



# *Mission Trip to Haiti and the Bahamas*

## *July/August 2010*

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

### **Trip Delegation**

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## *The Displaced of Haiti: Long-Term Challenges and Needed Solutions\**

*\*This report contains observations made approximately six months following the earthquake of January 12, 2010.*

From July 24 to August 2, 2010, members of the U.S. Conference of Catholic Bishops' (USCCB) Committee on Migration (COM) and The Committee on International Justice and Peace traveled to Haiti, the Bahamas, and the Dominican Republic, to assess the situation of Haitians a little more than six months after the devastating earthquake of January 12, 2010, which killed 230,000 and injured 300,000 Haitians. The Committee on International Justice and Peace joined the delegation from July 25 to August 2 and focused on the relief and development situation in Haiti. Heading the delegation were Archbishop Thomas Wenski, archbishop of Miami and Bishop Nicholas DiMarzio, bishop of Brooklyn, New York. Archbishop Wenski and Bishop DiMarzio represent the two (arch)dioceses in the United States with the largest number of Haitians.



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## *Findings in Haiti*

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### *The Recovery*

More than eight months following the earthquake, Haiti remains in disarray. Recovery efforts are slow, with only one-quarter of the debris left from the earthquake removed and little or no permanent reconstruction efforts underway, although transitional shelter construction is increasing. About 1.5 million Haitians are homeless, living in close to 1,300 tent camps in or around Port-au-Prince. 80 percent of schools and 60 percent of hospitals in Port-au-Prince have been destroyed or damaged, as well as nearly 200,000 homes.

International assistance, delivered primarily by international and nongovernmental organizations (NGOs), has been used primarily for basic needs assistance to ensure the survival of the population, not for reconstruction efforts. Only a few of those NGOs who had already been working on development issues prior to the earthquake have continued or expanded their work on long-term development, especially in the countryside. The Haitian government, which lost one-third of its civil servants (all working around 5 p.m., the time of the earthquake), has struggled to oversee the relief and recovery efforts. The government of Haiti has named an Interim Reconstruction Commission that has begun to work with the World Bank Trust Fund set up by the international donors to guide the reconstruction and development efforts.

Despite these challenges, the people of Haiti continue to cling to hope that their country will recover and they and their children will have a brighter future. The United Nations and other international agencies, along with international NGOs, are working toward long-term solutions for Haitians and their families, but without a more concerted and timely effort to start the reconstruction effort and reinvigorate the economy--both from the Haitian government and the international community---Haiti could regress even further.

### *The Homeless of Haiti*

The delegation visited two temporary tent camps in Port-Au-Prince, one in Accra, which hosted approximately 18,000 people, and the other in Petionville, which had about 54,000 living there. The issues facing the population in these camps are many, with the primary need being more permanent shelter not susceptible to weather and the lack of privacy and security. Women and children remain extremely vulnerable in the camps, as women are subject to sexual and domestic violence, including rape, and children are prey to criminal elements, such as human traffickers.

The delegation also included Maria Odom, Executive Director of the Catholic Legal Immigration Network, Inc. (CLINIC); Kevin Appleby, Director of Migration Policy and Public Affairs for USCCB; Fr. Juan Molina, OSST, Foreign Policy Advisor for the Office of International Justice and Peace of USCCB; Mary DeLorey, Strategic Issues Advisor for Catholic Relief Services; Nathalie Lummert, Children's Program Director for Migration and Refugee Services (MRS) of USCCB; and Todd Scribner, Education Coordinator for Migration and Refugee Services/USCCB.

Migration and Refugee Services of USCCB and the Catholic Legal Immigration Network, Inc. (CLINIC), a subsidiary of USCCB, provide services to and advocate on behalf of Haitians in the United States. MRS operates a resettlement program out of Miami for Haitians who arrive in the United States in search of protection or a new life. CLINIC helps to provide legal representation for Haitians in the United States. Together, the two agencies work to influence the U.S. government to treat Haitian migrants with fairness, consistent with standards of decency and international law.

The goals of the trip were to ascertain 1) the status of recovery/reconstruction efforts and how they are impacting migration flows in Haiti and in the region; 2) the impact of the earthquake and its aftermath on vulnerable populations, including women and children; 3) the role of civil society and the Haitian Diaspora in the rebuilding and development efforts in Haiti; 4) how the policies of the U.S. and neighboring countries are affecting displaced Haitians; and 5) resources on the ground that are best positioned to assist in the reunification of families, particularly those with family members evacuated to the United States.





The delegation heard reports of nightly attacks on women who strayed from their tents, as well as robberies and assaults from others who entered the camps at night. Attempts are being made to improve security in the camps, with the installation of lighting and the introduction of child friendly spaces. However, over the long-term, security will continue to be a challenge, particularly if available resources dwindle. The eventual resettling of the camp residents to safer temporary and then permanent housing needs to remain the ultimate goal.



On a more positive note, many of the afflictions that often accompany natural disasters of this magnitude never materialized. In spite of some predictions, there were no major outbreaks of disease in the months following the earthquake. Despite the understandable social turmoil that did follow, there was not a breakdown in the civil order and chaos did not consume Port-Au-Prince. This is in large part due to the effective response by the governmental and non-governmental organizations in the region and that given by international community in the immediate aftermath.

