

Declaration Second Forum on Haitian Migration Miami, December 1, 2017

Haitian migrant Crisis in the Americas requires immediate global response

We, the undersigned human and migrant rights organizations, Catholic Church, international community, civil society and universities are strengthening our continental network. This network is focused on understanding the complexity of Haitian migration and promoting the protection of human rights of this population. This year we organized two International forums. On May 25-26 the first forum took place in Cartagena, Colombia. On November 30-December 1, the second forum took place in Miami, United States.

In our May 26, 2017 Cartagena Declaration we presented a diagnosis of the worrying situations that Haitians face in the continent. It is an example of the complex migration reality in the continent and the world. In this second forum, we remain concerned about this situation. There is a persistence of criminalization and discrimination against Haitian migrants and a deterioration of their human rights. These include decisions by some governments including anti-immigrant policies, Donald Trump Administration's decision towards Temporary Protected Status (TPS), deportations by the Bahamas, the Dominican Republic and other states without respecting due process. In addition, migrants face on-going obstacles in their ability to obtain asylum, other humanitarian protection mechanisms in Canada and regressive migration measures in the Southern Cone. We also identified good practices of regulation of Haitian migration in Brazil and Argentina and some local authorities have put in place welcoming practices.

We wish to underscore that the country of Haiti is not in a condition to receive and integrate deported Haitians. The reasons for this include the effects of successive natural disasters (2010 earthquake and 2016 Hurricanes Mathew/Maria), the cholera epidemic that was introduced to the country and persistent weakness of national institutions. Forcibly returning Haitians to these conditions will only destabilize the country. It will fuel in the short and long term the phenomena of trafficking in persons and smuggling of migrants and dangerous forms of migration. These persons' human rights will deteriorate, they are likely to become more vulnerable socio-economically, to face increased racial discrimination and a deepening humanitarian scenario.

Given the above, we call upon States and governments of the continent must realize urgent and integral actions to address this situation and effectively protect Haitian migrants. The Global Compact for Migration must prioritize protection of Haitian migrants. This Compact must take into account State obligations within the framework of the United Nations International Decade for People of African Descent (2015-2024).

In addition to the prior demands and recommendations made in our Cartagena Declaration of May 2017, we insist on the following:

-The United Nations (UN) must promote stable and durable commitments for Haitian migrants in the 2018 Global Compacts for Migrants and Refugees.

-The Organization of American States (OAS) must exhort within the political sphere and through the Inter-American Human Rights System, that each one of its member States implement immediate actions. These actions should guarantee the right to migrate and vehemently reject regressive political decisions and migration policies. The OAS should develop a regional strategy that seeks rights based durable solutions for migrants.

-All of the Continent's States and governments should regulate migration with public policies, based upon a human rights approach. The rights of children and family reunification should be prioritized. Accompanying these policies should be obligatory inclusive and antiracist instruments of local integration and reception in communities.

-The UN and the international community should join efforts to address the structural causes of migration in Haiti. This includes on the part of the UN to fulfill its obligation to repair the damage done by introducing Cholera and sexual aggressions in the country. The UN should continue its mission in Haiti with a do no harm approach.

In conclusion we demand that:

1. All migration policies and legislation in the Continent are based upon an international rights and human rights framework. They should include respect for due process and the principle of solidarity.
2. The Donald Trump Administration must cease i) its decision to end the TPS program for 59,000 Haitians and other migrants from other countries who need protection without legalizing their migration status and ii) political actions that criminalize and stigmatize these populations. Directives to return and/or deport Haitians are grave given that this population has for years constructed their lives in a new country, with children who were raised there. As such, finalizing TPS constitutes a violation to the integrity of Haitian migrants and is discriminatory and racist towards an afro descendant population.

3. The Congress of the United States should pass legislation to regularize the status of Haitian migrants with TPS status so that they can obtain legal residency in the country.
4. The Dominican Republic should cease its discriminatory and exclusionary policies against Haitian migrants. It should reinstate fully the nationality of Dominicans of Haitian descent who were made stateless by Ruling 168-13.
5. The countries of Mexico, Central America and the Andean Region should strengthen their system to prevent and respond to the human rights violations committed against migrants in transit, the phenomena of trafficking with special attention paid to female and children migrants. In addition, they should advance the construction or reform of norms, public policies and adequate institutionally that focus on the rights of migrants.
6. Southern Cone countries must maintain multilateral efforts that support the rights of Haitian migrants and advance processes of protection and Latin-American citizenship that is rights based. Receptor and transit countries must respect and guarantee the rights of migrants and principle of non-refoulement.

The American continent can serve as an example for the world. We should work to make our societies more solidarious, inclusive and hospitable with migrants. The world of the XXI century requires real transformations when it comes to migration. For this to be the case, the States and communities should impulse economic, judicial and social processes that are inclusive of migrants. As such, the Americas should serve as an example for the world in the Global Compact where prosperity and democratic societies are only possible starting with the full respect for the human rights of migrants.

Sincerely,

- Consultoría para los Derechos Humanos y el Desplazamiento-CODHES-, Colombia
- Instituto de Estudios Sociales y Culturales Pensar- Pontificia Universidad Javeriana, Colombia
- Facultad de Derecho y del Centro de Derechos Humanos de la Universidad de Dayton (Ohio, Estados Unidos), y el Gremio Nacional de Abogados (National Lawyers' Guild, Estados Unidos)
- Red Jesuita con Migrantes para América Latina y el Caribe
- Catholic Legal Services, Archdiocese of Miami.
- Washington Office on Latin America (WOLA)

- Comité Ciudadano de Defensa de los Naturalizados y Afromexicanos (CCDNA-México)
- Americas Network on Nationality and Statelessness
- Center for Justice and International Law-CEJIL
- P. Jean Robert Déry, SJ, Directeur National du Service Jésuite aux Migrants/Solidarite Fwontalye-Haïti.
- Max MICHEL - République Dominicaine
- Daniel Antonio Cuevas Jaramillo- Bogotá - Colombia. Red Jesuita de Migrantes Latino América.
- Altagracia Jean Joseph- República Dominicana. Fundación Código Humano (Funcohum)
- P. Mauricio Burbano A., S.I.- ECUADOR. Servicio Jesuita a Refugiados (Ecuador)
- Dannell Price- New York USA
- Élisabeth Giroux- Canada
- Jean-Berthony Saint-Germain / SJB- République d'Haiti
- Frantz Voltaire – Canada. Centre international de documentation et d'information haïtienne, caribéenne et Afrocanadienne.
- Marlène Rateau- Canada.
- Géthro JEAN, Haïti
- Suzanne Loiselle – Canada
- Claude MOÏSE- Canada
- Jean-Claude Icart- Canada
- Catherine Bourgeois- Belgique
- Jean Yves Fernand- Canada
- Kénel SÉNATUS- España
- Luis Joseph Carazas Neyra- Perú
- Dr. Camilo Perez-Bustillo, Director of Advocacy, Research and Leadership Development Hope Border Institute/Instituto Fronterizo Esperanza. El Paso, Texas; Profesor- Investigador, Univ of Dayton Law School; Coordinador, secretaria permanente del Tribunal Internacional de Conciencia de los Pueblos en Movimiento (Mexico)
- Angénor BRUTUS - Haïti