

HUMANITARIAN PAROLE CRISIS:

How Racist
Policies and
Practices
Deny Haitian
Refugees Work
Authorization





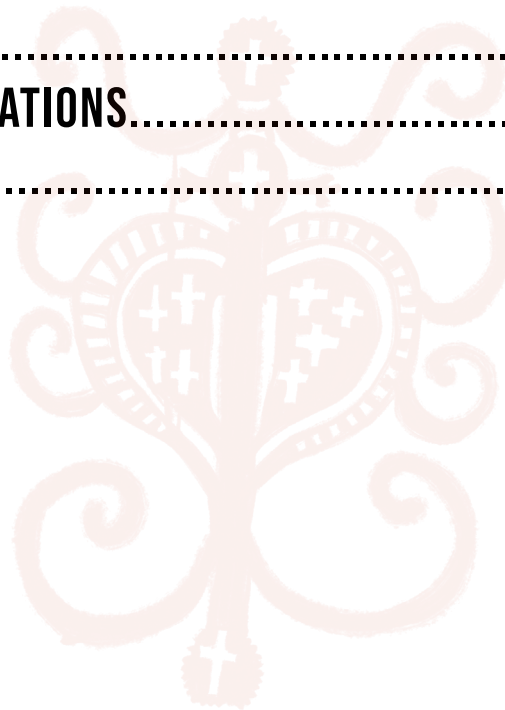
Cajuste addressing a crowd of 5,000 Haitian immigrants on the U.S. Capitol Grounds in Washington D.C., in 1998 just before the passing of the Haitian Refugee Immigration Fairness Act (HRIFA), which won legal permanent residency for over 50,000 Haitian nationals.

IN MEMORY OF CAJUSTE LEXIUSTE

Lexiuste Cajuste, a beloved and respected leader within Haitian Women for Haitian Refugees (HWHR), the wider Haitian community, and the global human rights movement, transitioned on August 18, 2023. Cajuste's journey with HWHR began in 1993, when he sought asylum in the U.S. after his home was set ablaze in Haiti and we connected him with legal representation through the Lawyers Committee for Human Rights. In Haiti, Cajuste was the General Secretary of the CGT, a union representing a diverse range of workers. Despite enduring severe torture, Cajuste's resilience never waned, leading him to champion justice for the Haitian people. He played a vital role in various initiatives, including advocating for the rights of Haitian workers and immigrants, leaving an indelible mark on the fight for dignity and respect in the Haitian community. In 1998, he addressed a significant gathering of Haitian immigrants on the U.S. Capitol Grounds, a momentous event preceding the passage of the Haitian Refugee Immigration Fairness Act. This act granted legal permanent residency to over 50,000 Haitian nationals. Cajuste will always be remembered as a force to fuel our efforts as we fight for the right for Haitian immigrants to work with dignity and respect.

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ABOUT THE AUTHORS



Haitian Women for Haitian Refugees (“HWHR”) was founded in 1992 to respond to the refugee crisis faced by Haitian immigrants in the U.S. and Guantanamo Bay. Over the years, HWHR has provided support to thousands of families who sought asylum in the U.S. after being persecuted in Haiti. With a transnational approach, the organization has promoted climate justice and engages individuals and communities in various solidarity response projects, including the Birthright Campaign in the Dominican Republic to combat anti-Haitianism and statelessness, water justice to address increased droughts in Haiti, and relief for Haitian victims during and in the aftermath of natural and man-made disasters. Currently, HWHR provides culturally competent programs that include immigration-related screenings and referrals, community education, supportive services, and healing-centered community organizing. Through education, community organizing, leadership development, and collective action, HWHR members empower themselves as they struggle for social, economic, and racial justice. HWHR members engage in collective efforts and movement work to combat exclusion, oppression, and institutionalized racism that impacts their lives.



TakeRoot Justice (“TakeRoot”) partnered with HWHR to conduct this research. TakeRoot provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic, and social oppression. TakeRoot’s Participatory Research and Policy team partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a participatory action research model in which low-income and excluded communities are central to the design and development of research and policy.

ACKNOWLEDGEMENTS

This report was authored under the guidance of Ninaj Raoul, Executive Director of Haitian Women for Haitian Refugees with TakeRoot Justice Research & Policy staff Irene Linares and Erin Markman. HWHR staff and volunteers Rose Taina Exant, Ninaj Raoul, and Baba Yaw Vilmar conducted the interviews with impacted Haitians and Jean Kenell Joseph and Finney Tony Jean translated and transcribed them. TakeRoot's Immigrants' Rights team provided invaluable insight on the immigration system. Deep thanks to Aline Gue for recognizing the need for this project and connecting HWHR to the Participatory Research and Policy team at TakeRoot.

