



# Haiti's Ongoing Road to Recovery: The Necessity of an Extension of Temporary Protected Status

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## Report of the Committee on Migration of the United States Conference of Catholic Bishops

### TRIP DELEGATION

Archbishop Thomas Wenski  
Archbishop of Miami, FL

Bishop Launay Saturné  
Bishop of Jacmel, Haiti

William Canny, Executive Director  
of USCCB/MRS

Jeanne Atkinson, Executive Director  
of Catholic Legal Immigration  
Network

Melissa Hastings, Policy Advisor of  
USCCB/MRS

United States Conference of  
Catholic Bishops/  
Migration and Refugee Services

3211 Fourth Street NE  
Washington, D.C. 20017  
202.541.3174



### I. INTRODUCTION

From September 4-7, 2017, a delegation from the U.S. Conference of Catholic Bishops/Migration and Refugee Services (USCCB/MRS) traveled to Port-au-Prince, Haiti to examine country conditions and analyze the need for an extension of Temporary Protected Status (TPS) for Haitian nationals living in the U.S.

Most Reverend Thomas Wenski, Archbishop of Miami and a member of the USCCB Committee on Migration led the delegation. Archbishop Wenski was accompanied by Most Reverend Launay Saturné, Bishop of Jacmel, Haiti; William Canny, Executive Director of USCCB/MRS; Jeanne Atkinson, Executive Director of the Catholic Legal Immigration Network, Inc. (CLINIC); and Melissa Hastings, Policy Advisor at USCCB/MRS.

TPS is a temporary, renewable, and statutorily authorized immigration status that allows individuals to remain and work lawfully in the U.S. during a period in which it is deemed unsafe for nationals of

that country to return home. Congress passed TPS as part of the Immigration Act of 1990, which President George H.W. Bush signed into law on November 29, 1990.<sup>1</sup> The Secretary of Homeland Security, in consultation with other appropriate agencies, may designate a country for TPS in instances of ongoing armed conflict, environmental disaster or epidemic, or in other situations where there are extraordinary and temporary conditions that prevent nationals from safely returning to their home country.<sup>2</sup>

Currently, there are an estimated 50,000 Haitians living in the U.S. with TPS.<sup>3</sup> Through its work in Haiti and in the United States, the Catholic Church knows these individuals to be hardworking contributors to American communities, Catholic parishes, and our nation. Over 81 percent of Haitian TPS recipients work in the U.S. labor force.<sup>4</sup> These individuals and families have ties to the U.S. in the form of careers, home mortgages, and family members with U.S. citizenship. Given these equities, there is a significant need for Congress to find a legislative solution for long-term TPS recipients.

Unfortunately, without a legislative solution, Haitian TPS recipients are living in a state of uncertainty and flux as Haiti's current TPS designation is set to expire on January 22, 2018.<sup>5</sup> As discussed in Section II, the Department of Homeland Security (DHS) most recently extended TPS for Haiti on May 24, 2017 for a period of six months.<sup>6</sup> Per the statutory requirements, the Administration will need to make a decision on whether to extend TPS for Haiti by November 23, 2017.<sup>7</sup>

With this deadline quickly approaching, the USCCB/MRS delegation, which included the Executive Director of CLINIC, traveled to Port-au-Prince to meet with Haitian government officials, the U.S. Embassy, the United Nations High Commissioner for Refugees (UNHCR), the United Nations Development Program (UNDP), and the International Organization for Migration (IOM), as well as other international and civil society actors. Through direct observations and discussions with these actors, the delegation analyzed the progress Haiti had made since its initial designation for TPS in 2010 and examined the challenges that remain. The delegation also assessed the ability of the country to safely accept and reintegrate returned nationals should TPS for Haiti be terminated. Finally, the delegation worked with the Archdiocese of Miami and the Justice for Immigrants network to gain the perspective of TPS recipients and a better understanding of the challenges that recipients and their families would face if TPS is not extended and a legislative solution is not found.

USCCB/MRS's deep concern for individuals with TPS is rooted in Catholic Social Teaching and its experience with welcoming and integrating large populations of migrants to the U.S. God calls upon His faithful to care for the foreigner, whom others marginalize, because of their own experience as foreigners: "So, you, too, must befriend the alien, for you were once aliens yourselves in the land of Egypt."<sup>8</sup> Jesus was also forced to flee his home, and identifies himself with newcomers and with other marginalized people in a special way: "I was a stranger and you welcomed me."<sup>9</sup> In modern times, popes over the last 100 years have continued to develop the Church's teaching on migration. Pope Pius XII reaffirmed the Catholic Church's commitment to caring for pilgrims, foreigners, exiles, refugees, and migrants of every kind, affirming that all people have the right to conditions worthy of human life and, if these conditions are not present, the right to migrate.<sup>10</sup> Pope Francis has provided recent guidance, saying: "Collective and arbitrary expulsions of migrants and refugees are not suitable solutions, particularly where people are returned to countries which cannot guarantee respect for human dignity and fundamental rights."<sup>11</sup>

This report details the delegation's findings and corresponding policy recommendations.

## II. OVERVIEW: HAITI'S PROGRESS TOWARDS RECOVERY HAS BEEN LIMITED AND TENUOUS

In 2010, Haiti was devastated by the strongest earthquake to hit the country in 200 years.<sup>12</sup> While Haiti has made notable and important progress since this disaster, its limited resources have impeded swift recovery. Haiti, a nation slightly smaller than Maryland and home to 11 million people, remains the poorest country in the Western Hemisphere and one of the poorest in the world.<sup>13</sup> In addition to economic barriers to recovery, recent hurricanes and flooding have further delayed the nation's reconstruction and rehabilitation. To date, the United States has recognized the ongoing challenges faced by Haiti, as well as the necessity and benefits



Photo Credit: Bob Roller/CRS

of providing protection to Haiti's displaced diaspora through TPS.