Further, services remain available in the camps, such as food for children, soap, some water, and basic hygiene kits. The government of Haiti halted general food distribution in the camps as of March 31, in an effort to encourage camp residents to become more self-sufficient. Cash-for-work programs are evident in most of the camps and allow residents to work and earn about \$5 a day (the minimum wage in Haiti) to buy food or other basic necessities or to save to invest in a small business. More than 116,000 people have benefited from short-term cash-for-work employment. CRS and other international organizations also encourage participants in the cash-for-work program to use some of the money earned as an initial investment toward a private business, so that individuals can acquire financial independence and long-term economic stability.

Health clinics and doctors from international groups are available to camp residents.

According to sources, the camps have grown, not diminished, over the past several months, as very poor Haitians see them as a source of some regular services and possible long-term support. Several NGOs, including Catholic Relief Services (CRS) are engaging in the construction of more sturdy transitional shelters (T-Shelters) to replace the tents, but to date there is insufficient, secure land in Port au Prince allocated by the

government for re-location sites. This, along with the rubble and debris that continues to block potential sites, concerns over property rights, and related obstacles has further slowed progress on construction of the shelters. At the time of the delegation trip, only 4 percent of the 135,000 planned shelters have been built.

In addition to those remaining in the camps in and around Port-Au-Prince, there are other populations that remain internally displaced—those who went back to homes in their native towns in the countryside or were taken there by family members. International NGOs and the government of Haiti have assisted those arriving in the countryside only on a limited basis as the bulk of the aid has been focused primarily in Port-Au-Prince.

The assistance to those arriving in the countryside has been in the form of hygiene kits, household kits, school supplies and other low-impact aid. In some parts of the country aid has been provided in the form of food vouchers to households that have taken in earthquake displaced family members. Little has been done to help these people resettle and find long-term livelihoods. There has been the concentration of government services and the relief efforts by the international NGOs in the capital city of Port-Au-Prince. Programs like Cash for Work have been introduced in some rural towns to help the displaced regain livelihoods; but these programs have been limited in scope. More needs to be done to help those who moved out of Port-Au-Prince in the wake of the earthquake to remain in the countryside by helping them with shelter and livelihoods. The delegation found that many people who had hoped to go back to the capital had not done so because they did not foresee a better life there.

### *The Plight of Haitian Children*

Perhaps most disturbing to the delegation was the situation of Haiti's children--separated children, orphans, and children abandoned by parents unable to care for them. Thousands of Haitian children either without

parents or without the care of a parent live in hundreds of "orphanages" or "child-care centers" in and around Port-au-Prince. Sources claimed that the number of children in orphanages continues to grow, as parents who cannot care for their children will often leave them there. It is also estimated that as many as 60% of children living in these facilities are not technically orphans, but have one or more parent alive who may be unable to care for them on their own.



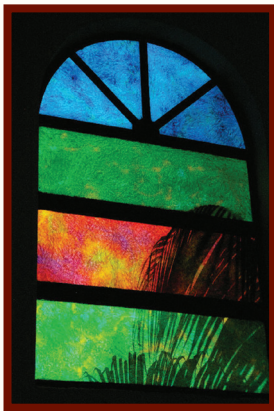
# Haiti

## Sacred Heart Parish... A Struggling Church

Established in the heart of Port-Au-Prince, Sacred Heart parish has for over one hundred years functioned as the spiritual home for thousands of mostly middle class Haitians. All of that changed on January 12, 2010. The earthquake that shook Haiti led to the collapse of the church and, along with it, the displacement of many of the five thousand families that lived in the parish neighborhood. Fr. Hans Alexander, a representative from the Haitian Episcopal Conference, estimated that nearly two thousand people in the neighborhood died, some of them in the Church itself.



Although many Haitian Catholics have struggled with the after effects of the earthquake and some have even questioned where God was in the midst of this tragedy, their strong faith has persevered. Fr. Hans recounted that it was the people of the parish who insisted that Mass continue to be said, even if in the shadow of the Sacred Heart Parish ruins. Once the rubble was removed, a makeshift altar was set up behind the parish remains, rows of pews were lined up in anticipation, and Mass continued to be celebrated as it had been before.



While the Haitian Catholics at Sacred Heart Parish and elsewhere in Port-Au-Prince showed great resilience and a deep commitment to their faith, the Haitian Church is still in great need and struggles to provide pastoral care, especially after the earthquake. Because of housing shortages, priests remained scattered throughout the city and into the countryside, making it difficult to provide regular access to the sacraments. It has also proven difficult to reach the thousands of

Haitians who reside in the refugee camps. One concern in particular focused on the need to provide a vital and public religious presence by the Church in these areas, so as to help the Haitians maintain their strength of faith in these trying times. The local church has thus emphasized the need for lay and clerical missionaries to go into the camps and help serve the spiritual needs of people there.

Children in Haiti are vulnerable to exploitation, particularly to the *restavek* system, a practice in which a child is sent to work for another family (often related to the child) with the hope that the child will have access to an education, or at least food and shelter. In general, the child lives in domestic servitude and slavery like conditions. They also are subject to traffickers, who may take them across the border into the Dominican Republic for domestic or field work, or to turn them out onto the streets to beg. Even prior to the earthquake, access to quality education for many vulnerable children was limited, but the destruction caused by the earthquake has amplified this problem many times over.



The delegation was able to visit one orphanage which lost both a dormitory and a school building during the earthquake. The children there---from young children to teenagers---were living in tents in difficult conditions. CRS was working with the orphanage to build temporary shelter for children and families, and has continued the laborious task of tracing the families of some of the children. In addition, CRS is actively involved in helping orphanages around the Port-au-Prince area. This includes providing help in the areas of food aid, school fees, sanitation training, the construction of latrines, and the provision of hygiene kits. They also employ a psychologist to help with trauma and counseling.



