



**Institute for Justice &  
Democracy in Haiti**



**Black Alliance for Justice  
Immigration**



**Center for Human Rights  
and Constitutional Law**

## **LETTER TO BIDEN ADMINISTRATION TO END THE INTERDICTION OF HAITIAN REFUGEES AND DEPORTATIONS TO HAITI**

October 25, 2023

Honorable Joseph R. Biden, Jr.  
President of the United States  
White House  
1600 Pennsylvania Avenue  
Washington, DC 20500

Washington, DC 20528  
The Honorable Antony Blinken  
Secretary of State  
U.S. Department of State  
2201 C Street, N.W.  
Washington, D.C. 20520

The Honorable Alejandro Mayorkas  
Secretary of Homeland Security  
U.S. Department of Homeland Security  
2801 Nebraska Ave., NW

Dear President Biden, Secretary Mayorkas, and Secretary Blinken:

On the night of August 14, 2023, a supporter of a self-defense group that formed to defend Haiti from the spreading control of gangs was murdered with his family, just hours after seven others were burned alive by gang members.<sup>1</sup> Spokesperson for the UN High Commissioner for Human Rights Ravina Shamdasani stated that the murder “underscored the extreme brutality of violence

---

<sup>1</sup> Spokesperson Ravina Shamdasani, *Haiti: Deaths and injuries amid gang violence*, Office of the High Commissioner for Human Rights, United Nations (August 18, 2023), <https://www.ohchr.org/en/press-briefing-notes/2023/08/haiti-deaths-and-injuries-amid-gang-violence>.

being inflicted on the population and the impact it is having on their human rights.”<sup>2</sup> In just the week leading up to the August 14 murder, gang members killed or injured 28 people and looted or set on fire at least 50 homes.<sup>3</sup>

Gang violence is escalating in Haiti and expanding to areas that were previously considered safe, including the capital, Port-au-Prince. Homicide, rape, kidnapping, and violent criminal incidents have more than doubled. In the first three months of 2023 there were over 1,600 incidents, twice the number in the first three months of 2022. Maria Isabel Salvador, Special Representative of the Secretary-General and Head of the United Nations Integrated Office in Haiti (BINUH) stated “[t]he Haitian people cannot wait — we need to act now.”<sup>4</sup> Human Rights Watch found that “[r]eturns to Haiti are life-threatening now, and will continue to be so, until security conditions in Haiti improve ... Violence has worsened an already severe humanitarian crisis.”<sup>5</sup> Haiti is “facing perhaps its steepest challenge in recent decades as its piecemeal government, now lacking any democratically elected officials, struggles to chart a path forward amid gang violence and a cholera outbreak.”<sup>6</sup> The Institute for Justice and Democracy in Haiti recently issued a detailed report, *Human Rights and the Rule of Law in Haiti: Key Recent Developments* (December 2022 through May 2023), regarding the acute insecurity and humanitarian crises in Haiti and how catastrophic insecurity has continued to grow in incidence, geographic reach, and brutality, now reaching levels associated with armed conflicts. Amid the chaos, in early June flooding displaced thousands and killed over 40 people.<sup>7</sup>

**The White House must (1) stop supporting the corrupt and repressive de facto government of Ariel Henry and (2) immediately end all immigration policies that persecute, exclude, and deport Haitian refugees.**<sup>8</sup>

We were heartened to see that in December 2022, DHS Secretary Mayorkas redesignated and extended Haiti for Temporary Protected Status. In his press release, Secretary Mayorkas wrote: “The conditions in Haiti, including socioeconomic challenges, political instability, and gang violence and crime – aggravated by environmental disaster – compelled the humanitarian relief

---

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> United Nations Press Release, As Haiti Slides into Violence, Its People ‘Cannot Wait Any Longer’ for Assistance, Foreign Minister Tells Security Council (Apr. 26, 2023), <https://press.un.org/en/2023/sc15266.doc.htm>.

<sup>5</sup> Human Rights Watch, *Haitians Being Returned to a Country in Chaos* (Mar. 24, 2022), <https://www.hrw.org/news/2022/03/24/haitians-being-returned-country-chaos>.

