, but immigration authorities have been and still are criticized for failing to give due attention to valid political elements in Haitian political asylum claims. In 1981, the Ronald Reagan administration negotiated an agreement with the then Haitian ruler Jean Claude Duvalier, and together they announced a policy to interdict and return private boats likely to be carrying undocumented Haitians to the US. The agreement contained language affirming that legitimate refugee claimants were to be identified and allowed to enter the US, but few were. Since then, the US Coast Guard has interdicted arriving Haitian boats when possible, and returned the migrants. Interdiction has been carried out at times without the option of applying for asylum or, reportedly, with only cursory attention to asylum requests.

Of course, over the years, people have eluded the Coast Guard and have reached the US by other means. If after doing so they request political asylum, they are likely to remain in detention the full length of their asylum process. Detention during asylum procedures is not mandatory, although frequently applied. Credible asylum claimants of other nationalities who have entered illegally have had a far better chance of being paroled for the time they are under consideration and allowed to work. Only during two brief spells were Haitians able to enter the US with a good chance of establishing themselves legally: in 1980 due to the Cuban initiated Mariel Boat lift they became eligible for humanitarian parole; in the 1990s, following the military rule of Raul Cedras and restoration of Aristide, many were able to successfully apply for asylum.

Shortly after the 1969 Cuban Revolution, the US encouraged Cuban migration and facilitated Cuban arrivals—a political policy that served both to demonstrate discontent with the Communist regime and to bring Cuban talent and resources to the US. The Mariel boatlift of 1980 came about when the Cuban government, reversing its resistance to out-migration, encouraged and even forced Cuban dissidents and misfits to leave, often in makeshift boats, for the United States. Cuban American citizens in the US used their own boats to rescue the Cuban “marilillos” at sea, and a special parole program was created to deal with their entry. It would have been politically difficult for US policy makers to devise a program for the Cuban illegal mass entry by boat and still impede Haitians from arriving by the same means. The outcome was that both Cubans and Haitians who landed on US territory were granted parole status, and the category of Cuban-Haitian entrant was initiated.

Parole is a relatively frequently used mechanism that allows the US to admit into the country persons of special humanitarian concern who do not—or at least not yet—meet refugee or immigration criteria, or to authorize people to remain on the national territory prior to a determination of their eligibility for legal status. As is the case with all nationalities paroled into the country, Cubans and Haitians entrants are able to receive benefits and eventually to adjust their status to legal residents. The Cuban/Haitian “entrant” is still a valid status but of limited use in practice, as most Haitian and Cuban boats now are interdicted outside of US territorial waters. (Only the interdicted Cubans are regularly screened for valid asylum claims, however.) As discussed below, parole status for a number of Haitians is a potentially relevant tool for earthquake victims.

The Cedras, regime 1991-94 was sufficiently onerous for better protection for Haitians in the US, especially in view of the more favourable judicial treatment given to undocumented Nicaraguans and Salvadorans. In October 1998, Congress enacted the Haitian Refugee Immigration Fairness Act. This act enabled Haitians who had filed asylum claims or had been paroled into the US before December 1995 to adjust to legal permanent resident status. The period of application ended in 2000.

This history demonstrates the determination of US authorities to limit Haitian refugee claimants by means of interdiction and detention. These measures have denied Haitians reasonable access to the asylum process and from seeking parole status. As for disaster victims, there are no precedents beyond selective temporary humanitarian parole, which is current practice.

88 Parole status classifies a person as a legal non-citizen who cannot be deported even if the person has entered illegally. Cuban Haitian entrants are defined in 501 (e) of Refugee Education Assistance Act (REAA). It is usually extended for humanitarian purposes and/or to admit persons of national interest who do not meet the refugee definition. Cuban and Haitian entrants are eligible for benefits from the US Office of Refugee Resettlement under Part 401 of Title 45 of the Code of Federal Regulations (45 CFR 401).