The latest challenges facing providers, caregivers, and the government is the lack of sustained and comprehensive child protection programming which will provide safe and appropriate care facilities for children, reunited children with their families safely, protect children from the restavek practice and other exploitative situations, and find long-term solutions for displaced and separated children. Family tracing efforts are occurring, but are sporadic and difficult to complete given the lack of government records, general dislocation of the population, the economic situation of families, and limited program funding. CRS, along with other NGOs, are working with some of the orphanages to find families, but the need in the country is greater than the available capacity.

The response of the Haitian government to its newest generation has been filled with gaps and affected by a lack of long-term sustainable solutions centered upon the “best interest of the child.” The Institut du Bien Etre Social et de Recherches (IBESR), charged with child welfare in Haiti, certifies the orphanages and oversees food distribution and basic services to children, but has not developed a system for alternative care for children, much less a comprehensive plan for their permanent placement. Although IBESR is tasked with the responsibility to monitor child care centers, in practice there is little or no oversight by government monitors to ensure that these institutions are meeting the minimum welfare standards for children that are requested by law. There also appears to be no plans among stakeholders in Haiti to introduce formal best interest determinations (BIDS) for displaced/separated children. Haiti has only recently begun considering new adoption cases.



## *The Plight of the Rural Population in Haiti*

Among the considerable challenges facing Haiti before the earthquake were: a) the need to offer the population significant access to health care, education, and



employment opportunities in the countryside; and b) the more specific need to help the rural/agricultural sector develop. In the aftermath of the earthquake, those challenges remain and are critically important to help the majority of the country's population get out of poverty. The delegation met with leaders of government, the business community,

and civil society to hear their concerns regarding these challenges and the ways to address them. The government's Interim Reconstruction Commission is beginning to include civil society and other economic actors at its meetings. The Commission has already developed a National Recovery and Development Plan (NRDP) with input from various sectors and has announced an initial round of projects to begin the reconstruction and the reinvigoration of the agricultural sector. Although the National Plan includes the reinvigoration of the agricultural sector and the decentralization of some government services in principle, it is unclear how part of these goals will be accomplished.

The delegation found that businesses outside Port-Au-Prince and many small farmers still had not heard how the government would be reaching out to them to accomplish the goals of the National Recovery and Development Plan. There was an impression that no steps had been taken to reach out to them, but multilateral donors, like the Interamerican Development Bank (IDB), had already created plans for investment in areas outside of Port-Au-Prince. Economic sectors like the textile industry did have plans for investment in other parts of Haiti and this sector was already involved in conversations with the government on how to implement those plans. There remains much to be done to help the agricultural and rural areas achieve basic sustainable development. It is also unclear how the Commission would work with faith-based communities to ensure that the NRDP is broad-based and ensures the long-term development of all of Haiti.

## *The Role of Civil Society and the Upcoming November 2010 Elections*

The delegation found that faith-based organizations and other civil society actors were still very much engaged in helping those affected by the earthquake to recover, but had not devoted much time to helping the government draft the National Recovery and Development plan. The reasons for this were varied and included: inadequate communication among civil society actors, insufficient dialogue with government officials, structural challenges, and limited abilities to maintain engagement in an extensive working process.

The majority of civil society and faith-based community leaders expressed concerns with the upcoming elections. There was a theme of “trusting government,” but much of the discussion focused on the need to work for real results in the country. For example, the Justice and Peace Commissions of the different Catholic Dioceses the delegation visited are involved in motivating people to be informed and engaged citizens in the elections. However, most of these Commissions related that the population seems to be dissatisfied with would-be candidates and the electoral process, and wondered whether elections alone would bring a change in terms of the development and stability to the country.

Other civil society and business leaders expressed the need for a country-wide process of dialogue and “sharing” of resources, power, and energies among all national actors as a precursor to elections that could then effect real change the direction of the country. While the role the Haitian Diaspora can play in such a dialogue seems to be important, reservations were also expressed regarding that role. The overall impression is that in the present environment the elections would be simply a “pro-forma” democratic process at best. The delegation heard many people affirming the role that civil society and church communities could play in creating a safe space for dialogue about the elections and a real development plan.



## *Recommendations for Haiti*

It was clear to the delegation that little progress has been made in Haiti other than the provision of the most basic necessities for the displaced population. With the Haitian government itself re-building its own capacity, the reconstruction of the country—which includes the relocation and protection of its population—could take years. Steps should be taken by the U.S. government and the international community to accelerate the process so that Haiti and its institutions, however frail, may recover more expeditiously. As a U.S.-based delegation, our recommendations are directed toward the U.S. government, which should work with the international community to achieve these goals.



**Clean-up of debris and condemned buildings must take priority.** Only one-quarter of the debris from the earthquake, including the destruction of condemned buildings, has been removed. This situation prevents the clearing of roads and portions of Port-Au-Prince, leaving traffic and commerce at a standstill. It also hurts the morale of the Haitian people, who are looking for some signs of progress, such as the reconstruction of schools, churches, and government institutions. The U.S. government and the international community must continue to work with the Haitian government to remove barriers, increase accountability and transparency, and decrease corruption that is preventing a rapid clean-up and reconstruction process.