<sup>6</sup> Becky Sullivan, *As its only remaining elected officials depart, Haiti reaches a breaking point*, NPR (Jan. 18, 2023).

<sup>7</sup> Caitlin Hu, At least 42 dead and thousands displaced in Haiti after flooding, CNN (June 5, 2023), <https://www.cnn.com/2023/06/05/americas/haiti-flood-intl-latam/index.html>.

<sup>8</sup> For more information and to support the #StoptheProp campaign to support Haitian democracy, see Institute for Justice and Democracy in Haiti, IJDH, [https://www.ijdh.org/press\\_release/why-stoptheprop-nothing-in-haiti-will-change-until-the-u-s-government-stops-propping-up-haitis-corrupt-repressive-illegitimate-de-facto-government/](https://www.ijdh.org/press_release/why-stoptheprop-nothing-in-haiti-will-change-until-the-u-s-government-stops-propping-up-haitis-corrupt-repressive-illegitimate-de-facto-government/); see also Haitian-American leaders call on Biden to dump Ariel Henry,” by Rafael Bernal, The Hill, September 25, reporting on the incredibly strong September 22 by the NHAEN, the National Haitian American Elected Officials Network, <https://thehill.com/latino/422348-haitian-american-leaders-call-on-biden-to-dump-ariel-henry/#:~:text=A%20group%20of%20Haitian%2DAmerican,Ariel%20Henry%27s%20grip%20on%20power.>

we are providing today.”<sup>9</sup> Many Haitians present in the U.S. on or before November 6, 2022, will be temporarily protected from deportation. Your administration’s January 5, 2023, announcement on New Border Enforcement Measures and Additional Safe and Orderly Processes will help some Haitian nationals enter the U.S. lawfully.<sup>10</sup>

Nevertheless, the US Coast Guard’s interdiction of Haitian nationals continues despite a ruling by the Inter-American Commission on Human Rights’ won by the Center for Human Rights and Constitutional Law on March 13, 1997, finding that the interdiction program violates the “right to life” under international law.<sup>11</sup>

Your Administration in January introduced parole processes for Cubans, Haitians, Nicaraguans, and Venezuelans. To benefit, Haitians must have a valid Haitian passport and a U.S. sponsor able to pay their plane ticket and to support them financially. Most Haitians have neither. Your Administration has also improved access to the Haitian Family Reunification Parole Program. However, this program also does not provide sufficient relief to Haitian people seeking to flee dangerous and repressive conditions by boat, because beneficiaries must already have a U.S. Citizen or Lawful Permanent Resident close family member who has successfully applied for a family visa for them and they must then receive a discretionary invitation to apply for parole issued by DHS.

*With this background in mind, we are writing to urge your Administration to temporarily suspend all (1) U.S. Coast Guard interdictions of Haitian asylum seekers, and (2) Immigration and Customs Enforcement (ICE) deportations of Haitian nationals who possess a credible fear of persecution if removed to Haiti. Credible fear determinations should be made fairly, compassionately, and consistently with U.S. obligations under the U.N. Protocol Relating to the Status of Refugees and clear guidance from DHS.*

We also strongly urge your administration to support Haitian-led efforts to restore democratic elections and peace in Haiti, as proposed by Haitian civic, religious, and political organizations. The United Nations Security Council recently approved a year-long multinational security mission for Haiti led by Kenya, aimed at reducing rampant gang violence in Haiti. While this action may improve stability over the long term, it is highly unlikely to substantially improve the

---

<sup>9</sup> Secretary Mayorkas’ announcement of Dec. 5, 2022,

<https://www.uscis.gov/humanitarian/temporary-protected-status/temporary-protected-status-designated-country-haiti#:~:text=ALERT%3A%20On%20Dec.%205%2C,of%20the%20country%20for%20TPS.>

<sup>10</sup> January 5, 2023, announcement on New Border Enforcement Measures and Additional Safe and Orderly Processes

<https://www.dhs.gov/news/2023/01/05/dhs-continues-prepare-end-title-42-announces-new-border-enforcement-measures-and>

<sup>11</sup> IACHR Decision of the Commission as to the merits of Case No. 10.675, March 13, 1997,

<https://www.cidh.oas.org/annualrep/96eng/USA10675.htm>

catastrophic conditions that currently force thousands of Haitians to flee their homeland in small, unsafe boats.