Haitian Women for Haitian Refugees (HWHR) is grateful to our funding partners and community institutions for supporting the work to create and launch this report & our ongoing organizing campaign to fight for immigrant rights. Thanks to the Andrus Family Fund, Black Led Movement Fund, Black Migrant Power Fund, The Four Freedoms Fund, Haitian Studies Institute, Hispanics in Philanthropy, North Star Fund, Sparkplug Foundation, and the Emergent Fund for your unwavering support.

We would especially like to thank the Haitian refugees who participated in this project for generously agreeing to be interviewed and sharing their current struggles for this report during this most difficult time in their lives as an act of self-advocacy. Their brave voices, traumatic experiences, and deep personal knowledge provided us with a lens into their lived experiences, helping us to understand the inequities that mar U.S. immigration policies and practices and impact their lives daily. We are as grateful for their assistance as we are awed by their resilience and the courage they bring to the fight against anti-Haitianism and the struggle for the just treatment of Black immigrants in the U.S.



A NOTE ON OUR LANGUAGE

In our work, Haitian Women for Haitian Refugees uses the term *refugee* as defined by the 1951 Refugee Convention to refer to someone who is unable to return to their country of origin due to warranted fear of persecution for reasons of race, religion, nationality, political belief or membership of a particular social group.¹ We emphasize that our use of the term *refugee* is intentionally different from that of U.S. federal agencies, which use the term as a narrow legal status that limits the rights of global refugees.

Further, we reject the use of the term *migrant* as an umbrella term as it has long been used by the U.S. government, because of the deliberate use of this term to minimize the extent to which people are forced to leave their homes, especially populations from specific countries. As used by the U.S., *migrant* is a strategic legal term that ultimately narrows the scope of asylum eligibility of refugees by suggesting that migrants are not eligible for asylum.

In this report, we use the phrase *refugee*, *asylum seeker* and *migrant*, which is meant to avoid any confusion when discussing immigration policy while being inclusive and illustrative of the breadth and dignity of the refugee experience and rejecting the brutality of institutionalized racism and its strategic verbiage.



INTRODUCTION

The treatment of Haitian refugees, asylum seekers and migrants in the United States has recently garnered widespread media attention. Many will be familiar with the highly publicized targeting of Haitians who were stranded under the Del Rio Bridge in Texas in the summer of 2021, and with the violent events that followed that were viewed by people all around the world: a precipitous increase in deportations including families with young children; the resumption of dehumanizing treatment with callbacks to slavery, such as chases by mounted U.S. Customs and Border Protection officers and shackling Haitians with thick chains during deportations; and more.ⁱⁱ ⁱⁱⁱ These events are part of a long legacy of racist and xenophobic U.S. immigration policy with deep historical roots and substantial current-day consequences.

Haitian Women for Haitian Refugees' position in New York City's Haitian community has allowed us to witness the way Haitian and other Black refugees, asylum seekers and migrants are treated by the U.S. government via its immigration policies and practices—some of which were originally designed to deter Haitians centuries ago and stem from decades of imperialist and White supremacist actions on the part of the United States with respect to Haiti.

Through our advocacy work, we saw the grant periods of humanitarian parole for Haitians become significantly shorter, a trend that began during the Trump administration, at times worsened during the Biden administration, and continues today. **Humanitarian parole is a status granted to some individuals which allows them to be paroled in the U.S. for a temporary period based on “urgent humanitarian reasons.”**^{iv} The parole allows them to apply for a critical lifeline: the Employment Authorization Document (“EAD”), also known as a work permit, so that they can support themselves and their families while pursuing a more permanent immigration status.^v

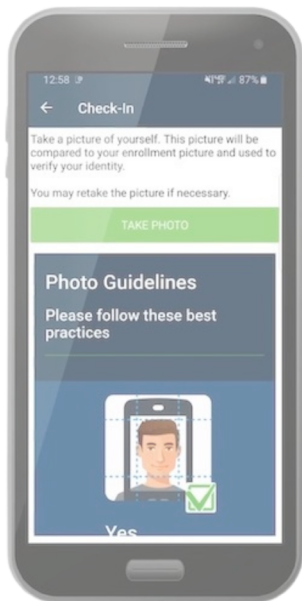
We partnered with TakeRoot to interview directly impacted Haitians, legal service providers, and advocates about this issue. Those interviews and our background research inform this report and our policy recommendations.

This paper demonstrates that Haitian refugees, asylum seekers and migrants were granted humanitarian parole periods that were effectively meaningless because they provided insufficient time to apply for employment authorization, let alone to work. We also demonstrate significant delays in the processing of employment authorization applications for Haitians. The result is that recently arrived Haitians were put in a cruel and heartbreaking position: entering the U.S. with no pathway for legal, dignified employment and significantly restricted access to other resources.