*A long-term plan for the re-location or return of the displaced must be developed.* The “tent” camps which dot the landscape within and around Port-Au-Prince are not sustainable, place vulnerable groups at risk, and encourage a culture of dependency. Efforts must be increased to build transitional shelters for camp residents and to return Haitian citizen to their homes. The U.S. government must work with the Haitian government to hasten the processes for approving re-location sites and verifying ownership of land and homes so that Haitians can live in more stable and secure situations. Also, U.S. and other international aid could be used more extensively to assist those who left Port-Au-Prince and are now rebuilding their lives in the rural countryside.

Plans should ensure decentralization and the inclusion of civil society. The United States can work with the Haitian government to ensure the inclusion of civil society and the business sector in efforts to decentralize the economy and expand access to jobs, health-care, and education services. Assistance offered to the Haitian government can require decentralization and inclusion of civil society in order to strengthen the foundations for a transparent process of reconciliation and inclusion throughout all of Haiti.

Rural and agricultural development should take precedence in development plans. Job creation in the tourism and textile sectors appears to be a real and immediate possibility for Haiti, but the majority of the population still lives in rural areas where most people still struggle to increase production of food for consumption and market sales. It would be important for the Haitian government to receive assistance to ensure that sustainable rural agricultural development occurs, especially in, but not limited to, the production of native staples like tubers and legumes.

While the elections are important, working on national reconciliation is key—simply holding elections without real prospects for change will not allow Haiti to emerge from this crisis and move towards sustainable development. The Haitian government could start a process of dialogue with all sectors of Haitian society, especially including those in the countryside, to create a vision of development and collaboration for the entire country. The upcoming elections are important for the stability of a democratic government, but it seems the people want more than voting power. They want to create a future together. The United States should help the Haitian government create a fair electoral process and find solutions to the challenges of transparency, good governance and inclusion.

*Children must be protected, with best interest determinations introduced.* Some of the international attention on Haiti following the earthquake focused on the plight of children. Now, eight months later, children are in a more precarious position, exposed to exploitation and human trafficking. This trend must be reversed.

The U.S. government must work with the Haitian government and non-governmental organizations to protect children by:

- ▲ increasing family tracing efforts for orphaned and separated children and to introduce best interest determinations (BIDS) processes into child care centers;
- ▲ developing alternative care arrangements and follow up services for children, including host or foster families, if possible, with adequate supervision measures that prevent the incidence of established restavek practices;
- ▲ strengthening the capacity and oversight of existing child care centers to ensure children’s basic needs are met and children are protected from abuse;
- ▲ re-locating to a third country, including the United States, children whose long-term interests are best served outside of Haiti, as determined by a child welfare expert, including the possible adoption of that child;
- ▲ increasing protection efforts along the Haitian-Dominican Republic border to reduce and deter the ongoing violence, smuggling, and trafficking of Haitian children.



*The U.S. government should liberalize immigration policies toward Haitians.* The designation of Temporary Protected Status (TPS) for Haiti by the United States immediately following the earthquake was an appropriate response to the disaster, but, as the name clearly states, it is a temporary measure. Thanks to TPS and other discretionary measures such as deferred action, Haitians in the United States can now work and return remittances to relatives in Haiti, thus improving their ability to survive. There are other U.S. migration policies, some long-standing, that can be changed or modified in order to stabilize the situation in Haiti, including:

- ▲ Immediate family members of medical evacuees, especially children, should be paroled into the United States to reunify with their parent, spouse, or child;
- ▲ Temporary Protected Status (TPS) for Haitians should be re-designated, so that Haitians who arrived six months following the earthquake are permitted to apply;
- ▲ The process for applying for Deferred Action for post-earthquake arrivals should be simplified and streamlined. A clear policy should be drafted by DHS and should clearly encourage USCIS adjudicators to exercise discretion favorably for Haitian applicants for Deferred Action, irrespective of their manner of entry. That policy should be shared with the public in order to reassure the Haitian population that this form of temporary relief is a viable, safe option for them and that they should come forward and apply;
- ▲ A robust asylum screening program should be introduced, both on Coast Guard ships and the U.S. mainland, which guarantees Haitians to a credible fear determination and asylum relief, if possible.
- ▲ Haitian family members who have been approved for a U.S. visa but await a priority date should be paroled into the United States to join their family members while they wait; and
- ▲ A long-term adjustment of status program, similar to the Cuban Adjustment Acts of 1966 and 1996, should be established to permit a certain number of Haitians to enter the United States each year as permanent residents.



In the assessment of the delegation, Haiti is at a pivotal moment in its history which requires patience and cooperation. Without a concerted effort to reconstruct the country and to reform and restore its institutions, Haiti could fall backward in its development, and a generation of children and young Haitians could be lost. It is in the best interests of the United States and the international community not to fail in this mission.

The U.S. government should help create and support a long-term assistance plan for Haiti. A long-term assistance plan (with input and participation of Haitians) would create the possibility for supporting the Haitian government in improving governance and building capacity. It would also facilitate the inclusion of civil society and the business sector in efforts to decentralize the Haitian economy and the population's access to jobs, health-care, and education. All this would enable Haitian society to have a say in the future of the country as part of an inclusive process that can enhance stability. The plan should emphasize:

- ▲ rural and agricultural development;
- ▲ the role of the Diaspora in the recovery and development efforts;
- ▲ the need for decentralization of services and income opportunities in Haiti; and
- ▲ the inclusion of civil society and faith-based groups in the development process.