89 Martin, Schoenholtz and Waller, p. 6


91 Ibid. p.4.

92 US Citizen and Immigration Services, USCIS, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=576a3a4107083210VgnVCM100000082

The few whose refugee claims had been approved found their transfer to the US from Guantanamo to be impeded because of widespread fear about an AIDS epidemic among Haitians. As refugees, they could not be refused to Haiti, so they were kept in limbo in Guantanamo. In June 1993, after hunger strikes and protests from well-known public figures, a US court declared the detention facility on Guantanamo to be unconstitutional and it ceased to operate. Those whose refugee credentials were recognized were transferred to the US.

The overthrow of Cedras and his replacement with Bertrand Aristide brought the crisis largely to a close. There were fewer attempts to enter the US since Haitians were at this point hopeful about Haiti’s future. In 1994 under President Clinton—and with fewer asylum seekers—the US changed its practices. The Immigration Service reached an agreement with UNHCR and hired new asylum adjudicators, trained by UNHCR, to review pending Haitian claims. Again, the site was Guantanamo, but this time not used as a detention centre. Guantanamo was portrayed instead as a safe haven, which was not as attractive an option as actual entry to the US. Where preliminary hearings suggested a valid claim of fear of persecution, Haitians were paroled into the US for a full hearing. Approximately 10,500 Haitians whose asylum claims were deemed probably credible were paroled into the US and given full hearings.

As noted above, the later Aristide administration period produced its own refugee flow. Haiti advocates lobbied for better protection for Haitians in the US, especially in view of the more favourable judicial treatment given to undocumented Nicaraguans and Salvadorans. In October 1998, Congress enacted the Haitian Refugee Immigration Fairness Act. This act enabled Haitians who had filed asylum claims or had been paroled into the US before December 1995 to adjust to legal permanent resident status. The period of application ended in 2000.

US Citizen and Immigration Services, USCIS, http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=576a3a4107083210VgnVCM100000082
9.2 RESPONDING TO EARTHQUAKE VICTIMS

On January 13 2010, one day after the earthquake, the US Department of Homeland Security announced the initiation of Temporary Protected Status (TPS) to halt the deportation of Haitians, to be in effect for 18 months beginning on January 15. Beneficiaries could apply for temporary legal status, and live and work for its duration. The US has granted TPS status on numerous occasions, for both political emergencies and disasters. The Haiti TPS was in one way a groundbreaking measure: major disasters in Haiti prior to the 2010 earthquake had not elicited any humanitarian migration response. Yet, in the wake of the visible destruction and death caused by the earthquake, it was politically and humanely unthinkable to send people back. In its first iteration, the TPS measure stipulated that Haitian eligibility applied only to those in the country before 15 January 2010, and would expire in a year. By 15 January, three days after the quake, the US already had evacuated to US hospitals a number of earthquake victims in need of urgent care, but Haitians with causes and claims for US entry had too little time to organize a departure. Later revisions were more realistic and generous. Eligibility for TPS was extended for a year to benefit people who entered by January 12, 2011, and cover Haitians who received temporary visas or who were paroled into the US very soon after the earthquake, for example humanitarian medical parolees and orphans. With regard to the latter, the program to allow children in adoption processes to leave Haiti and join their prospective parents ended in April 2010. There was no special programme to enable the adoptions of children orphaned by the earthquake, although legislation to this effect was proposed. TPS coverage has been renewed and is now in force until July 22, 2014, with a no-return policy for the Haitians covered. About 200,000 Haitians have been temporarily protected from deportation under the TPS provisions. The much feared massive entry of Haitians in boats has not occurred, very likely because it has been widely announced that the interdiction of new arrivals has been resumed. Also, as seen in the pages above, Haitians in flight have headed in other directions.