During its assessment of conditions in Haiti and the ability of the nation to safely accept return of its nationals, the delegation found that while conditions are improving, as shown by the lessening numbers of internally displaced persons (IDPs) and a reduction in severity of the cholera epidemic, the country is not yet at a point where it can safely accommodate the return of 50,000 TPS recipients. Haiti is still a country in the midst of recovery, as evidenced by the thousands that remain displaced in camps and the key infrastructure that has yet to be rebuilt. And while cholera cases decreased in 2017, there have still been thousands of new cases reported this year. Furthermore, as discussed in Section III(B), the delegation found that recent hurricanes have substantially impeded Haiti's efforts to rebuild and have contributed to the pervasive poverty and food insecurity, with Hurricane Matthew alone causing an estimated \$2.8 billion of damage in 2016.<sup>14</sup>

Terminating TPS would further strain Haiti's institutions, weaken the Haitian economy, increase irregular re-migration, and divert resources away from the path to recovery. A return of TPS recipients to Haiti at this time would exacerbate the ongoing effects of the natural disasters and a loss of remittances from TPS recipients would be a severely destabilizing force. Furthermore, the delegation found no evidence of capacity to provide large-scale reintegration ser-

## Samuel's Story\* - A Family Facing Separation and Upheaval

Samuel, a client of Catholic Legal Services, Archdiocese of Miami, Inc. (CLS), is one such TPS recipient with strong ties to the U.S. Samuel came to the U.S. in 1998. He lives in Florida, where he has worked for the same company for 16 years. He is a father of five, and his two youngest children are U.S. citizens. If TPS is terminated, Samuel faces the possibility of being torn from his home and career. His family also faces imminent separation and will have to make life-changing, difficult decisions. They anticipate that Samuel and his wife, also a TPS recipient, would return to Haiti with their younger children, while their older children would try to obtain status in Canada. In addition to this separation, Samuel worries about the ability of his U.S. citizen children to integrate and adapt to life in Haiti. He worries that they would be targets for kidnapping, as individuals who have lived in the U.S. are often perceived as being affluent.

VICES for repatriated nationals with TPS. Consequently, provision of TPS continues to be essential to the safety of Haitian nationals currently protected in the U.S., necessary to foster Haiti's tenuous stability, and key to protect the progress being made by the nation. At this point in its recovery, a decision to terminate TPS for Haiti would be both premature and inhumane.

The Secretary of Homeland Security initially designated Haiti for TPS on January 21, 2010 for an initial period of 18 months.<sup>15</sup> The Secretary designated Haiti on the grounds of extraordinary and temporary conditions that prevent nationals' safe return after a 7.0-magnitude earthquake devastated Haiti on January 12, 2010. The Department of Homeland Security (DHS) noted at the time of designation that the earthquake affected an estimated three million people, or one third of Haiti's population,<sup>16</sup> and killed an estimated 230,000 individuals.<sup>17</sup> Among those lost were Archbishop Joseph Serge Miot of Port-au-Prince, as well as numerous priests, men and women religious, and seminarians.<sup>18</sup> The earthquake further destroyed homes, infrastructure, churches, hospitals, and government buildings, including the Presidential Palace, the Ministry of Justice, and Parliament.<sup>19</sup>

In its initial designation, DHS noted Haiti's limited resources to cope with such a disaster. DHS further found that "allowing eligible Haitian nationals to remain temporarily in the United States, [is] an important complement to the U.S. government's wider disaster relief and humanitarian aid response underway on the ground in Haiti, [and] would not be contrary to the public interest."<sup>20</sup>

DHS both extended TPS and re-designated Haiti for TPS on May 19, 2011. This decision allowed Haitians having received TPS in 2010 to retain their status while also allowing additional eligible individuals who had been residing in the U.S. since January 12, 2011 to apply for TPS. In doing so, DHS noted the fact that conditions warranting the TPS designation continued to be met and found that the "earthquake has exacerbated Haiti's position as the least developed country in the Western Hemisphere and one of the poorest in the world."<sup>21</sup> It also noted the estimated 1.6 million IDPs and the cholera outbreak as additional reasons for redesignation.<sup>22</sup>

Due to the ongoing adverse impacts of the earthquake, political instability, and devastation of Hurricane Matthew in 2016, DHS extended TPS for Haiti several more times. It did so most recently on May 24, 2017 for a period of six months.<sup>23</sup> In its announcement of the extension, DHS noted that while Haiti had made significant progress in its recovery, conditions remain that warrant its designation for TPS.<sup>24</sup>

This six-month extension is set to expire on January 22, 2018. As noted above, however, DHS is statutorily required to make a decision to extend or terminate Haiti's TPS designation by November 23, 2017.

### III. FINDINGS

#### A. While progress is being made, recovery is far from complete, and the "extraordinary and temporary conditions" that warranted Haiti's TPS designation remain.

The delegation found that notable progress has been made in Haiti since 2010, including improved political stability, reduction in cholera cases, and a decrease in the number of IDPs. While this progress is heartening, the delegation also found that the recovery process is far from complete. The country is still struggling to rebuild and attract investments, meanwhile food insecurity, poor sanitation, and the ongoing cholera epidemic remain significant barriers to Haiti's full recovery. The Catholic Church itself, while slowly rebuilding, has yet to obtain full recovery, as evidenced by its earthquake-decimated Cathedral. At this time, the continuing challenges would be exacerbated by the return of 50,000 TPS recipients. The delegation remains hopeful, however, that the notable progress made is indicative of the temporary nature of these conditions.