Such a plan would serve to encourage the Haitian government and civil society to look beyond the immediate needs of the country and plan for the future. It would enable different sectors (agriculture, textiles, labor) to work together to take advantage of the international assistance in a predictable fashion. The plan should have benchmarks for transparency and outcomes so that all the parties involved can set achievable and objective goals that can be reviewed annually. Setting good governance and accountability benchmarks should be an important part of a comprehensive plan.

It has been estimated that rebuilding Haiti could take up to ten years and up to \$15 billion. Nearly \$10 billion has already been pledged by the international community, but only about 15 percent has been disbursed. The U.S. government should commit to at least a medium-term funding plan that provides a framework for such aid and creates some predictability for the funding of reconstruction and development programs.





## *Findings in the Dominican Republic*

As the nation who shares an island with Haiti, the Dominican Republic (DR) represents an important player in responding to the earthquake in Haiti. In fact, the DR has shown great leadership in the aftermath of the disaster, opening its borders and providing medical care to thousands of Haitians. In spite of a historical, racial, and cultural divide between the DR and Haiti, the DR demonstrated a generous response in the immediate aftermath of the earthquake. But, as the recovery in Haiti progresses slowly, it is evident that the Government of the Dominican Republic is concerned about its ability to sustain health-care and other services which have been provided to Haitians to date.

The delegation traveled to Santo Domingo, the capital of the DR, as well as Santiago, Mao, and the border town Dajabon, in the province of Montecristi in northwest DR. Of the 700,000 residents in the province, 200,000 are Haitian. They often are discriminated against and even feel unwelcome in the churches. The delegation also traveled back into Haiti, visiting Ouanaminthe and Fort Liberte, transit points for Haitians traveling to the DR. Since the earthquake, as many as 10,000 Haitians have crossed into the DR, looking for medical access and other support services. Almost 4,000 have been treated in DR medical facilities. 1.2 million Haitians reside in the DR, about 10 percent of the entire population.



It should be noted that the Dominican Republic benefits from the United States Haiti Hemispheric Opportunity through Partnership Encouragement (HOPE) legislation in the U.S. which is primarily intended to help the Haitian apparel industry and has now been extended and improved under the Haiti Economic Lift Program (HELP). Using the natural links between the apparel industries (and related industrial parks along the common border) in both countries could help build a bi-national sense of a common future for the entire island.

## *The Status of Haitians in the Dominican Republic*

The issue of the migration of Haitians to the Dominican Republic has historically been a controversial one. Haitians have faced discrimination and DR immigration and asylum-related laws have been designed to halt their migration, not facilitate it. The generous response of the DR and its population to the earthquake marks a departure from that history and an opportunity to start in a new direction. However, challenges remain.



Perhaps the most sensitive area is the status of Haitians who have migrated illegally to the Dominican Republic. Under DR law, they and their children are not citizens of the DR, and, arguably, their children are “stateless,” since they are not DR citizens and do not have documents recognizing them as citizens in Haiti. Without legal status, they are without governmental protection and are subject to exploitation and denied basic human rights.

This situation has been highlighted by a 2005 decision by the DR Supreme Court, combined with a broad interpretation of the DR Constitution by the government, which denies Dominican nationality to children born to Haitian parents who are “in transit.” As a result, the government has retroactively stripped nationality from adults who were born in the Dominican Republic years ago because their parents—illegal Haitians—are now considered to have been “in transit” when they were born. These decisions have left an untold number of Haitians, some of whom have lived in the country for years, de facto stateless. Children born in the DR have been greatly impacted by this decision and it often results in their inability to continue their education, travel, and obtain necessary identity documentation.

# *Dominican Republic*

## *Shelter for Children: Hogar Vida y Esperanza*

While the Haitian earthquake proved to be a traumatic experience for anyone living through it, it proved especially trying for vulnerable populations, particularly children. Many Haitians injured during the earthquake were transferred to hospitals and shelters in the Santo Domingo area for care. One such institution that reached out its hand to help was Hogar Vida y Esperanza, a shelter managed by Fr. Manuel Ruiz that provides a safe haven for children and an opportunity to recover from their physical and psychological injuries. The physical trauma was most apparent and included a child of less than two years old who had lost a foot and a young boy in a wheel chair who had been stuck

under the rubble for eight days. The psychological injuries, while less apparent, were at least as difficult to deal with as its victims struggled to come to terms with the suffering, death, and terror that the earthquake brought with it.

Having lost parents, friends and other family members, not to mention the many personal injuries suffered, the children living at Hogar Vida y Esperanza were surprisingly cheerful and upbeat. Much of this had to do with the positive outlook of Fr. Ruiz who has instilled in the children and their family members around him a spirit of life, hope, and optimism for the future. It is through the tireless work of people Fr. Ruiz, who too often labor in relative obscurity, that the Haitian people will slowly recover from the tragedy of January Twelfth.



At the same time, a DR law passed in 2004 which regularizes the status of Haitians in the country has not been implemented. Implementation of this law would give Haitians the opportunity to become legal and would protect them from abuses.

Changes to the DR constitution in 2010 have made it even more difficult for a child born to Haitian parents in the DR to be recognized as a citizen. These changes essentially state that to obtain DR citizenship a child born there must have at least one Dominican parent.

The DR also does not employ a workable asylum system to screen Haitians who fear persecution. According to UNHCR, as many as 300 cases of Haitians eligible for refugee status remain unresolved.