This report and its findings were drafted during a period of rapidly changing immigration policy. These changes, explained below, could be viewed as potential gains for a limited number of people seeking entry into the U.S., but they contain troubling aspects. We see them as reactionary ploys aimed to continue to limit migration, distract the public from U.S. treatment of immigrants, particularly Haitian and other Black refugees, asylum seekers and migrants, and as politically motivated in preparation for the 2024 election cycle.

In January 2023, shortly after we conducted our research, an existing program, which was previously accessible only to Venezuelans, was expanded to include qualifying Cuban, Haitian, and Nicaraguan nationals. Now called the CHNV Parole Program, this program enables a limited number of asylum seekers from these countries to temporarily reside in the U.S. if they have U.S.-based financial supporters and provides for a two-year grant of humanitarian parole.^{vi}

Another newly introduced measure that ostensibly streamlines the immigration process is the expansion of an existing mobile application called CBP One, which is now designated for use by those who arrive in Mexico and provides for a one-year grant of humanitarian parole. The expansion of the application aims to address the end of the use of Title 42, a public health law which was essentially weaponized during the COVID-19 pandemic to expel refugees, asylum seekers and migrants at the U.S. border without granting them asylum. CBP One enables those in Northern Mexico and parts of central Mexico to use the app to schedule appointments at ports of entry for processing.^{vii viii} However, there are troubling obstacles in utilizing the CBP One application. Using the application requires literacy skills, a working cell phone and stable internet, all of which can be substantial barriers for asylum seekers. In addition, asylum seekers must submit personal information in advance of entrance to the U.S., which can be difficult to accomplish.



Another deeply troubling aspect of this program is the application’s racial bias in its facial recognition technology; Black refugees, asylum seekers and migrants report challenges in uploading their photographs to the application—a central requirement of the program.^{ix}

While CHNV and CBP One may appear to enable immigration to the U.S., both contain logistical challenges and limitations, and other policies and practices have simultaneously made it more difficult to pursue asylum. Moreover, we view these programs as distraction tactics to divert attention from a mass forced return of Haitians by way of deportations, expulsions, and repatriations. Reports show that nearly 27,000 Haitian asylum seekers have been deported to Haiti since Biden took office, in “the largest mass expulsion of asylum seekers in modern history.”^x

While the policy landscape has shifted since our research was conducted, the findings from our research remain relevant and our policy recommendations remain urgent. Our findings related to delays in processing Employment Authorization Documents will impact refugees, asylum seekers and migrants who are now entering the U.S. through newly developed channels. And our findings about humanitarian parole demonstrate the necessity of longer parole terms than those established by recent policy and practices, as well as the flaws with the system writ large. Our policy recommendations remain critical and relevant even in a rapidly changing policy landscape.

This report provides a brief overview of how U.S. immigration policy has created and sustained a humanitarian crisis in how it treats Haitian asylum seekers, refugees, and migrants seeking refuge in the U.S., and focuses primarily on the issues of shortened humanitarian parole and barriers to receiving employment authorization. We seek to:

- Shine a light on the ways in which access to humanitarian parole has been recently limited for Haitian refugees, asylum seekers and migrants, and the necessity of extending humanitarian parole terms.
- Document the substantial bureaucratic delays in processing Employment Authorization Documents, and the resulting inability of Haitians to live and work with dignity.
- Demonstrate the racism inherent in the treatment of Haitians both historically and present day.
- Share how impacted Haitians describe the impact of these conditions on their lives.
- Advocate for comprehensive and sustainable policy recommendations that humanely address the findings of our research.



Louikencia Jean Doriscan, a community organizer with Family Action Network Movement (FANM), leads a rally on Dec. 15, 2021, in front of the Toussaint L'Ouverture Memorial Statue in Little Haiti, Miami, demanding an end to deportations of Haitian refugees, migrants, and asylum seekers (Alexandra Martinez)

Haitian refugees, asylum seekers and migrants deserve the right to live and work with dignity in the United States. The most expansive protections for Haitians would be to cover them under Deferred Enforced Departure (“DED”) or re-designate Temporary Protected Status (“TPS”) for Haitians beyond the current extension, and we advocate strongly for these solutions. In the interim, we call on the Department of Homeland Security and other applicable agencies to implement a number of urgent changes. Detailed recommendations are found at the end of this report, and highlights include:

- Extend humanitarian parole to five-years and implement a policy of automatic extensions.
- Streamline and accelerate the processing of Employment Authorization Documents (“EADs”), waive the EAD application fee for humanitarian parole recipients and implement a policy of automatic renewal for EADs.
- Increase accountability for employers who fail to honor an employee’s application for automatic renewal of and/or TPS, and ensure employees are entitled to lost wages and, if applicable, to reinstated positions, in the event that an employee loses their wages or job due to an employer’s failure to adhere to the Federal Register Notice.
- Create meaningful opportunities for community-based organizations, immigration advocates and legal service providers to engage with government agencies around policies and practices that impact immigrants.