**Economy & Poverty.** The delegation consistently observed that poverty remains a systemic problem in Haiti. Nearly 60 percent of Haitians live under the national poverty line of \$2.41 per day.<sup>25</sup> As noted by one UNDP representative, in Haiti "people are either poor or very poor," with unemployment for youth remaining a particularly pervasive problem.<sup>26</sup>

The 2010 earthquake caused an estimated \$8 - 14 billion in damage,<sup>27</sup> and recovery from a disaster of this magnitude has understandably been slow, particularly given Haiti's limited resources. Organizations such as Catholic Relief Services (CRS) in Haiti assist with emergency response, as well as educational, health, and agricultural recovery needs. Nevertheless, reconstruction remains a challenge, particularly as economic growth has slowed to one percent and the fiscal deficit is expected to widen this year.<sup>28</sup> The delegation heard of the need to relaunch the Haitian economy, with key areas for potential growth including the tourism, agricultural, and textile industries.<sup>29</sup> In the wake of Hurricane Matthew, however, it has been very difficult to secure investments other



than for acute humanitarian needs.<sup>30</sup>

**Buildings & Infrastructure.** The reconstruction effort has progressed but large structural needs remain, particularly as related to durable, safe housing and government infrastructure. In the summer of 2010, a USCCB delegation to Haiti found that close to 1,300 tent camps had been erected around Port-au-Prince, 80 percent of schools and 60 percent of hospitals in the city lay in rubble, and permanent reconstruction had yet to begin.<sup>31</sup> While the tent camps have been largely cleared away, tens of thousands of Haitians remain displaced and damaged buildings continue to line the streets of Port-au-Prince – a stark reminder of the work that remains to be accomplished.

In meetings with Haitian government officials and international organizations alike, the delegation was informed of the challenges of rebuilding after the earthquake. Officials from the Government of Haiti noted that they hope to start rebuilding the Presidential Palace next year, but the Ministry of Foreign Affairs, Palace of Justice, and Parliament buildings represent just a portion of the buildings that also remain in need of reconstruction.<sup>32</sup> Advisors to Haitian President Jovenel Moïse noted that a key challenge has been the lack of funding currently available to invest in reconstruction and infrastructure, despite the large amounts initially pledged in 2010.<sup>33</sup> A representative from the European Union (EU) confirmed that donor interest has markedly decreased since the earthquake.<sup>34</sup>

There are similar financing and reconstruction challenges faced by civil society in Haiti. For example, the Catholic Cathedral in Port-au-Prince was one of the many buildings destroyed in the earthquake that has yet to be rebuilt. It is

estimated that the Cathedral will cost \$50-60 million to rebuild, a sum against which very little has been raised.<sup>35</sup> In the interim, the Church has been utilizing a temporary Cathedral. The Church has, in partnership with CRS – Haiti, been able to rebuild the teaching hospital of St. Francois de Sales, which was destroyed in the earthquake. This reconstruction was vital, as the hospital serves some of the most vulnerable and impoverished in Port-au-Prince.<sup>36</sup>

In terms of housing, thousands remain displaced. While the number is significantly less than immediately following the 2010 earthquake, UNDP has estimated that

there are still about 55,000 people in camps or squatting on land they hope to claim.<sup>37</sup> Unfortunately, IOM has encountered a slowdown in the placement of displaced Haitian families due to lack of durable housing solutions.<sup>38</sup> The delegation also observed that quality of housing remains a true challenge. Many shelters along the streets of Port-au-Prince are poorly constructed with tin, resulting in temperatures so extreme during summer months that they are virtually uninhabitable during the day.

**Sanitation & Cholera.** The delegation observed the lack of adequate sanitation and heard about this continued issue from those interviewed. The ongoing sanitation challenges present a significant health risk for Haitians. The Government of Haiti informed the delegation that they are looking for ways to provide improved sanitation, but currently there is no public trash system and garbage lines many of the streets in downtown Port-au-Prince.<sup>39</sup> Access to clean drinking water has also been an ongoing problem for the country, as evidenced by the cholera epidemic. There is a clear need for investment in improved water and sanitation systems. These infrastructure challenges will be further exacerbated if approximately 50,000 Haitians are returned en masse before lasting improvements have been made.

From the time cholera was initially introduced in Haiti by United Nations (UN) soldiers, in October 2010, to August 2017, the UN has recorded 815,000 cholera cases and an estimated 9,700 cholera-related deaths.<sup>40</sup> The cholera epidemic has improved significantly from 2016, with commendable vaccination efforts underway, including a vaccination campaign in the South and Grand'Anse departments.<sup>41</sup> Nonetheless, cholera remains a serious threat, particularly in the Ar-

## Mitsu's Story – Living with the Knowledge that Haiti is Not Ready for TPS to be Terminated

Mitsu and her brother entered the U.S. on student visas to attend college; they are both now TPS recipients. Mitsu works as a physician assistant, and is grateful for the ability to help support her parents in Haiti. Mitsu speaks with her parents frequently about the situation back home. She knows that while you may not see those displaced on the main streets of Port-au-Prince, the tent camps are there if you know where to look – grouped into certain parts of the city. She knows the infrastructural challenges that remain, reporting that her parents, living in the Port-au-Prince area, only get electricity for a few hours each week. Additionally, having had family and friends kidnapped and assassinated, she knows of the safety and security concerns faced by the nation. The possibility of having TPS terminated is a stress with which Mitsu and her brother are constantly living. She notes: “If you send people to a country with no options and no future, they are just going to come back.”

tibonite and Centre departments, with 10,527 cholera cases reported between January and September 2017.<sup>42</sup> As noted by the Government of Haiti: “Valuable resources initially earmarked for addressing critical earthquake recovery issues had to be re-appropriated to eradicate this epidemic, with limited support from the United Nations.”<sup>43</sup> The delegation confirmed that the UN program is having difficulty collecting funds needed to continue the battle against cholera, with current funding only covering about two percent of the total need.<sup>44</sup> Without sufficient funding, concern remains that Haiti may suffer a retrogression in battling the epidemic.