As in Canada, family reunification is an essential means for enabling Haitians to migrate legally to the United States. In 2010 there were over 200,000 in Haiti with approved family reunification visa petitions, and the family members were waiting to be authorized for entry. Depending on the nationality and the relationship, the waiting periods for already approved relatives to be admitted to the US can be very long, from 3 to 11 years. No measures have been enacted to expedite Haitian entries since 2010 and the waiting list is still long. Advocates have been urging the Department of Homeland Security to create a family reunification mechanism that would allow Haitians with already approved visa requests to be paroled into the US while they wait the required time to become permanent residents. In addition to relieving suffering, one of the major arguments made for this measure is that once in the US the affected people can contribute to Haitian recovery instead of depending on remittances from relatives. The potential benefits to Haiti from people who are living and working in the US and sending remittances to Haiti would not only save many from miserable conditions, but could set in motion programmes in education, health and investment. The effort is on-going, thus far without success.

Diaspora groups and assistance agencies have initiated programmes to assist the newly arrived earthquake victims in every city and region where there is a significant Haitian population (including Boston, New York and Atlanta). The South Florida region is home to at least 300,000 persons of Haitian descent, and is rich in associations and community organizations. These organizations have come together to form The Community Partnership for Haitian Relief Efforts, at the initiative of the Saint La Haitian Neighborhood Center in Miami. Each of the ten member organizations has a plan of action, some limited to South Florida and others focused primarily on Haitians still in Haiti. Together they formed a Partnership to address the needs of Haitians who were able to come to the US thanks to the TPS. Although TPS recipients have work authorizations, for a large number, survival still depends on family members and charities. The Partnership received a USD 100,000 grant from the Children’s Trust Fund. There is now in place a comprehensive plan representing a collective vision of the various agencies aimed at “support[ing] the healing of the Haitian people” in South Florida. The plan is meant, as well, to serve as a model for collective action in other cities. In nearly all the cities in which Haitians are an important presence, community organizations have mounted similar relief and assistance measures for fellow Haitians.

93 It is widely recognized that the nationals of countries whose TPS status has been extended for several years (e.g. El Salvador, Liberia) are usually able to use the time to adjust from temporary to legal permanent residence.
94 A number of US based parents were in the midst of processing adoptions for Haitian children when the earthquake struck. The orphans already approved for adoption were paroled into the country. See Wassem 14-15.
95 Ibid. p 16
96 This argument is made across the board by legal advocacy groups and policy experts. See, for example, Charles Kenny, “The Haitian Migration,” Foreign Policy January 9, 2012.
98 Ibid. Executive Summary.
X. GENERAL OBSERVATIONS AND CONCLUSIONS

10.1 PHASES OF DISPLACEMENT

**Haitian Options:** Immediately after the earthquake, Haitian residents in the affected zones faced several bad options and a dearth of good ones. If they did not lose their homes they could return and do their best to find food, work and solace for the loved ones they had lost in a nearly destroyed city. If they no longer had homes, they could remain in the city in much maligned temporary tent shelters provide by international assistance. The Haitian post-earthquake relief efforts in Port-au-Prince moved slowly, but at the present time most of the shelters have been emptied and there is evidence that recovery is proceeding—at least insofar as the repair and replacement of damaged structures and roads. Employment is still very much a problem.

Alternatively, people in the earthquake area could leave and seek refuge in other parts of the country where the majority of Port-au-Prince residents had family members, and from where large numbers had originated. As noted, the success of this option was undermined within a few months because Haitian communities were too poor to absorb the people returning, and received little outside aid. Finding utterly insufficient support or protection, most of the newly arrived returnees displaced themselves again, sometimes back to Port-au-Prince. A second alternative for the disaster victims in the immediate or short-term was to head for the Haitian-Dominican border, along a very familiar migration path. People left Port-au-Prince directly, sometimes having been in camps, sometimes not or they went first to the above mentioned home towns and small cities in Haiti and then moved to the border. Seriously injured Haitians found immediate but temporary relief in the Dominican Republic. If present trends continue, Haitians will continue to cross the border to the Dominican Republic and will continue to live in insecure ad hostile situations and prospects for future integration are discouraging.