## *The Dominican Republic-Haiti Border and Vulnerable Groups*

After the earthquake, the DR opened the border to Haitians, permitting thousands to enter and access health and other social services. Seven months later, Haitians continue to cross the DR border, but do so at great risk. Some who have attempted to cross have drowned in the river, while others have been smuggled or trafficked into the country. They are destined for either field work in the sugar cane fields and other agricultural sectors, or menial labor in the urban areas, but often must pay bribes to get to their destination. Some of the more fortunate Haitians make it past the web of DR military and police-sanctioned corruption and bribery at the border and make it to some of the DR's largest cities to work in the construction industry.

Most susceptible to smugglers and human traffickers are children. The delegation heard reports of children being smuggled into the DR to work in the fields, or, most likely, to beg on the street in Santiago, Santo Domingo and other urban areas controlled by human traffickers. One agency reported serving 59 individuals who had been trafficked since February. Other children enter the DR alone, either orphaned by the earthquake or sent by their families to work. Several groups along the border work to protect children, including CRS, the Heartland Alliance, the Juanista Sisters and Jesuit Refugee Services. They perform important and courageous work on behalf of children.



More must be done, however, by both the Haitian and Dominican governments to eradicate the trafficking of children in the border area. The Haitian government has deployed a Brigade for the Protection of Minors to prevent the smuggling of children along the border. As of the delegation visit, there were only two Brigade police officer positions, with one vacant, and two civilian positions designated to cover the Northeast section of the Haitian border. The Brigade functions as the representatives of IBESR, the Haitian child welfare agency, along the border region. Beyond this small representation, the Haitian Migration authorities have little presence along the border, with the closest IBESR office in Cap-Haitien, an hour away. Haiti also has no legal framework for prosecuting smugglers and traffickers, making it difficult to penalize them once apprehended.



On the DR side, 15 shelters for children existed in the aftermath of the earthquake, but only one shelter exists now, located in Santo Domingo. There are no shelters that are exclusively for children along the border, which makes it difficult to house unaccompanied children who are identified. The DR child welfare coalition, CONANI,

is currently able to accept children and place them in alternative care situations, but their capacity is limited.

An encouraging development has been the issuance of a protocol in the DR to protect vulnerable children who were displaced by the earthquake and to help determine their long-term care. The protocol requires that they be placed in an alternative care arrangement and that family tracing be conducted. In the end, the Haitian government decides the best interests of the child and whether a child should be returned to Haiti and his/her placement. However, according to sources, the Haitian government has limited capacity to return children safely to families or alternative care arrangements. Up to 60 Haitian children displaced from the earthquake remain in official care, including medical evacuees who may not be able to return to Haiti safely. Some children remain without a durable solution in the DR, where it is unknown whether long-term integration is possible.

Nevertheless, Haitian children remain extremely vulnerable along the Haiti-DR border. In most cases, children are being returned to Haiti without screening or proper placement, leaving them once again at risk. In accordance with the new protocol, 331 children have been returned to Haiti from Santo Domingo and border areas, mostly to family.

Single women and women head-of-households—over 2,000 according to a February survey-- are present in the border area, and can be subject to gender-based violence, including widespread domestic violence, rape and sex trafficking. There is only one safe house in the region for women and children at risk of trafficking.

The DR has not begun to deport Haitians in the interior of the country, but there is grave concern with the stress, as many Dominicans see it, placed on certain sectors—schools, hospitals, clinics, housing---by the increased number of Haitians. The DR has taken preliminary steps to address these concerns, announcing plans to launch a university across the Haitian border and to re-initiate a bilateral commission to discuss issues of concern, including migration.

Another vulnerable group includes those working in the free-trade areas along the border. Many of them are Haitian and enter the DR illegally, leaving them vulnerable to mistreatment in their work places (where their labor rights may not be recognized) and to harassment by human traffickers and gangs when they make the weekly crossing from Haiti into the DR. For example, many residents of Fort Liberté make their way illegally through the border into the DR to work in the industrial parks during the week, making their way back to Haiti on Fridays. Much needs to be done to uphold the dignity of these workers by recognizing their presence in the DR and find ways to regularize their work status at the plants and in the country.

## *Recommendations for the Dominican Republic*

As mentioned, the Dominican Republic (DR) has made important contributions to the Haiti earthquake and should be commended for its generosity to the Haitian people in the post-earthquake period. However, a lack of resources, the absence of legal structures to address the status of Haitians, and ongoing discrimination continue to place Haitians at risk within the DR. The U.S. government and the international community should work with the DR government to address these issues, in the following manner:

***The Issue of the Rights of Haitians born in the DR should be revisited and corrected.*** The interpretation of the DR constitution that children born to Haitian parents within the DR are not Dominican citizens should be reversed. This leaves a large number of persons of Haitian descent born in the Dominican Republic de facto stateless, as they are unable to access birth documentation in Haiti. At a minimum, the DR government should not implement this interpretation of the constitution retroactively, thus stripping Dominican's of Haitian descent of their Dominican nationality.

***Legislation enacted in 2004 to regularize the status of Haitians in the DR should be implemented.*** The DR government should issue regulations to implement the law enacted in 2004, thus giving Haitians legal status and an opportunity to integrate more fully into the DR.

***A more effective and robust asylum regime should be implemented.*** Currently, the DR has no proactive system for screening Haitians or other nationalities for persecution claims. The United Nations High Commissioner for Refugees (UNHCR) estimates that in the DR about 300 asylum cases, the majority Haitian, are in process and that about 75 other cases are eligible for resettlement to a third country. Resettlement to third countries should be considered for vulnerable cases.