METHODOLOGY

HWHR used the following methods for this report, with support from TakeRoot:

Interviews with Directly Impacted Haitians

TakeRoot trained HWHR to conduct semi-structured interviews with seven directly impacted Haitian individuals. The interviews were conducted in Haitian Creole and were then translated, transcribed, anonymized, and analyzed for themes. These interviews were conducted in October 2022.

Interviews with Legal Service Providers

TakeRoot researchers conducted interviews in English with seven legal service providers based in New York City, New Jersey, and in San Ysidro, CA (an important location in California where thousands of refugees, asylum seekers and migrants cross the border seeking entry into the United States). The interviewees were selected for their expertise in working with Haitians, and/or because they work with other populations and could speak to the disparate treatment of Haitians. The interviews were transcribed, recorded, and analyzed for themes. These interviews were conducted from June 2022 through January 2023. Interviewee names and organizational affiliation are attributed unless they requested to remain anonymous. They are:

Anonymous, Haitian Americans United for Progress, Inc., New York, NY

Sandra Dieudonne, Catholic Charities, New Jersey

Stephanie D. Delia, The Haitian Legal Network, Inc., New York, NY

Aline Gue, TakeRoot Justice, New York, NY

Hollie Webb, Al Otro Lado, San Ysidro, CA

Joy Ziegeweid, Immigrant ARC, New York, NY

Anonymous, New York, NY

Legal and background research

TakeRoot conducted legal research on the issues of humanitarian parole and Employment Authorization Documents and processing. The law firm Hogan Lovells prepared a pro-bono legal memorandum on policies and practices related to humanitarian parole and Employment Authorization.

Research limitations

This report is intended to shine light on an urgent crisis. It is situated within a rapidly evolving policy landscape. Thus, the policies mentioned here reflect those which were in place at the time of report drafting and may have evolved further following report publication. While we were able to conduct interviews with directly impacted Haitians living in New York City, we did not conduct interviews with people currently being subjected to immigration detention or who have been deported, and thus stories related to detention or deportation are not captured in our narrative. Our interviews with Haitians were limited to people in New York City, while our interviews with legal service providers extended to New Jersey and California.

BACKDROP: HOW ANTI-BLACK RACISM HAS INFORMED U.S. IMMIGRATION POLICY

Anti-Black racism has shaped U.S. immigration policy and has been acutely manifested as anti-Haitianism: both as extreme prejudice against Haitian people, culture, language, and history and as the attempted erasure of Haitians from immigration narratives.

The remarkable uprising of the Haitian Revolution, which triumphed over French rule and founded the country as an independent Black republic, was an incredible event that also precipitated decades of backlash from France and other imperial powers, isolating Haiti politically and seeking to destabilize it economically.¹ Policymakers in the United States, entrenched in White supremacy and fearing the prospect of a similar uprising of enslaved Black people in the U.S., participated in these efforts in a variety of ways. After the abolition of slavery in the U.S., policymakers continued to destabilize Haiti by violently occupying the country for nearly two decades, attaching Haiti's currency to the American dollar, advocating for the amendment of the Haitian Constitution to allow non-Haitians to own land and weakening the Haitian economy in terms of low-wage labor and farming.^{xi} This hostile posture towards Haiti was also entrenched in immigration policy.

Mass migration from Haiti began during the terror-filled father and son Duvalier regime that lasted nearly three decades, from 1957 to 1986.^{xii xiii} However, Haitian migration to the U.S. began to garner national attention in the early 1980's during the Reagan administration, when boats carrying hundreds of thousands of Haitians and Cubans arrived in Florida.^{xiv} Disparate treatment and the reduction of Haitian migration became a focus of U.S. immigration policy at this time. These newly arrived Haitians were classified as economic migrants, not refugees, an important distinction which made them easier to deport.^{xv} The Reagan and Duvalier administrations then worked together on a policy to stop and search boats suspected of transporting Haitian refugees, asylum seekers and migrants trying to reach the U.S. by boat, which would later become a standard practice in deterring migration by sea.^{xvi} This practice, interdiction, was supported and upheld by Rudolph Giuliani who was the United States Associate Attorney General at the time.^{xvii} The criminalization of Haitian migration became clearer as Haitians were placed in detention centers, jails and prisons as they awaited their asylum cases.^{xviii} These policies were the root of many of the most inhumane immigration policies in place today, including the use of immigration detention.

