

March 12, 2010

Secretary Janet Napolitano  
Department of Homeland Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Secretary Napolitano:

We write to express our appreciation for the actions you have taken since the January 12 earthquake in Haiti. As the full impact of the earthquake has become clear, we also write to respectfully ask you to take additional steps to address the scope of current Haitian migration needs.

Family reunification should be paramount at a time of such loss and grief. Expediting family reunification through safe and orderly migration channels would keep families together, increase U.S. remittances to Haiti, and help to avoid dangerous maritime migration.

Equally important, while the U.S. takes steps to prevent Haitians from risking their lives at sea, lawlessness, impunity, and persecution often follow natural disaster. Haitians interdicted at sea must be screened to determine if they are refugees. The U.S. cannot ignore its international treaty obligations to protect those who are fleeing persecution.

Specifically, we ask that DHS implement the following measures:

- Create a Haitian Family Reunification Parole Program: Thousands of Haitians who reside legally in the U.S., many as U.S. citizens, have been waiting for years for the U.S. government to issue visas to their family members in Haiti so that they may join them here. Some 19,000 Haitians have visa applications pending, and nearly 55,000 Haitians have been approved for family visas but are on waiting lists to enter because Congress has set limits on how many may come each year. The Cuban Family Reunification Parole Program, implemented by DHS under President George W. Bush in 2007, allows Cuban beneficiaries of approved family-based immigrant visa petitions to come to the United States rather than remain in Cuba during the long wait for a visa. A similar program should be created for Haitians.
- Grant Humanitarian Parole and TPS to Immediate Family Members of Haitians with TPS: Immediate family members, including the spouse and children, of Haitians granted TPS should be allowed to reunite with their family members and be granted temporary legal status within the United States. Children should be able to derive their parent's TPS status for the time the parent is authorized to legally reside and work in the United States. Spouses should be allowed to join their TPS recipient spouses through humanitarian parole.

- Create a Haitian Parole Lottery Program: To abate spontaneous and uncontrolled migration from Haiti, the U.S. should consider replicating for Haitians the successful Cuban parole lottery program, which has allowed individuals who do not qualify as refugees or immigrants to seek to enter the United States with humanitarian parole and which has been successful in significantly reducing the number of Cubans attempting to reach the U.S. by sea. Access to the lottery should be open to Haitians regardless of family ties to the U.S., education, or work experience, and any fees associated with the program should be payable after arrival in the U.S. This will help to ensure access for Haitians in most need of the opportunity to support themselves and their families.
- Consider Detained Haitians for Release: As Haitians have the potential to become "long-term" DHS detainees because deportation could be delayed indefinitely due to the conditions in Haiti, detained Haitians should be immediately released from detention unless the government can demonstrate that they pose a danger to the community. All Haitians released from detention should be provided with work authorization.
- Rescind the "Shout Test": Under a policy in place since the 1990s, only Haitians who physically or verbally resist repatriation are evaluated to determine if they have been persecuted or fear persecution in Haiti. Not all asylum seekers escaping by boat are subject to this policy, known as the "shout test." Cubans are provided information in Spanish informing them that they can raise concerns about their return. Chinese are given a questionnaire asking about their reasons for leaving their country. Haitians are not screened at all, and as the U.S. does not require interpreters on the boats they cannot truly communicate any fear of return. It is indefensible that Haitians are given unequal opportunity to express a fear of persecution based solely on who they are and the fact that they are from Haiti. DHS should abandon its policy of declaring that asylum seekers at sea are not protected by the Refugee Convention and start ensuring that Haitian asylum seekers interdicted at sea receive the protections to which they are entitled under our country's international treaty obligations.

We appreciate your attention to the plight of Haitians in the aftermath of this tragedy and look forward to your response.

Sincerely,

*International and National Organizations*

American Immigration Council

American Immigration Lawyers Association

American Jewish Committee

American Jewish World Service

Asian American Justice Center

Association of Haitian Professionals

B'nai B'rith International

Black Alliance for Just Immigration

Christian Reformed Church Office of Social Justice

Church World Service-Immigration and Refugee Program  
Daughters of Wisdom  
Disciples Justice Action Network-Disciples of Christ  
Dominican Sisters of Houston  
Episcopal Migration Ministries  
Ethiopian Community Development Council, Inc.  
Friends Committee on National Legislation  
Grassroots International  
Haitian Renewal Alliance  
Haitian-American Grassroots Coalition  
Haitian American Volunteer Efforts Foundation  
Haitian Diaspora Federation  
Hebrew Immigrant Aid Society  
Human Rights First  
Institute for Justice and Democracy in Haiti  
International Rescue Committee  
Jesuit Refugee Service-U.S.A.  
Jewish Council for Public Affairs  
Jewish Council on Urban Affairs  
Jewish Labor Committee  
Jubilee Campaign U.S.A.  
Lambi Fund of Haiti  
Lutheran Immigration and Refugee Service  
Mennonite Central Committee U.S. Washington Office  
National Immigration Forum  
National Immigrant Justice Center  
Quixote Center  
Rabbinical Assembly  
Refugee Women's Network, Inc.  
Refugees International  
Sisters of Mercy of the Americas, South Central Community  
Society of American Law Teachers  
United Methodist Church  
TransAfrica Forum  
Unitarian Universalist Association of Congregations  
Unitarian Universalist Service Committee  
United Methodist Church  
U.S. Committee for Refugees and Immigrants  
Wider Church Ministries-United Church of Christ  
Women of Reform Judaism  
Women's Refugee Commission  
World Relief

*Local Organizations*

Baltimore Jewish Council: Baltimore, Maryland  
Casa de Esperanza: Bound Brook, New Jersey

Catholic Caucus Southeast Michigan: Auburn Hills, Michigan  
Center for Gender and Refugee Studies: San Francisco, California  
Dominican Sisters of Houston: Houston, Texas  
El Rescate Legal Services, Inc.: Los Angeles, California  
Foundry United Methodist Church: Washington, District of Columbia  
H.I.A.S. and Council Migration Service of Philadelphia: Philadelphia, Pennsylvania  
Jewish Alliance for Law and Social Action: Boston, Massachusetts  
Jewish Community Action: Saint Paul, MN  
Jewish Family and Career Services: Atlanta, Georgia  
Jewish Family Service: Seattle, Washington  
Jewish Family Service of Buffalo and Erie County: Buffalo New York  
Jewish Vocational Service of MetroWest, Inc.: East Orange, New Jersey  
Pennsylvania Council of Churches: Harrisburg, Pennsylvania  
Refugee Family Services, Inc.: Atlanta, Georgia  
Sisters of Charity of Saint Elizabeth: Convent Station, New Jersey  
United Jewish Appeal-Federation of New York: New York, New York  
Welcoming Immigrants Network: Dallas, Texas

*Individuals*

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Michael Clemens, Center for Global Development  
Reverend Charles W. Dahm, O.P., Dominicans of North America