**Food Insecurity.** The Government of Haiti highlighted important efforts to increase agricultural yields. Its progress in the area of rice production has been notable, with rice production increasing from 80,000 tons to 200,000-300,000 tons per year.<sup>45</sup> Unfortunately, however, food insecurity continues to plague millions in Haiti. In 2017, over 2.35 million Haitians faced acute food insecurity,<sup>46</sup> and an estimated 18,000 children under the age of five suffered from severe acute malnutrition.<sup>47</sup> A key challenge is the lack of adequate funding to help mitigate malnutrition in remote areas.<sup>48</sup> The delegation learned that recent flooding and hurricanes (discussed in Section III(B), *infra*) have contributed to food shortages and insecurity. A UNDP representative confirmed that the 2017 spring harvest in the South produced far less than during a typical year.<sup>49</sup> Officials hope that the November harvest will be adequate, but with flooding caused by Hurricanes Irma and Maria, this remains uncertain. Such food insecurity would be intensified by the return of the estimated 50,000 Haitian TPS recipients.

**Political Stability.** The delegation found that political stability in Haiti has improved since the recent elections. Haiti's improved stability is evidenced in one respect by the wind down of the 13-year UN Stabilization Mission in Haiti

(MINUSTAH) on October 15, 2017.<sup>50</sup> Yet, the Director of MINUSTAH informed the delegation that “[s]ome issues [faced by the country] will far and long outlast MINUSTAH.”<sup>51</sup> And, in fact, the UN is not pulling out of Haiti entirely. Rather, it will be transitioning to a smaller follow-up mission, the UN Mission for Justice Support in Haiti. This mission, which has a two-year mandate, will be focused on rule of law, including justice, peace, and human rights. It does not have a military component but will include civilian staff one-fifth the size of MINUSTAH and will support the national police units.<sup>52</sup>

While the delegation repeatedly heard of Haiti's improved stability, it was also noted by a UNDP representative that the President's tenure is still relatively new and largely untested.<sup>53</sup> Further, it remains to be seen how the country will fare without the UN military presence. Recently, tensions have increased in the country due to the highly disputed national budget and tax increase, with protests turning violent in early October.<sup>54</sup> Tension also mounted over the President's decision to remobilize Haiti's defunct army. An EU representative informed the delegation that the President is anticipated to have recruited a few hundred individuals for the Army by the end of 2017, with an objective to recruit 3,000 to 5,000 individuals to serve by the end of the mandate. The structure and financing for the Army has yet to be clearly defined, but some fear it could present a risk of turning into a militia.<sup>55</sup> Such tensions and protests underscore the continued fragility of Haiti's political stability. And, as noted by the Minister of Foreign Affairs, returning TPS recipients “would make governing the country harder.”<sup>56</sup>

### **B. Hurricanes Matthew, Irma, and Maria have impeded Haiti's progress towards recovery.**

The delegation found that the recent hurricanes have severely compounded the challenges already facing Haiti from the earthquake. Taken together, these natural disasters have further contributed to hazardous conditions in Haiti and, understandably, have lengthened the road to recovery. The Government of Haiti acknowledged the magnitude of the setback in its October 4, 2017 letter to Acting DHS Secretary Elaine Duke, stating: “However, despite best efforts and tangible progress, unforeseen natural disasters, including Hurricanes Irma and Maria, have significantly delayed the Government's ability to adequately maintain the pace of recovery from the 2010 earthquake.”<sup>57</sup>

**Hurricane Matthew.** Hurricane Matthew, a category 4 hurricane, devastated Haiti on October 4, 2016. Matthew was the most severe natural disaster suffered by Haiti since the earthquake. It affected 2.1 million Haitians, leaving 1.4 million in need of urgent humanitarian assistance and killing hundreds.<sup>58</sup> Matthew also left tens of thousands with damaged or destroyed homes and, in the southern departments, a third of hospitals and over 700 schools were damaged.<sup>59</sup> Adding to this catastrophe, flood waters compromised the

## Tamara's\* Story – A Young Student with an Uncertain Future

Tamara, a 23-year-old young woman and client of CLS, fled Haiti after the earthquake and has been living in the United States since January 2010. Tamara, along with her parents, received TPS, but her two younger brothers were born after their arrival and are U.S. citizens. Tamara received her associate's degree in pharmacy technician studies at the end of 2016. She is currently a junior at Florida International University, studying to become a pharmacist. If TPS is terminated, Tamara will be unable to complete her studies and recognize her dream of becoming a pharmacist. Additionally, given Haiti's underdeveloped health sector, it is also highly unlikely that Tamara will be able to get a job in her chosen field when she returns to Haiti.

water supply and destroyed essential crops. Agricultural losses were estimated at \$573 million<sup>60</sup> and approximately 806,000 individuals were left in extreme food insecurity as a result of the hurricane.<sup>61</sup> Overall, the damage caused by Hurricane Matthew was equivalent to 32 percent of Haiti's GDP.<sup>62</sup> The magnitude of this disaster is evident when compared to the fact that weather-related disasters on average have resulted in annual losses of an estimated two percent of Haiti's GDP since 1975.<sup>63</sup>

