

## **Statement for the Record of the Center for American Progress**

### **U.S. House of Representatives**

### **Committee on Foreign Affairs**

### **Hearing on “Policy Recommendations on Haiti for the Biden Administration”**

**March 12, 2021**

The situation unfolding in Haiti today presents a significant challenge to the people of Haiti, the region, and Haitian nationals living in the United States. The Haitian population in the United States has more than tripled in the past three decades, from 225,393 in 1990 to an estimated 701,688 in 2019.<sup>1</sup> Haiti was not always a migrant-sending country. Haiti became the first free Black republic after it declared independence from France and ended slavery in the 19<sup>th</sup> century and was a destination for migrants for more than a century.<sup>2</sup> But since then, years of dictatorships, devastating natural disasters, high levels of corruption, and foreign interference have held Haitians back from achieving prosperity and stability.

In January 2010, the country suffered a cataclysmic earthquake that killed 220,000, injured more than 300,000 people, and destroyed an enormous share of the country’s infrastructure.<sup>3</sup> A widespread cholera outbreak introduced inadvertently by relief workers<sup>4</sup> brought death and despair and together with subsequent natural disasters, including Hurricane Matthew in 2016, further exacerbated the country’s ability to recover and rebuild.<sup>5</sup>

In addition to dealing with the significant lingering effects of these national and public health disasters, Haiti today must combat pervasive food insecurity and the ongoing coronavirus pandemic while also dealing with a rapidly escalating political crisis that began after a much-disputed 2015 election and took a turn after President Jovenel Moïse decided not to step down in February 2021 – the official end of his term according to his opponents.<sup>6</sup> Accusing Moïse of dictatorship and against his decision to stay in power beyond the term limit, thousands of Haitians have engaged in peaceful protests and demonstrations, many in the capital of Port-au-Prince.<sup>7</sup> The fresh political unrest and the constitutional crisis comes amid an increase in kidnappings which have skyrocketed by 200 percent from 2019 to 2020, and resulting in many school closures.<sup>8</sup> Haitians accuse President Moïse of supporting these gangs to help suppress his opposition.<sup>9</sup> Haiti’s ability to respond to the many challenges it is facing is hampered significantly by the absence of a functioning legislature and the total lack of elected mayors throughout the country.<sup>10</sup>

According to an internal report by U.S. Citizenship and Immigration Services (USCIS) within the U.S. Department of Homeland Security (DHS), “based on a recent analysis of conditions in Haiti, USCIS believes that Haitians removed to Haiti may face harm upon return to Haiti.”<sup>11</sup> Nevertheless, Haitian deportations and expulsions reportedly picked up in October 2020 and have continued, with more than 900 in early February 2021.<sup>12</sup> Rather than continuing to pursue this harmful strategy, the Biden administration has several tools at its disposal to protect the safety of Haitian nationals here and in the country and to help promote stability and recovery.

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

The Biden administration should respond to the current crisis by redesignating Haiti for Temporary Protected Status (TPS). Based on the rising political unrest, growing authoritarian activities, and proliferation of gangs in the middle of an ongoing pandemic, Haiti is going through “extraordinary and temporary conditions” that makes it unsafe for Haitian nationals residing in the United States to return to the

country. Haiti was designated for TPS in 2010 following the earthquake and redesignated in 2011 due, in part, to the cholera outbreak.<sup>13</sup> The designations were extended regularly—including during the first months of the Trump administration—until they were set for termination toward the end of 2017.<sup>14</sup> While the terminations have been prevented from taking effect due to ongoing litigation, the Biden administration can end the uncertainty experienced today by tens of thousands of Haitian TPS holders in the U.S. and extend protection to additional Haitian nationals facing the threat of deportation and expulsion by redesignating the country for TPS.<sup>15</sup> Such a redesignation would allow eligible Haitian nationals in the United States to live and work legally for a period of time, simultaneously promoting their own security and the country’s efforts to achieve immediate stability.

## **2. The Biden administration should restart the Family Reunification Parole Program**

During the Obama administration, to promote the health and safety of Haitian nationals who were the beneficiaries of approved family-based immigration petitions, DHS created a program to parole into the United States certain individuals so that they could be reunited here with their families while they wait for a visa number to become available.<sup>16</sup> The program was a smart and entirely lawful effort to use the statutory tool of humanitarian parole to facilitate lawful migration to the United States and promote family unity. That program was effectively terminated during the Trump administration as part of its overall slash-and-burn efforts toward legal immigration and should promptly be resumed by the Biden administration.<sup>17</sup>

## **3. The Biden administration should review restoring the ability of Haitians to participate in the H-2A program**

In 2012, the Obama administration added Haiti to the list of countries whose nationals are eligible to participate in the H-2A program.<sup>18</sup> This program allows qualified applicants of the eligible country to apply for seasonal agricultural jobs in the United States. But the Trump administration removed the designation, barring Haitians from accessing these jobs and denying them an opportunity to not only help Haiti through remittances but also help the U.S. economy.<sup>19</sup> While there are clear benefits of adding Haiti to the H-2A program, there have been valid and major concerns raised about the working and living conditions of workers with H2-A visas compounded by their disincentive to raise their voices against mistreatment given that their visa status is tied to their jobs.<sup>20</sup> These concerns must be addressed to ensure that the workers are protected against exploitation.

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### Endnotes

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

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

<sup>3</sup> OXFAM, “Haiti Earthquake: Our response,” available at <https://www.oxfam.org/en/haiti-earthquake-our-response#:~:text=On%20January%2012%2C%202010%2C%20a,in%20an%20immense%20humanitarian%20crisis> (last accessed March 2021).

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<sup>19</sup> Yeganeh Torbati, “Trump administration bars Haitians from U.S. visas for low-skilled work,” *Reuters*, January 17, 2018, available at <https://www.reuters.com/article/us-usa-immigration-haiti/trump-administration-bars-haitians-from-u-s-visas-for-low-skilled-work-idUSKBN1F702O>.

<sup>20</sup> Daniel Costa, “New survey and report reveals mistreatment of H-2A farmworkers is common” (Washington, DC: Economic Policy Institute, 2020), available at <https://www.epi.org/blog/new-survey-and-report-reveals-mistreatment-of-h-2a-farmworkers-is-common-the-coronavirus-puts-them-further-at-risk/>.