¹ It is beyond the scope of this paper to provide a comprehensive history that does justice to the triumphs of the Haitian Revolution or the shameful actions of the U.S. and other imperial powers, and we recommend reading Carl Lindskoog's *Detain and Punish: Haitian Refugees and the Rise of the World's Largest Immigration Detention System* as well as his article in the *Washington Post*, "Violence and Racism Against Haitian Migrants was Never Limited to Agents on Horseback" for important context and history.

The ways in which anti-Haitian and anti-Black sentiment shows up in our current immigration policies are numerous, from discrimination and xenophobia against Haitian and other Black refugees, asylum seekers and migrants at the Mexico/U.S. border, to the lack of Haitian Creole interpretation services for asylum applications and other forms of language injustice.^{xix xx xxi} Disparate treatment of Haitians and other Black refugees, asylum seekers and migrants show up in several metrics about immigration:

- **In May 2022, Haitians made up 6% of immigrants crossing the Mexico/U.S. border, but they occupied 60% of the flights expelling migrants.**^{xxii}
- **From October 2018 to June 2021, Haiti had the highest rate of asylum denial in the U.S. among 83 countries surveyed—less than 5% of asylum requests were granted.**^{xxiii}
- **According to Human Rights First, “Haitian asylum seekers detained by ICE are 50% less likely to be granted bond by immigration judges than other immigrants.”**^{xxiv}
- **Black immigrants from Caribbean and African countries are expelled from the U.S. on criminal grounds at higher rates than average: in 2019, the rate at which all immigrants were removed from the United States on criminal grounds was 43%, while for Black immigrants it was 62%.**^{xxv}

The actions of the Trump and Biden administrations during the height of the COVID-19 pandemic further illustrate how anti-Black and anti-immigrant sentiment manifest in the United States’ harsh immigration policy, namely in the form of keeping specific foreign nationals out of the United States. In spring of 2020 as the world was about to come to a halt due to the pandemic, Trump ordered the Centers for Disease Control and Prevention to utilize a 1940’s era public health law, Title 42, to stop asylum seekers from gaining entry into the U.S during a health crisis despite U.S. and international laws that guarantee the right to asylum.^{xxvi xxvii} The decision rightfully stirred controversy with immigration advocates and critics. The Biden administration kept the practice in place after he took office in 2021 and used it to deport thousands of Haitian refugees, asylum seekers and migrants seeking asylum in Del Rio, Texas. Reports vary but estimates show that more than 14,000 migrants, mostly Haitians, were encamped beneath the Del Rio bridge seeking asylum in September 2021^{xxviii}. About 2,000 Haitians were flown to Haiti on deportation flights almost immediately under Title 42’s implementation, and about 12,000 Haitians were placed in immigration proceedings.^{xxix} The ramp up of deportations were sudden and deliberate as the administration attempted to send a message that asylum seekers were not welcome. Some of those not immediately expelled to Haiti were placed in detention and in “alternatives to detention”.^{xxx} U.S. Immigration and Customs Enforcement’s Alternatives to Detention programs (“ICE ATD”) includes the Intensive Supervision Appearance Program, under which non-detained refugees, asylum seekers and migrants are monitored in oppressive and harmful ways, including telephonic reporting that compares the voiceprint of the individual against voiceprints collected during program enrollment, GPS ankle-monitoring that track both the location and movement of the individual, and facial matching technology to compare selfies to photos taken at enrollment.^{xxxi}

DEPARTMENT OF HOMELAND SECURITY
U.S. Immigration and Customs Enforcement
ATD ENROLLMENT - NOTICE TO ALIEN

Name: [REDACTED]	Field Office: Del Rio Tx	A Number: [REDACTED]
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Your release is contingent upon your enrollment and successful participation in an Alternatives to Detention (ATD) program as designated by the U.S. Department of Homeland Security. As part of the ATD program, you will be subject to electronic monitoring and may be subject to a curfew. Failure to comply with the requirements of the ATD program will result in a redetermination of your release conditions or your arrest and detention.