The delegation learned of many key efforts that have been initiated to facilitate recovery from Hurricane Matthew. For instance, CRS in Haiti has provided seeds and agricultural inputs to nearly 18,000 households; although after severe flooding in April 2017,<sup>64</sup> many of these seeds had to be redistributed as farmers lost their crops.<sup>65</sup> Reconstruction of major roads and transportation routes has also begun. Haitian government officials noted their efforts in the South to repair roads, including the main national road of which reconstruction is almost complete, and to clean river beds in the South in an effort to avoid future flooding. In addition, approximately 180 damaged schools have been repaired.<sup>66</sup> And while these are significant efforts, it was evident to the delegation that substantial challenges remain. For instance, the 180 schools that have been rehabilitated represent only a fraction of the total affected schools.<sup>67</sup> Additionally, even a year later, the UN has found that "a greater part of the 2.1 million people affected by Hurricane Matthew in October 2016 are still in need of humanitarian assistance."<sup>68</sup>

**Hurricanes Irma and Maria.** The delegation's trip occurred in the lead up to Hurricane Irma, a category 5 storm, with the group on the ground just hours before the storm hit on September 7, 2017. The delegation spoke to numerous entities about the preparations being made for Irma. A UNDP official noted that it was expected that Hurricane Irma would be much larger than Hurricane Matthew, with an anticipated 40 percent of the country to be impacted. She further informed the delegation that while the UN was working with the Haitian government and evacuation plans were in place, there was insufficient shelter space and provisions.<sup>69</sup> The delegation also learned from CRS about the important role of civil society in the emergency response plan. CRS, for example, had partnered with Caritas and sent employees into the field in northern Haiti to help move individuals into shelters at schools and churches. They also were engaged in preparation to bring supplies to affected

areas after the storm. Haiti's system to respond to natural disaster appeared improved, but it was clear to the delegation from the number of private actors and entities involved that these same entities would be called upon again in the face of future disaster, lessening their capacity to engage in other necessary projects, such as reintegration efforts.

While Haiti was fortunate that Hurricane Irma did not wreak as much havoc on the nation as initially feared, the impact in northern Haiti was not, by any means, insignificant. The eye of the hurricane hit north of Haiti, however, 22 communities near Haiti's northern coast, in the departments of Artibonite, Centre, Nord, Nord-Est, Nord-Ouest and Ouest, suffered extensive rainfall, severe winds, and flooding.<sup>70</sup> As noted by CRS, "[t]he coastal communities are low-lying and flood prone with some of the poorest populations."<sup>71</sup> Over 12,500 Haitians were evacuated from their homes and, as of September 11, approximately 6,500 people continued to be housed in shelters.<sup>72</sup> Irma damaged over 2,600 homes, completely destroyed nearly 500 homes,<sup>73</sup> and severely damaged over 20 schools.<sup>74</sup> CRS has provided financial assistance to help remobilize affected schools and has provided tarps for distribution in remote areas where extremely vulnerable families' homes were damaged.<sup>75</sup> Unfortunately, the flooding also caused significant agricultural losses in the Centre, Nord-Est and Nord-Ouest departments.<sup>76</sup>

Photo Credit: Getty Images



Northern Haiti then suffered another setback when Hurricane Maria brought heavy rains and wind to the Nord-Ouest, Nord, and Nord-East departments on September 22,

2017.<sup>77</sup> The storm flooded an estimated 2,000 homes and damaged nearly 50 homes.<sup>78</sup> Reports shared with the delegation indicate that, as of late September, schools were still not operating at full capacity in the North and Northeast departments after the two hurricanes.<sup>79</sup> Due to the flooding, concerns have also been raised about the increased risk of cholera and other waterborne diseases.<sup>80</sup>

The impact of these hurricanes on neighboring countries with large Haitian populations, such as the Turks and Caicos, also poses a significant threat to the struggling Haitian economy. As will be discussed in Section III(D), the importance of remittances from the Haitian diaspora was highlighted in nearly every conversation the delegation had with stakeholders.

**C. Conditions in Haiti are such that nationals cannot be safely returned at this time, particularly as adequate reintegration programs are lacking.**

Haiti is not yet in a position to safely and adequately accommodate the return of 50,000 nationals who are currently TPS recipients. As an initial matter, Haiti is already struggling to cope with a migration crisis at its border with the Dominican Republic;<sup>81</sup> a crisis which is straining the resources and capacity of stakeholders to respond. UNHCR noted that, since July 2015, over 200,000 Haitians in the Dominican Republic have been deported, voluntarily returned, or returned under fear of deportation and violence,<sup>82</sup> including, according to President Moïse’s advisors, over 1,500 individuals the week before the delegation’s visit.<sup>83</sup> As noted by UNHCR, many of these individuals have lived years outside of Haiti; when they are returned, they are staying along the border because they have no home or livelihood to which to return. Additionally, many individuals have been left stateless due to a revision of the Dominican Republic’s laws on citizenship and its retroactive application.<sup>84</sup> Such realities make returnees at the border particularly vulnerable, with reports showing that “[a]bout a quarter of the estimated 737,000 people, including 355,640 children, located near the border are at