The most effective way for the U.S. to stem the flow of Haitians making the perilous journey by sea to find freedom and safety is by supporting Haiti's efforts to rebuild a safe and healthy democracy. Until there is peace in Haiti, the U.S. must commit to not deporting or turning away Haitian refugees who have credible fear of returning to Haiti.

Respectfully,

**Center for Human Rights  
and Constitutional Law**

Peter Schey  
Executive Director  
Los Angeles, California

**Black Alliance for Just  
Immigration**

Nana Gyamfi  
Executive Director  
Tsion Gurmu  
Legal Director  
Los Angeles, California

**Institute for Justice &  
Democracy in Haiti**

Brian Concannon  
Executive Director  
Steven Forester  
Immigration Policy  
Coordinator  
Marshfield, Massachusetts

**Haiti Action Committee**

Adrienne Aron  
Leslie Mullin  
Health Research  
Bay Area, California

**NorCal Resist**

Sacramento, California

**Her Justice, Inc.**

New York, New York

**Real Cost of Prisons  
Project**

Northampton,  
Massachusetts

**No More Deaths**

Tucson, Arizona

**Al Otro Lado**

San Ysidro, California

**Diocesan Migrant and  
Refugee Services Inc.**

El Paso, Texas

**InterReligious Task  
Force on Central  
America**

Cleveland, Ohio

**Lamar Unidos**

Lamar, Colorado

**Washington Defender  
Association**

Seattle, Washington

**Public Law Center**

Santa Ana, California

**Interfaith Refugee &  
Immigration Service**

Los Angeles, California

**Clergy and Laity United  
for Economic Justice**

Los Angeles, California

**Center for Gender &  
Refugee Studies**

San Francisco, California

**Miami Workers Center**

Miami, Florida

**American Friends  
Service Committee  
(AFSC)**

Imani Cruz  
Global Policy Coordinator  
for Migration Justice  
Philadelphia, Pennsylvania