***More attention and resources should be given to combat human trafficking, especially of children.*** As a "tier three" country as designated by the U.S. State Department Trafficking in Persons report, the DR must take steps to prevent and prosecute human trafficking. There is evidence that Haitian children are being trafficked into the DR, to work in agriculture, beg on the streets, or perform domestic work, yet little is being done to apprehend and prosecute traffickers. To be sure, the Haitian government must cooperate in this effort.

***Children along the border and in urban areas must receive protection.*** While the work of several NGOs and CONANI has strengthened protection for minors, they remain vulnerable to criminal elements. DR authorities,

in conjunction with the United Nations, should more proactively identify and rescue Haitian minors on the streets in urban areas, along the border, and in agricultural areas. The DR protocol protecting vulnerable children should be expanded to include permanent planning for children, the U.S. government should help Haiti ascertain the best interests of Haitian children in the DR, including permitting children to be placed there and an emphasis on UNHCR referrals for resettlement for those in need.

***The U.S. government and the international community should provide the DR government more resources to achieve these goals.*** Despite the generosity of the DR government following the earthquake, the DR itself is a poor country, with 40% of the nation's population living in poverty. More assistance should be made available to the DR to respond to the Haitian population and to help implement needed reforms.

***A more just way of dealing with Haitian workers entering the DR to work in the industrial parks and elsewhere should be found.*** Such a strategy would include an acknowledgment of the fact that Haitian workers do find employment in the factories and are needed for DR's economic wellbeing. Also, many of those factories have plants in Haiti and have established themselves in the area primarily due to the benefits they receive from the HOPE/HELP legislation. The textile industry could work with both governments to find ways to regularize the status of Haitian workers and to find ways to cooperate bi-nationally.





## *Findings in the Bahamas*

The delegation traveled to the Republic of the Bahamas to assess the situation of Haitians in that nation. As many as 80,000 Haitians live in the Bahamas, with the majority residing in the area surrounding Nassau, but a significant number on surrounding islands. Typically not considered a final destination, the Bahamas lie in the direct path of Haitians attempting to reach the United States by boat.

The U.S. government, employing a rigid interdiction policy against Haitians, uses the Bahamas as a firewall against Haitians reaching Florida, often referring to it as the “third border of the United States.” The U.S. Coast Guard, with stations in the Bahamas, routinely patrols the area and interdicts Haitians approaching by sea. Typically, if they are intercepted in Bahamian waters, they are brought to the Carmichael Detention Center in Nassau for detention; otherwise, they are returned directly to Haiti. In fact, the U.S. Coast guard interdicted 328 Haitians near the Bahamas on repatriated them to Haiti in early August of this year.

Other than the Archdiocese of Nassau, Haitians in the Bahamas have no representatives or nongovernmental organizations to advocate on their behalf or to provide them services, such as health-care or other social services.

### *The Status of Haitians in the Bahamas*

As is fairly common in other countries throughout the Caribbean, Haitians face discrimination in the Bahamas, described as “cultural discrimination.” This is manifested in how they are treated by Bahamian authorities, who respond to political pressures placed on them by Bahamian



citizens and their elected officials. Prior to the earthquake, Haitians were routinely subject to enforcement raids, including house invasions in the middle of the night. Many Haitians who

reach the Bahamas enter with false documents, and may or may not receive work permits, thus subjecting them to exploitation in the workplace. It is not unusual for a Haitian who does find work, often without a permit to do so, to be denied payment for the work they do. With few legal avenues to redress this situation, there remains little incentive to pursue employment as a way to better their economic status.

Very poor newly arrived Haitians live in areas which are without proper sanitation or housing and are known as “slums.” The delegation visited these dwellings and witnessed very poor living conditions for Haitian families, just 10 minutes away from the tourist areas in Nassau. The houses populating these slums are often little more than small, one room, plywood homes that are packed close together and are separated by a maze of narrow paths.



After the earthquake, the Bahamian authorities suspended the deportation of Haitians for a few months, but such deportations are now resuming. The delegation participated in a town hall meeting with the Haitian community, who complained of renewed harassment, deportations, and revocation of work permits. They stated that these measures are taken randomly and are not subject to Bahamian law.

Bahamian law requires children of foreign nationals born in the Bahamas to apply for citizenship at the age of 18. For children of Haitian parents, this presents a potential statelessness issue, as they can be deported with their parents back to Haiti at any time. Even if they make it to age 18 without being deported with their parents, they can be refused citizenship. Although the Haitian government considers children born to Haitian parents abroad as citizens, it is difficult to obtain legal documentation from the Haitian government. Moreover, children who are deported with their parents are returned to a country they do not know.



## ***Bahamas***

### ***Reverend Roland Vilfort: A Tireless Advocate for Haitians***

Although the exact number of Haitians living in the Bahamas differs depending on to whom one speaks, even conservative estimates range in the tens of thousands. Given that most of them are Catholic, the Church plays an indispensable role in responding to the religious and spiritual needs of Haitians living throughout the island country. It is Fr. Roland Vilfort, head of the Haitian Apostolate of the Archdiocese of Nassau, who is the priest given primary responsibility to provide for such needs.