A third short term alternative, the only genuinely favourable one, was available to small numbers of Haitians with family or other close ties to the US, Canada and a few other countries. These countries evacuated Haitians considered to be of national interest, orphans and other highly vulnerable earthquake victims within weeks or months of the quake. They did so using both temporary humanitarian and more durable immigration solutions. As family reunifications have followed, Haitian immigrant populations have increased, probably permanently. Haitians protected by measures passed after the earthquake are not subject to deportation. Newcomers, however, are excluded wherever possible.

It does not appear that authorities inside or outside of Haiti anticipated the extent and rapidity of out migration, or adequately planned to address it. The research shows massive displacement in several directions that began as soon as it was possible to travel, and has resulted in continuing movements from one destination to another. The decision to travel to South American destinations came later than the ones described above because Haitians had so little migration history in this direction and lacked resources. Once it was apparent that opportunities could be found by moving south, thousands took up the challenge. The possibility of finding work, educational opportunities and a place for settlement inspired Haitians to undertake long, difficult, dangerous and very expensive journeys. Brazil and other points in South America are now home to a growing Haitian diaspora, but the opportunities are not growing apace.

**Receiving country options:** Because the earthquake took such an enormous toll on the country and people, resistance to, and restrictions on, Haitian entry seemed to ease somewhat for a while. At the point of writing, the humanitarian responses of the early period have frayed and to a large extent reversed in the face of exceedingly slow recovery and the larger than anticipated number of arrivals.
Governments pledging to assist Haiti’s earthquake victims were more or less generous in direct assistance, open to temporary relief for residing Haitians and selected groups, but wary of receiving migrants. The array of options reviewed in these pages has included:

- measures to temporarily protect Haitians already in their national territory from deportation, presumably pending a recovery which would permit them to return or be returned (TPS);
- evacuation of those with close ties, and either deemed to be in the national interest or highly vulnerable (humanitarian visas);
- allowing undocumented and legal Haitian migrants to enter the nation on a temporary basis (also part of TPS measures);
- offering educational scholarships;
- expanded immigration criteria to widen the pool of eligible candidates;
- facilitating employment and durable solutions for the Haitians arriving shortly after the earthquake, but later drawing lines to avert a really large scale migration.

10.2 EMERGING ISSUES

While assistance to Haiti has been coordinated by global initiatives, it is important to call attention to the near absence of a coordinated regional response to the Haitian flight. Haiti could have been a pilot case for the concept of burden sharing in receiving disaster victims. Instead, while the international responses in Haiti greatly helped to relieve suffering from the earthquake, the relief has been made available primarily to victims who have remained in place. As this paper has elaborated, Haitians did not necessarily remain in place after the earthquake ruined their capital city and surrounding area. And, when they moved to other destinations, they ceased to be in the public eye.

Haitians have always seen migration as a necessity for survival and progress for themselves and their communities. Haitian migrants today and in the past have brought resources to the places that receive them. At the same time, their loyalties to country, region and profession, have resulted in a pattern of vital funds and support for education and service to their places of origin. Research confirms that education looms large as a factor in all the Haitian migrant situations, forced and voluntary. Access to secondary and tertiary education was a dominant factor when the pre-earthquake internal migration to major cities like Port-au-Prince or Gonaives took place. The destruction of educational institutions in Port-au-Prince fuelled the desire to move to places where opportunities for advanced educational could be found. The promise of finding access to education drove post-earthquake Haitian migrants to South America and Mexico. Unfortunately, the promises were not always true.

A pernicious legacy of the recent outpouring of Haitians to different countries is the extent to which the earthquake has further benefited those whose business it is to move migrants for profit; perhaps better stated, to traffic people outside of the country. In order for the overwhelmingly poor Haitian population to take advantage of these services, they have had to cash in their family savings and the remittances intended to improve the quality of their lives.