**Black Freedom Factory**

Kimiya Factory  
Executive Director  
San Antonio, Texas

**Committee on Chicano Rights (CCR)**

Herman Baca  
President  
National City, California

**Terma Foundation**

Nancy Harris  
Medical Director  
Half Moon Bay, California

**Migrant and Immigrant Community Action Project**

Jessica Mayo  
Co-Director  
St. Louis, Missouri

**Asian Americans Advancing Justice SoCal**

Christina Tsao  
Staff Attorney  
Anaheim, California

**Immigrant Defenders Law Center**

Alison Steffel  
Staff Attorney  
Los Angeles, California

**Latinos Unidos por Cristo en Hermandad y Apoyo (LUCHA)**

**Ministries**  
Kenneth Park  
Executive Director  
Warsaw, Virginia

**Dignidad/TRII**

Doug Smith  
Legal Programs Director  
Waltham, Massachusetts

**Migration Studies University of San Francisco Immigration & Deportation Defense Clinic**

Bill Hing  
Professor of Law and  
San Francisco, California

**Salvadoran American Leadership and Educational Fund**

Jocelyn Duarte  
Executive Director  
Los Angeles, California

**National Immigration Law Center**

Kica Matos  
President  
Washington, DC

**The Refuge**

Doug Nelson  
Earth and Social Justice  
Pastor  
Denver, Colorado

**Boulder Valley Unitarian Universalist Fellowship**

Bob Norris  
Chair Immigration Task  
Force  
Lafayette, Colorado

**Centro Legal de la Raza**

Olivia Haas  
Paralegal  
Oakland, California

**Director of Global Strategy Cooperative Baptist Fellowship**

Javier Perez  
Atlanta, Georgia

**Justice for Immigrants Diocese of San Bernardino**

Aguirre Wilfredo  
Director of Advocacy &  
San Bernardino, California

**Immigrants List Civic Action Inc**

Ira Kurzban  
Chair  
Miami, Florida

**Strategic Solution Washington**

Rick Swartz  
President  
Washington, DC

**Families For Freedom**

Janiah Heard  
Development Coordinator  
New York, New York

**American Friends  
Service Committee**

Jordan Garcia  
Director  
Denver, Colorado

**Project Lifeline**

Hope Frye  
Executive Director  
Laredo, Texas

**Suri Immigration Law  
Services**

Barbara Suri  
Immigration Attorney  
New York, New York

**Mixteco Indigena  
Community Organizing  
Project**

Liza Diniakos  
DOJ Accredited Legal Rep  
Oxnard, California

**Latino Leadership  
Institute**

Jaime Estades  
Executive Director  
New York, New York

**Immigrant Legal Center  
of Boulder County**

Laurel Herndon  
Executive Director  
Boulder, Colorado

**HIAS Pennsylvania**

Cathryn Miller-Wilson  
Executive Director  
Philadelphia, Pennsylvania

**American Constitution  
Society At Large Chapter**

Jan Brown  
President  
New York, New York

**The Universal Negro  
Improvement Association  
& African Communities  
League****(UNIA-ACL) RC2020****Rehabilitating  
Committee**

Senghor Baye  
1st Assistant President  
General  
Washington, DC

**California Coalition for  
Women Prisoners**

Linda Evans  
Organizer  
Santa Rosa, California

**Legal Services for  
Prisoners with Children**

Kellie Walters  
Staff Attorney  
Oakland, California

**Fellowship Southwest**

Stephen Reeves  
Executive Director  
Dripping Springs, Texas

**Alliance of Iranian  
Americans**

Babak Sotoodeh  
President  
Santa Ana, California

**Law Office of Susan  
Scarle Philips**

Susan Philips  
Attorney at Law  
Austin, Texas

**Play It Out PLLC**

Priya Raghav  
Social Worker  
Kirkland, Washington

**Independent Voices**

Venu Menon  
Pro bono attorney  
Redwood City, California

**Rodriguez Consulting  
Group**

Jorge H Rodriguez  
South Pasadena, California

**Music Changing Lives**

Josiah Bruny  
CEO  
San Bernardino, California

**Asian Pacific American  
Labor Alliance (APALA)**

Ian Seruelo  
Chapter Leader  
San Diego, California

**Women of Color/Global  
Women's Strike**

Margaret Prescod

Jeffrey Graham  
Attorney at Law  
Ecounselaw, Ltd  
San Diego, California

Eileen Morrison  
Immigration Lawyer  
Law Office of Eileen  
Morrison  
Newtonville,  
Massachusetts

Curtis Doebbler  
Attorney at Law  
The Law Office of Dr  
Curtis FJ Doebbler  
San Antonio, Texas

Gary Manulkin  
Attorney at Law  
Manulkin, Tanner, and  
Associates  
Orange, California

Mark Nerenberg  
Attorney at Law  
Law Offices of Mark E.  
Nerenberg, P.C.  
New York, New York

Ban AlWardi  
Attorney at Law  
Law Office of Ban  
AlWardi  
Los Angeles, California

Megan McCloskey  
CEO  
Brown Dog Consulting  
Seattle, Washington  
Dianne Post  
Attorney at Law  
National Association for  
the Advancement of  
Colored People (NAACP)  
Phoenix, Arizona

Patricia Black Kelly  
Attorney at Law  
Law Office Patricia E.  
Black  
San Rafael, California

Emily Love  
President  
Law Office of Emily Love  
PC  
Evanston, Illinois

Daniel Roemer  
Attorney at Law  
Law Office of Daniel  
Roemer, PC  
Walnut Creek, California

Jim Tom Haynes  
Attorney at Law  
Haynes Novick Kohn  
Washington, DC

Mary Carr  
Psychotherapist  
Director of  
Training/Consultation  
M. Sarah Carr, MA,  
LMHC

Sara Bursac  
Mental Health Provider  
CorrHealth  
Deborah Vinall  
LMFT, PSYD  
Tamar Counseling Services