If fitted with a U.S. Immigration and Customs Enforcement GPS monitoring device, do not tamper with or remove the device. Under federal law, it is a crime to willfully damage or attempt to damage property of the United States. **The unauthorized removal of the GPS monitoring device will result in damage to property of the United States.** Damaging or attempting to damage the GPS monitoring device or any of its associated equipment (including, but not limited to, the charging station, batteries, and power cords) may result in your arrest, detention, and prosecution under **18 U.S.C. § 1361** and/or **18 U.S.C. § 641**, each punishable by a fine, up to ten years' imprisonment, or both.



photos courtesy of HWHR

Certain ICE ATD programs also conduct home visits.^{xxxii} In addition to contributing to the over-surveillance of Black and brown communities, this monitoring often limits the distances people can travel from their homes and imposes curfews which can impact searching for work and housing, connection to family and activities of daily living.^{xxxiii} Such practices have been reported to have significantly harmful effects on the psychological and physical health of refugees, asylum seekers and migrants.^{xxxiv} Even within the Biden administration, its use of Title 42 was seen as appalling.^{xxxv}

Title 42 was in effect until May 11, 2023, and the Biden administration is said to be considering reinstating the detention of families who enter the U.S. illegally.^{xxxvi xxxvii} In the meantime, deportation flights to Haiti have resumed from Louisiana.^{xxxviii}

The United States' current political response to and treatment of Haitian and other Black refugees, asylum seekers and migrants, and the findings of our report, must be understood in the context of this long legacy of anti-Haitian policies and practices.

"I think the [recent] mass deportations that were happening, and the enforcement at the border, which was more infamously documented, like the Del Rio incident, was very specific to the U.S.' treatment of Haitian migrants. And reminiscent of the many other iterations of this exact thing through the past couple decades."

– Aline Gue, TakeRoot Justice

ABOUT HUMANITARIAN PAROLE AND THE EMPLOYMENT AUTHORIZATION DOCUMENT

Humanitarian parole allows people with a compelling emergency and an urgent humanitarian reason or significant public benefit to remain in the United States temporarily and protects the grantee from deportation during their parole period.^{xxxix} Interestingly, there is no statutory or regulatory definition of “urgent humanitarian reason” or “significant public benefit”.^{xl} Factors for significant public benefit include national security and foreign or domestic policy consideration.^{xli} Considerations for urgent humanitarian reasons include whether the circumstances are pressing, the effect of the circumstances on the individual and the degree of suffering that may result if the parole is not granted.^{xlii}

You are required to retain this permit in your possession and to surrender it to the transportation line at the time of your departure unless you depart over the land border of the United States in which case you must surrender it to a Canadian immigration officer on the Canadian border, or to a United States Immigration officer of the Mexican border.

DEPARTURE RECORD

Port:

Date:

Manner:

Country of Destination :

906800 (000) U.S. DEPARTMENT OF HOMELAND SECURITY PAROLED 009096
Until: OCT 1, 2021
Purpose: Z12(D)(C5)
9/16/21 DRT [Signature] 0-12
U.S. DEPARTMENT OF HOMELAND SECURITY (Officer)

UNITED STATES DEPARTMENT OF HOMELAND SECURITY
Form Approved OMB No. 43-R0496
ARRIVAL - DEPARTURE RECORD
Form I-94 (Rev. 08/01/07)

Individuals are granted humanitarian parole either through USCIS or through CBP at a port of entry in the U.S. The individual has the burden of proof while officers consider each request case by case.^{xliii} The scope of humanitarian parole, coupled with continued chaos at ports of entry and the ultimate discretion of U.S. Customs and Border Protection (“CBP”) officers and United States Citizenship and Immigration Service (“USCIS”) officers, often mean that the very people who need the humanitarian parole designation are unable to obtain it.

Humanitarian parole has limitations.^{xliv} The parole is by its very nature temporary and is granted for a specific period of time.^{xlv} It also grants an ambiguous status as it can be revoked without notice.^{xlvi} Despite these limitations, humanitarian parole is imperative for asylum seekers, refugees and migrants.

*Many Haitians who were under the Del Rio Bridge received two week paroles. This parole was issued on September 16, 2021 and expired on October 1, 2021
(Photo courtesy of HWHR)*

A critical benefit of humanitarian parole is the pathway it provides to apply for an Employment Authorization Document (“EAD”), which is sometimes referred to as a work permit. A parolee residing in the U.S. may be granted temporary employment authorization during their parole, which provides that individuals can pursue work opportunities while under the parole.^{xlvii} The importance of the authorization to work in the U.S. while on parole cannot be overstated. The economic stability and dignity that result from employment are profound.



In practice, the process to obtain an EAD is significantly marred by bureaucratic red tape and systemic gridlock that have resulted in a “legacy of backlogs and lengthening process times,” according to the director of USCIS.^{xlviii} **As our research shows in the following section, this backlog in processing EADs, coupled with shortened humanitarian parole terms, means that eligible individuals often do not receive their work authorization before their parole expires, leaving them in an incredibly vulnerable position: unable to forge a pathway to legal and sustainable employment.** Despite USCIS’s announced measures to reduce backlogs, the extremely long processing times persisted as we drafted this report.^{xlix} There are expedited application options, which our networks report worked for some immigrant populations, but the Haitian cases we submitted via the expedited route took more than nine months to process.