In addition to attending to the spiritual needs of his people, Fr. Roland has also made an effort to respond to the multiplicity of other needs that affect this community. Throughout the delegation's time in the Bahamas he repeatedly expressed his concern that there are few immigration attorneys who are willing to assist Haitian migrants with their legal problems, a lack of Catholic social service agencies to assist with the provision of support for Haitian families, and a dearth of human rights experts who would be willing to advocate on behalf of Haitians who live there. In response to this relative lack of civil society, he highlighted the need for a broader set of institutions that would work on behalf of Haitian migrants. Such institutions would advocate for legislation that is more migrant friendly and protective of their human and civil rights. They would also work to shape Bahamian culture into a society that is more welcoming of Haitians who seek to make the Bahamas their home.

## ***The Carmichael Detention Center***

The delegation visited the Carmichael Detention Center, located outside of Nassau, which is used to house migrants who are in the Bahamas illegally and in anticipation of their deportation. While there, we had an opportunity to view the administrative offices, the kitchen, and the woman's barracks, and visit with some of the detainees for a short time.

While the Bahamian authorities stated that the average stay in the detention center was 3 days, the detainees told another story. Some Cuban men reported that they had been detained for 10 months, while a group of Haitians had been detained for 2 months. Bahamian immigration officials confirmed that the Cuban men will not be accepted back to Cuba.

The conditions in the detention center were questionable. The men's barracks had broken out windows and there was no individual privacy or individual storage areas—in fact the women appeared to have little or no individual possessions with them. Detainees could use the pay phones nearby, but were without phone cards or money to call long distance to their relatives. One woman told the delegation that she had been unable to speak with family in her home country for the three weeks she has been detained. While there was no young children present during the delegation visit, officials reported that children were detained in the same barracks with the women. The detention center contained a playground with tall fences. One boy who told the delegation he was 17-years old was housed in the men's barracks.

Bahamian authorities reported that they screen detainees for persecution claims and then call the United Nations High Commissioner for Refugees (UNHCR) if there is a claim. UNHCR does not have an office in the Bahamas. They also stated that children are placed with social services for alternative care. This was later contradicted by community leaders who expressed concern about conditions and treatment of detainees. Religious services for the detainees, including Catholic Mass, have been denied on a regular basis.





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## *Recommendations for the Bahamas*

It is clear that Haitians in the Bahamas face discrimination. They are interdicted at sea and either detained in the Bahamas or returned to Haiti, or they enter with false documents or clandestinely and then are unable to work to support themselves, living in slum, segregated areas. Children born to Haitian parents are not eligible for Bahamian citizenship until the age of 18 and thus face possible deportation with their parents back to Haiti. This reality occurs within a few miles of sandy beaches, tourist attractions, and high-end resorts.

*The U.S. government should screen Haitians interdicted in Bahamian waters for persecution claims.* Currently, the U.S. Coast Guard will hand over Haitians to the Bahamian authorities without any screening as to their legal status or persecution claim. Haitians should be screened prior to handing them over to Bahamian authorities, as they do not receive such screening by Bahamian authorities.

*The U.S. government and UNHCR should more closely monitor the Carmichael Detention Center and work with the government to implement a more workable asylum protection system.* Conditions at the center should be monitored frequently and the U.S. government should work with Bahamian authorities to resolve the cases of detainees more expeditiously. Alternative arrangements should be made available for children and women with children. Allegations of abuse should be investigated immediately by third party monitors. Efforts should be made to ensure that religious freedom is respected and that detainees are provided access to religious services on a regular basis. The U.S. government should urge the Bahamian government to work with UNHCR to establish a formal process for adjudicating asylum claims.

*The U.S. government should encourage the Bahamian government to revise its current policies and laws regarding the treatment of Haitians.* The enforcement of laws against Haitians is random and subject to political pressures. Work permits and visas can be revoked without justification by Bahamian authorities, with no due process for Haitians to appeal such actions. Enforcement raids fail to adhere to basic rights, such as entry without a warrant.

*Children of Haitian parents should not be rendered stateless.* The Bahamian law which in practice denies citizenship to children of Haitian parents should be revised. Families with children born in the Bahamas should be allowed to remain in the Bahamas.

*Haitians in the Bahamas need support from international and non-governmental organizations.* Steps should be taken to permit non-governmental groups and international organizations to operate in the Bahamas on behalf of the Haitian community.



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## *Conclusion*

The situation in Haiti is a desperate one. With the reconstruction moving slowly, Haitian families and children live in dangerous circumstances. It is vital that the international community renew its efforts to get the country moving again, with both additional resources and help in overseeing and sustaining the reconstruction and development efforts.

Separate from this natural disaster, Haitians continue to face challenges in the Caribbean region. They continue to confront discrimination and exploitation in many forms. Children are the biggest victims in this calamity and require special protection and attention.

We commend the efforts of all those struggling to remedy an almost impossible situation, including international and Church based NGOs, the U.S. and Dominican Republic governments, Haitian civil society, and the Haitian government itself. We are particularly thankful to Catholic Relief Services (CRS), which hosted our delegation and which continues to perform life-saving work in difficult circumstances.

The January 12 earthquake has altered the future of Haiti forever, but there is opportunity to rebuild the nation toward a brighter future. We pledge our efforts in achieving that goal.

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Archbishop Patrick Pinder, Archbishop of Nassau

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Laura Dills	Jeanne Marcia Tancil
Ellen Powers	Kossi Kpogo
Mary Lineberger	Ludger Jean Simon
Abby Johnson	Emilio Jean Louis

### *In the Dominican Republic*

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### *In the Bahamas*

Fr. Roland Vilfort, Head of the Haitian Apostolate