Karen Ollivierre  
Attorney at Law  
Tulsa, Oklahoma

Susan Hinely  
PhD, JD  
Visiting Scholar  
Stony Brook University

Annabel Hoffman  
Attorney at Law  
Dallas, Texas

Elaine H Kim  
Professor Emerita  
University of California  
Berkeley, California

Victoria Sanford  
Lehman Professor of  
Excellence  
Lehman College  
City University of New  
York

Angela Cornell  
Clinical Professor of Law  
Cornell University Labor  
Law Clinic

Marie Boyle  
Registered Nurse  
Board of Director

New York State Nurses Association (NYSNA)	Judith Benkert Registered Nurse (retired) Catholic sister	International Concerned Family & Friends of Mumia Abu-Jamal
Heather Elizondo Vega MD	Adrian Dominican Sister Leslie Park Pastor	Catholic Church Houston, Texas
Nadine Wilcox Nurse (retired)	Warsaw Baptist Church Warsaw, Virginia	Juan Ernesto Mendez Professor of Human Rights in Residence Washington College of Law - American University
Kathleen O'Gorman Professor (retired) Illinois Wesleyan University	Elket Rodriguez Field Personnel Cooperative Baptist Fellowship Harlingen, Texas	Elaine Leitner Attorney at Law (retired) Mediator/Professor
Daniel Kowalski Attorney & Counselor at Law	Barbara Matthews Graduate Student Columbia University	Trudy Bond EdD
Adjckwc Browne Managing Partner Browne Law	Sue Smith Social Worker Cooperative Baptist Fellowship Fredericksburg, Virginia	Carrie Rosenbaum Assistant Professor of Law Chapman University
Mary Neal Attorney at Law	Julie Solomon PhD Program Evaluation Consultant	Mariposa McCall Psychiatrist
Greg Smith Field Personnel Cooperative Baptist Fellowship Fredericksburg, VA	Elizabeth Kiehne PhD	Navneet Thind PhD
Trista Miller Attorney at Law	Kari Converse Attorney at Law (retired) Volunteer	Devi Murphy PhD Associate Professor
Norma Alarcon Professor (retired) University of California Berkeley, California	Suzanne Ross Clinical Psychologist PhD	Margaret Cammer New York State Judge (retired)



Lizette Bolanos Nauth Occupational Therapist (MS, OTR/L)	Cape Cod Coalition for Safe Communities Eastham, Massachusetts	Luzelly Frias Psychotherapist Innergy Counseling PLLC
Karin Stanford Professor California State University Northridge, California	George Jones Attorney at Law	Alan Hyde Distinguished Professor Sidney Reitman Scholar Rutgers University
Pamela Reyes Realtor	Love Macione Attorney at Law	Joe Olague Educator (retired) California State Teachers' Retirement System (CALSTRS) Member
Gonzalo Santos Professor California State University Bakersfield, California	Jeri Shepherd Attorney at Law Jeri D. Shepherd, Attorney at Law	Sarah Blue  Geography Professor Texas State University
Linda Barreto Managing Director Professor of Law New American Legal Clinic San Joaquin College of Law	David Kleinkopf Member Kleinkopf and Associates, LLC	Rulx Jean-Bart (retired)
Amanda Cort Nurse Practitioner	Devra Weber Professor Emerita, History University of California Riverside, California	Sandra Jackson  Susan Posey Interpreter
Rachael Power MD	Karen Sokal-Gutierrez MD, MPH Clinical Professor (retired) University of California Berkeley, California	Sharon Sneed  Sarah Garrick
Eve Shapiro MD		Anne Raeff Educator (retired) Published Writer Volunteer Interpreter
Phyllis Dodd Licensed Clinical Social Worker	Patricia O'Reilly Reverend St. George's Episcopal Church Pasadena, California	Noam Stopak Software Engineer (retired)
L. Michael Hager (retired)		

Guadalupe Orvananos

At Large Delegate Ward 3  
Democrats

Montye Fuse

Alexander Henson  
Attorney at Law

Linett Negroni

Cassandra Lambey

Hiroko Goto

Christine Starkie  
Of Counsel

Javier Aceves  
Physician (retired)

**ccs:**

Neera Tanden  
Director of the Domestic Policy Council  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Jake Sullivan  
National Security Advisor  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500