In the US and Canada the presence of large and organized Haitian diaspora groups has mattered in very important ways. Haitian diaspora organizations and individuals played major roles in Haitian relief inside and outside of Haiti. These groups have maintained pressure on local and national authorities to make concessions that ease restrictions and soften rules. Diaspora groups and agencies have been in the foreground of serving the needs of the newly arrived Haitian TPS and family reunification beneficiaries in the US and Canada, thus replacing what otherwise would be a public burden. Most significant in monetary terms, remittances from diaspora groups have proven to be essential to the survival of people who have lost and not recovered their means of livelihood. The majority of Haitians affected by the earthquake undoubtedly had relatives outside of the country, and sought their assistance. Significantly, there were no diasporas of any size in Brazil, the Andean countries or Mexico when the Haitians arrived. This has made integration more difficult and, when policies harden, the Haitians have a smaller constituency for advocacy.

Although support groups from civil society and members of the Haitian diaspora have exercised what influence they could in their respective countries to encourage generous responses and meet material and psychological needs, Haitians everywhere have experienced hostility and racial discrimination. Their presence has provoked local tensions that discourage generosity. The larger the number of arrivals, the greater has been the popular resistance.
XI. ANNEX: INTERVIEWS BY PHONE AND EMAIL RESPONSES

Juan Artola, Regional Director for South America, IOM, (formerly Haiti, Dominican Republic, and Mexico). Juan Artola was a major source for the bibliography and for some interview contacts.

Katleen Felix, Independent consultant, migration, remittances, development; Diaspora Director for FONKOZE. Katleen Felix was contracted to identify and carry out interviews

Maryse Alcindor, former Asst Minister, Immigration and Cultural Communities, Quebec, 8/16

Vivian Barbot, former VP bloc Quebecois. 8/14, (Felix)

Claire Bradet, Intercultural Affairs, City of Montreal, 8/19 (Felix)

Lucien Caleb, General Director, Hosean International Ministries (Pigon) 8/13 (Felix)

Fritz Cineas, Haitian Ambassador in D.R. 8/8 (Felix)

Norma Diaz, Mexico Human rights office, Global Themes, Foreign Relations, Mexico

Jean Frantz, Konbit Pou Potamin (Haiti NGO) 8/13 (Felix)

Anna Greene, UNHCR, Caribbean unit in DC office 8/15

Guy Lamothe, Haiti Ambassador in Mexico 8/15 (Felix)

Cheryl Little, Executive Director Americans for Immigrant Rights, Miami 8/15

Gepsie Methelus, General Director, SantLa Miami 8/19 (Felix) 8/28 (Fagen)

Claudie Montpoint, Intercultural Affairs, City of Montreal 8/19 (Felix)

Jean Monice, Friends of Petit Goave, Montreal, 8/27 (Felix)

Mary Small, Jesuit Refugee Service, (Assistant Director for Policy) 8/16

Rosita Milesi, MSCS, Director of Institute of Migration and Human Rights, Brazilia

Sebastiao Nascimniento, professor State Univ of Campinas 8/19

Edwin Paraison, former Minister, Haitians Living Abroad 8/5 (Felix)

Jacky Poteau, President FATEM (NGO/Home town Association in Boston for Mirebalais 8/8/ (Felix)

Pierre Sauny, Director EDEM Foundation (NGO/Home town Association, in Boston, for Ile a Vache 8/8 (Felix)

Jean Thomas, Director Christian Development Fund 8/22 (Felix)

Emilio Travieso, SJ JRS D.R. border, (formerly Brazil, Mexico)

Margorie Villefranch, General Director, Maison de Haiti 8/15 (Felix)
This is a multi-partner project funded by the European Commission (EC) whose overall aim is to address a legal gap regarding cross-border displacement in the context of disasters. The project brings together the expertise of three distinct partners (UNHCR, NRC/IDMC and the Nansen Initiative) seeking to:

1. Increase the understanding of States and relevant actors in the international community about displacement related to disasters and climate change;
2. Equip them to plan for and manage internal relocations of populations in a protection sensitive manner; and
3. Provide States and other relevant actors tools and guidance to protect persons who cross international borders owing to disasters, including those linked to climate change.