**Esther’s\* Story – An Elderly Woman Facing Return with no Support**

Esther, an 86-year-old woman and client of CLS, was living with her U.S. citizen sister in Haiti when the earthquake entirely destroyed their home. Esther came to the United States shortly thereafter so that she could care for her sister who needed to seek medical treatment that the Haitian healthcare system was ill-equipped to handle. Unfortunately, Esther’s sister passed away shortly after their arrival to the U.S. If TPS is terminated, Esther’s transition will be incredibly difficult. She will have to uproot her life, sell her apartment, and start over with absolutely no support. Because Esther has no remaining family in Haiti, she expects she would be living on the streets.

direct risk of trafficking.”<sup>85</sup>

During conversations with representatives from UNDP, UNHCR, the EU, and Jesuit Migration Service (JMS), the delegation learned of the Haitian government’s failure to adequately respond to this crisis on the Haiti-Dominican Republic border and found a lack of confidence in the government’s ability to adequately do so. The UNDP reported that when repatriations from the Dominican Republic began, UNDP officials were shocked by the lack of reaction by the Haitian government and the fact that government officials were asking the UN what would be done about the crisis.<sup>86</sup> UNHCR explained that while returnees are supposed to be provided 1,000 Gourde (~\$16-\$17) by the Haitian government so that they can return to their communities of origin, this is not regularly occurring due to economic constraints.<sup>87</sup> An EU representative also noted that while the EU has provided funding for reintegration of Haitians from the Dominican Republic, not all of the fund is being used and it is not being used as effectively as it could be.<sup>88</sup> And while JMS and Le Groupe d’Appui aux Rapatriés et Réfugiés (GARR) are doing what they can to serve recent returnees at the border with limited resources, without sustained reintegration services, JMS reported that individuals often stay only a few days and then re-migrate without authorization.<sup>89</sup>

Forced and economic migration is a much larger problem for Haiti overall. In addition to seeing individuals repatriated, including through forcible return, from the Dominican Republic, Haiti is witnessing nationals leave the country en masse for Chile, frequently as individuals are unable to support themselves and their families in Haiti. Haitian migration to Chile has increased rapidly over the last year. The delegation was informed that in 2016, approximately 45,000 Haitians left for Chile, while so far in 2017, 90,000 have already made the journey. Recently, approximately 300 Haitians are being forced by poverty to migrate to Chile each day. As noted by a UNDP official: “If there is still such a massive exodus per day – people aren’t leaving for nothing.”<sup>90</sup> The Minister of Foreign Affairs also noted that Haitians are leaving by boat for Suriname, Guyana, and French Guiana.<sup>91</sup> Returning TPS recipients to Haiti at this time would exacerbate conditions and could lead to an increase in re-migration to these countries, as well as others like Chile, the Dominican Republic, and the U.S.



Returning TPS recipients could have a particularly devastating impact on Port-au-Prince. If TPS is terminated, it is expected that as many as 30,000-45,000 individuals would specifically return to the Port-au-Prince area. As Bishop Saturné explained, when individuals voluntarily return to Haiti, they typically will return to their communities of origin, but when individuals are forced to return, many stay in Port-au-Prince.<sup>92</sup> Without proper reintegration services, this influx of residents would undoubtedly exacerbate challenges faced by those in the capitol city. One direct consequence would be an extreme tightening of an already weak labor market. As observed by a Special Advisor to President Moïse, many who received TPS were those whose situations were so dire that they would have little to come back to. And while some returnees would bring with them a skill set from their work and education in the U.S., as noted by a UNDP representative, conditions for any person to start a small enterprise or find a job are not favorable.<sup>93</sup> Haitians with degrees are often compelled to take low-paying jobs or those in the informal sector as many cannot find work requiring a degree. Returning TPS recipients would further strain this limited job market, putting more individuals at risk for exploitation and abuse in the labor sector.

Furthermore, as noted above, the delegation did not find evidence of sufficient capacity to provide returnees with adequate and sustained reintegration services should TPS be terminated. While IOM, with funding from the U.S. Agency for International Development, partnered with the Haitian government to provide services to approximately 4,000 Haitian returnees when the U.S. resumed deportations to Haiti in November 2016, this “Post-Return Humanitarian Assistance to Deportees” program is no longer in existence.<sup>94</sup> IOM’s program provided some limited support to repatriated individuals. IOM met returnees at the airport and provided individuals with hygiene kits, a short on-site psycho-social and medical service, and \$100 for individuals to return to their communities of origin. IOM also had bed space available for those individuals who needed shelter for a few nights upon their return. IOM reported that many individuals served initially exhibited signs of aggression because they did not know where they were going or how to get into contact with family in Haiti. Many had also suffered trauma during their

migration journeys. While IOM noted the need for additional psycho-social assistance, due to lack of funding and capacity, IOM could not provide sustained reintegration services to these individuals. Consequently, there is also a lack of data available on the outcomes for returned individuals. As stressed by an IOM representative: “We talk about return, but reintegration – this is missing.”<sup>95</sup> Similarly, Officials from the Government of Haiti’s National Office for Migration (ONM) acknowledged that they lack the funds and supplies to adequately reintegrate TPS recipients and that ONM currently does not have capacity to welcome additional Haitian nationals from any country.<sup>96</sup>

The ongoing challenges faced by Haitians on the ground are serious for any individual, much less repatriated nationals who are particularly vulnerable given their long absence from the country. As observed by Archbishop Wenski: “Coming back here is the end of hope. Only very few people can make the transition back.”<sup>97</sup> Without significantly improved capacity for reintegration and given the existing demands that the migration crisis at the border has placed on the already limited resources to provide accompaniment to returnees, former TPS holders would not be able to be safely returned.