OUR FINDINGS

The findings from our research were developed as the immigration policy landscape was rapidly changing. While new policies have been implemented since our research was completed, our findings remain salient. In this section, we have noted the places where policy has shifted since our research was conducted and the ways in which those new policies relate to our findings.

Finding 1: Humanitarian parole, and the associated ability to apply for employment authorization, is critical in the lives of refugees, asylum seekers, and migrants.

A primary benefit of humanitarian parole is the door it opens for refugees, asylum seekers and migrants to apply for and receive employment authorization. It is difficult to overstate the importance of this: work is their lifeline while navigating their immigration cases. It is what allows people to feed themselves and their families, to buy medicine for their children, to look for housing—to survive. Humanitarian parole allows Haitian and other refugees, asylum seekers and migrants to pursue work authorization and achieve these most basic necessities.

Legal advocate reflections:

- *“Work authorization, I’d say it is priority number one for most of my clients. It’s just sheer survival. It’s just a matter of the most basic needs.”*
—Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- *“You don’t feel comfortable if you are not working...You rely on other people...It causes you to feel childlike... We will come here and lose.”* —Interviewee 7
- *“[Humanitarian parole] has always been a desire for me...Because having it will create better opportunities for my future. Obviously, without it there’s nothing concrete you can do in this country.”* —Interviewee 5
- *“If I had my work card, I think things would have been very different. I would have access to work and make better decisions for our baby to come.”* —Interviewee 3
- *“Give people a chance to live as humans.”* —Interviewee 1



Finding 2: Humanitarian parole for Haitians was massively curtailed under the Trump administration, a trend which continued under the Biden administration, making it impossible for refugees, asylum seekers and migrants to access or fully utilize their Employment Authorization Document.

During the Trump administration, many Haitians were denied humanitarian parole entirely, with others receiving terms of only a couple weeks or months. During the Obama administration, parole had been routinely granted for terms of two to three years, during which refugees, asylum seekers and migrants could apply for and receive employment authorization, giving them a means to support themselves while navigating their immigration cases. The Trump administration ushered in a precipitous shift. They began to deny humanitarian parole entirely, or to grant it for lengths of just a couple of weeks.

Legal advocate reflections:

- *“Before 2017, I was seeing grants, I believe, of about three-year parole terms. And it seemed to be fairly widely given out. Under the Trump administration we weren’t seeing those terms anymore. Many folks weren’t getting paroled at all, anymore. [And we] started seeing two-week parole terms.”* —Anonymous, New York, NY
- *“Folks had [previously] gotten humanitarian parole for two to three years, mainly three years, and they were able to apply for work permits in order to work while they were weighing the decision to apply for asylum, or if they were eligible for something else. There started to be a real shift [in 2017] when more folks started to immigrate... we started to see folks weren’t granted humanitarian parole for as long, or it wasn’t as consistent. The [political] climate had really changed, at least in terms of more aggressive tactics being used. In 2020...mass deportations were happening all the time, like every day.”* —Aline Gue, TakeRoot Justice

These extremely short humanitarian parole terms—of just weeks or months—continued in the first year of President Biden’s administration, dashing hopes that they would do better by Haitians.

Legal advocate reflections:

- *“I think some of those [Trump-era tactics] are still very much alive and well, some of the aggressive tactics used. In 2021 and [2022] I have had only one couple, so two people, get humanitarian parole in the past two years...humanitarian parole that is longer than the two-week period....”* —Aline Gue, TakeRoot Justice
- *“What I was seeing was two weeks, three days, a couple months.”* —Sandra Dieudonne, Catholic Charities

Humanitarian parole must be of sufficient length for individuals to actually utilize the parole to access employment authorization. With parole lengths of just weeks or months, parole is rendered patently useless.

Legal advocate reflections:

- “[Humanitarian parole] is an acknowledgement from the U.S. government that someone has the right to come to the United States for a fixed amount of time for humanitarian reasons, and while they’re in that term, they can work. They can reside, they’re here lawfully, they can work.... [With shortened terms] they’ve stripped away all of the actual logic from it. They’ve stripped away all the practical benefits of it by making the term so short that someone can’t actually work and then can’t actually support themselves in the term they’re given. And then may just find themselves in deportation proceedings.” —Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- “I thought I would have been able to work, but they only gave me parole for two months...the time period was too short which didn’t allow me to do anything or start any process.” —Interviewee 6
- “I came to the U.S. on September 23, 2021. They gave [humanitarian parole] to me for two weeks. I feel powerless, incapable of taking care of my own baby. I’m never comfortable with this situation. I have three kids left in Haiti and I have one with me here. And I don’t have the permit to work. If you don’t have a work permit, you can’t work.” —Interviewee 2
- “I arrived in the United States on October 14, 2021. I was allowed two months, or sixty days, of humanitarian parole. Even when they handed it to me for two months, the fact that I couldn’t ask for more...made me unhappy.” —Interviewee 1
- “I entered the country on May 18, 2022. I got humanitarian parole for only two months. It is expired now. It was not renewed. I feel horrible because I can’t obtain an EAD card to apply for jobs.” — Interviewee 3



Finding 3: A dramatic backlog in processing Employment Authorization Document applications means that even Haitians with relatively longer parole terms are still left without access to employment authorization.