**D. Termination of TPS would undermine Haiti’s future progress and threaten the country’s already weak economy during this period of ongoing recovery.**

While Haiti is in the midst of recovery, it would be premature and detrimental to the country’s redevelopment to return TPS holders to Haiti. As noted by Haiti’s Minister of Foreign Affairs, terminating TPS for Haiti while it still faces difficult challenges from the natural disasters would tax its overburdened institutions and economy.<sup>98</sup> In fact, on October 4, 2017, the Haitian government officially requested an 18-month extension of TPS, noting that the extension was necessary “to ensure that Haiti is able to adequately move forward with its recovery and redevelopment plan and will not have to rely, over the long term, on the United States for temporary residence for its citizens.”<sup>99</sup>

If TPS is terminated, the loss of remittances alone would deal a devastating blow to Haiti’s fragile economy. Reports indicate that remittances from the Haitian diaspora increased steadily between 2013 and 2015; in 2015, remittances accounted for 22.7 percent of Haiti’s GDP,<sup>100</sup> with over half of total remittances being sent by Haitians in the U.S.<sup>101</sup> The delegation learned that currently the diaspora sends an estimated \$2 billion in remittances, which accounts for an estimated 25 percent of Haiti’s GDP. These remittances are used by families in Haiti to pay for basic necessities, such as food, education costs for children, and necessary home repairs. As noted by the Special Advisor to President Moïse, even 1,000 Haitians not sending remittances is a big deal to the country.<sup>102</sup> Consequently, the loss of remittances from the 50,000 individuals currently with TPS would be devastating – not only to those returned but also to their extended families, their communities, and the nation’s economy as a whole. As stated by Father Lissainthe of JMS, those with TPS “help the country to survive.”<sup>103</sup>

Haitian government officials and certain civil society actors





also expressed concern to the delegation that a termination of TPS could have larger regional impacts. The Minister of Foreign Affairs noted that a termination may be used by other countries to justify increased return of Haitian nationals.<sup>104</sup> While the international organizations expressed some skepticism, this concern was echoed by President Moïse’s advisors and JMS.<sup>105</sup>

**E. Return of Haitian TPS holders would have negative implications for U.S. citizen children.**

Terminating TPS for Haitians would also contribute to family separation and undue hardship for U.S. citizen children. Over 27,000 U.S. citizen children have been born to Haitian TPS recipients.<sup>106</sup> If TPS is terminated, these mixed-status families will have a heartbreaking decision to make – to uproot their children from their homes and the only country they have ever known or face family separation. As an additional concern, if TPS recipients are returned before Haiti can accommodate them, it is unlikely that they will be able to adequately provide for their families.

Rather than separate, some families may return to Haiti together. Many of the U.S. citizen children returning to Haiti with their parents would suffer acute integration needs in a country without resources to handle such. IOM confirmed that they had witnessed minors returning who had not lived in Haiti and noted their concerns with the children’s ability to integrate.<sup>107</sup> In addition to societal and cultural norms to which they may not be accustomed, these children will not necessarily speak Creole. As noted above, some TPS recipients fear that their U.S. citizen children will be targets for kidnapping upon their return.

The limitations of the educational system, particularly after the natural disasters, also presents a concern. With the number of schools still requiring reconstruction, U.S. citizen children would suffer an extreme setback if TPS is prematurely terminated. Additionally, the delegation was informed that in Haiti, “public schools are few and far in between.”<sup>108</sup> In fact, 85 percent of schools are private, with the vast majority of these being non-accredited by the government.<sup>109</sup> And given the limited access and deficiencies with the public school system, even the very poor rely on private schools. Unfortunately, neither the private nor public schools demonstrate high levels of scholastic success. The delegation was informed that over 80 percent of students fail the required aptitude test at the end of their secondary education due to language difficulties. Compounding these challenges is the fact that there are very few English schools.<sup>110</sup>

Consequently, without proper planning and programs in place, U.S. citizen children will face significant integration challenges, threats to their wellbeing, and barriers to future success.

#### **IV. RECOMMENDATIONS**

To the United States Government:

**A. The Administration should extend TPS for Haiti for a period of 18 months.** This extension is appropriate because, consistent with the statutory requirements, Haiti continues to suffer from ex-

traordinary and temporary conditions which prevent its nationals safe return. As was the case a mere six months ago, extending TPS for Haitians is not contrary to the interests of the United States. Rather, extending TPS will promote regional stability as Haiti can continue to build on the progress it has made towards recovery, remittances can continue to facilitate growth, and the government can focus on mitigating the ongoing migration crisis at its border with the Dominican Republic. In addition, extending TPS will help prevent further irregular re-migration of these individuals to the U.S. and other countries. It will also prevent an unnecessary expansion in the undocumented population in the U.S.

**B. Congress should pass a legislative solution providing continued lawful status for those TPS recipients who have been provided protection in the United States for at least five years.** These individuals have personal equities that are closely associated with U.S. interests, such as U.S. citizen children, businesses, careers, and home mortgages. As a result, Congressional lawmakers need to work in a bipartisan manner to address long-term TPS recipients. Legislative solutions may include one-time relief for long-term TPS recipients, “protected status suspension” for persons in danger if returned to their country of origin, or adjustment of status for current TPS recipients who would be otherwise eligible for an immigrant visa and are admissible to the United States for permanent residence.

**C. The U.S. Embassy in Haiti should begin working on a plan to accommodate a potential influx of U.S. citizen children.** While it is appropriate and necessary to extend TPS at this time, we also recommend that the U.S. Embassy in Haiti begin to develop plans for the eventual termination of TPS. Given the large number of U.S. citizen children that may return to Haiti with their parents, integration services will be essential. Necessary services would include, at a minimum, language development and cultural orientation classes. The U.S. Embassy should also work with the Government of Haiti to prepare for and support the educational needs of this population, as well as support skills training and start-up small business grants for these youth.

To the Haitian Government:

**A. The Haitian government must develop improved and expanded programs to address protection and integration needs of returnees.** These services are essential to ensuring that nationals can be safely repatriated and to prevent forced re-migration. While there are immediate program needs at the border, such services would also help prepare Haiti to safely accommodate the eventual return of TPS recipients. These services should include, in part, issuance of documents for stateless individuals, expanded and sustained social services, as well as cash and housing assistance. In addition, improved

and long-term data collection is needed to determine the rate and success of sustained integration for these individuals.

**B. The Haitian government should, in collaboration with the international community and civil society, continue to address root causes of forced migration.** This must include renewed efforts to revitalize Haiti's economy (particularly in the tourism, agricultural, and textile industries), increase food security, improve the public education system, and expand employment opportunities for youth.

**C. The Haitian government should increase investment in its healthcare system and develop adequate water and sanitation infrastructure.** In addition to promoting the health of those in-country, this investment will be necessary to promote the health of repatriated individuals, a population which will include the young, ill, and elderly individuals.

To International Organizations and Civil Society:

**A. International organizations should robustly fund agencies working to support reception at the Haiti-Dominican Republic border.** Given the magnitude of the crisis at the border, additional resources are needed to adequately support return of individuals from the Dominican Republic. Mitigating this crisis will also help place Haiti in a better position to handle the eventual return of TPS recipients.

**B. International organizations and civil society should renew efforts to coordinate with ONM on expanded and sustained reintegration services.** Efforts should include funding to ensure individuals can return to their communities of origin, provide for immediate health and hygiene needs, and establish long-term reintegration services and data collection processes. In addition, organizations should partner with ONM to help build its capacity and expertise to provide these services.

**C. The UN and public health civil society should work together to robustly fund and implement cholera response efforts.** While the number of individuals being infected with cholera has decreased in 2017, continued efforts are needed to halt the epidemic in Haiti. International organizations and civil society actors should work together to continue cholera-prevention efforts such as vaccination campaigns. Additionally, actors should work with the Government of Haiti to identify gaps in access to cholera treatment and care.

## V. CONCLUSION

Haiti is in no position to accommodate the return of the estimated 50,000 Haitians who have received TPS. Doing so would potentially destabilize the small nation, derail its path to recovery, and possibly harm those returned, particularly the uprooted children. In addition, terminating TPS would needlessly create a large unauthorized Haitian population in the U.S. and contribute to unauthorized re-migration.

We urge the Administration to provide an 18-month extension of TPS for Haiti. This will allow the country to build upon the progress it has made towards recovery and help ensure individuals' return and reintegration can be safely accomplished. An extension of TPS will allow Haitians to continue to legally work, contribute to our communities in an authorized capacity, and live with dignity. In addition, it will help facilitate Haiti's long-term reconstruction by allowing the diaspora to continue to send home remittances to help the country rebuild.

We ask the Administration to show compassion and patience during Haiti's ongoing path to recovery. We look forward to working with the Administration, Congress, and others to help ensure TPS recipients and their families are provided the protection and support they need while Haiti rebuilds.

## VI. ACKNOWLEDGEMENTS

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Apostolic Nunciature of the Holy See in Haiti

Caritas - Haiti

Catholic Legal Services, Archdiocese of Miami, Inc.

Catholic Relief Services – Haiti

Diocese of Jacmel, Haiti

Haitian Embassy in the United States

European Union

International Organization for Migration

Jesuit Migration Service

Ministry of Foreign Affairs

Office of President Jovenel Moïse

United Nations Development Program

United Nations High Commissioner for Refugees

United Nations Stabilization Mission in Haiti (MINUSTAH)

U.S. Embassy in Haiti

## ENDNOTES

\* *Name changed to protect the identity of the individual.*

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“(A) the Attorney General finds that there is an ongoing armed conflict within the state and, due to such conflict, requiring the return of aliens who are nationals of that state to that state (or to the part of the state) would pose a serious threat to their personal safety;

(B) the Attorney General finds that—

(i) there has been an earthquake, flood, drought, epidemic, or other environmental disaster in the state resulting in a substantial, but temporary, disruption of living conditions in the area affected,

(ii) the foreign state is unable, temporarily, to handle adequately the return to the state of aliens who are nationals of the state, and

(iii) the foreign state officially has requested designation under this subparagraph; or

(C) the Attorney General finds that there exist extraordinary and temporary conditions in the foreign state that prevent aliens who are nationals of the state from returning to the state in safety, unless the Attorney General finds that permitting the aliens to remain temporarily in the United States is contrary to the national interest of the United States.”).

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105 *Meeting with Pierre Antoine Louis and Wilson Laleau et al.*, *supra* note 32 at 10; *Meeting with Father Lissainthe*, *supra* note 81 at 9.

106 Donald Kerwin and Robert Warren, *supra* note 4 at 582.

107 *Meeting with Mariana Rendon*, *supra* note 95 at 14.

108 *Discussion with Cassandra Bissainthe*, *supra* note 65 at 1.

109 UN Educational, Scientific and Cultural Organization, *Developing Capacities for a Stronger Education System in Haiti*, RELIEFWEB (Sept. 27, 2017), <https://reliefweb.int/report/haiti/developing-capacities-stronger-education-system-haiti>.

110 *Meeting with Roland-Francis Weil and Sandra Honoré*, *supra* note 51 at 5.