Our interviews showed that, around the time our primary research was being conducted, some grants of humanitarian parole were lengthened to one year. Following our primary research, new programs were introduced by USCIS that provide for one and two-year grants of humanitarian parole. **While lengthened parole terms may seem like substantial benefits, they still fall short. Even for those who receive a one-year parole grant, the wait times for processing EAD applications are so long that individuals never get to take advantage of their employment authorizations.** The systemic backlog in processing EAD applications dates back to the Trump administration, including modifying documentation requirements for certain foreign nationals, including encouraging discretion when determining whether or not to grant employment authorization, and changing administration review timelines.^{lii liii} The Biden administration maintained some of these changes, were resistant to reverse others and systemic backlogs persist.^{liii liv}

Legal advocate reflections:

- *“For many people who receive humanitarian parole at the border, even though they are eligible for category C11 work permits immediately, USCIS often takes over 9 months to process the request. If this happens, even if the person filed the application the day they entered, they would have less than three months before their work permit expired, which is utterly useless. There’s no reason whatsoever to make people wait 9 months to be able to legally work.”*
—Hollie Webb, Al Otro Lado
- *“Humanitarian parole needs to be valid for a duration of time for that person to not only find legal services, apply for a work permit and receive it, and be able to use it while their parole is in effect. Which is pretty much non-existent right now.”*
—Aline Gue, TakeRoot Justice
- *“Even for the year-long terms, which we’re seeing a lot right now...By the time you apply for work authorization, it can be like eight to nine months before you get that permit. And there are very few people who receive parole, connect with an attorney on day one and are able to provide the filing fee, get their EAD application filled.... So more realistically they’re three months into their parole term when they’re filing the EAD, and then it’s essentially useless. It just sort of becomes moot... Nothing happens in a year. No stability is achieved in that short of a period of time.”*
—Anonymous, New York, NY

- *“On the one hand you’re giving them a document that you have a year here to figure things out, and we’ll let you work while you do that. And then you’re taking a year to give them the [work authorization] document. So, it’s just frustrating on many levels...for the people that want to work to support their kids, that have a one year [parole] that, based on the rules, should be able to work to support their kid, being told that you’re in the best case scenario and you’re probably still not going to get the work permit to support your kids...that’s a tough conversation.”*
 —Stephanie Delia, The Haitian Legal Network, Inc.
- *“I noticed that in March [of 2022] they were extending them to a year. With it being parole for a year, [clients] get excited, because they’re like ‘Okay, I can get my EAD card.’ And I’m like ‘It’s been [taking] 11 months. And sometimes you may apply, and you don’t get it at all.’ So, people get excited, but it quickly deflates because we’re telling them, ‘Hey, you may apply but you may not even get it because it’s taking so long.”*
 —Sandra Dieudonne, Catholic Charities
- *“Everything is taking so much longer. Right now, I have work permit applications that have been pending for months, in ways they weren’t before.”*
 —Aline Gue, TakeRoot Justice
- *“Given the backlog and then also the amount of processing time...It’s not sufficient to give one year [of parole].”*
 —Anonymous, Haitian Americans United for Progress

Finding 4: The curtailment of humanitarian parole, together with delayed processing of EADs, was received as a deliberate attempt to strip people of their right to work, and a manifestation of anti-Haitianism and Anti-Black racism at large.

There was no evident, rational reason for the shortened humanitarian parole terms given to Haitians, and no justification has been given by the Biden administration. Short humanitarian parole is self-contradictory. The issues that justify a grant of humanitarian parole are not ones that will be resolved in a matter of weeks or a few months, which were the lengths of humanitarian parole which Haitian refugees, asylum seekers and migrants were receiving. The situation in Haiti has not changed in ways that justify shortening the terms of humanitarian parole to Haitians. This was confirmed by former Senior State Department official Harold Koh, who left his role in the Biden administration in the fall of 2021 citing the President’s “inhumane” use of Title 42 in his resignation letter. Among the salient issues noted in his letter, he stated “[I]f Haiti is undeniably a humanitarian disaster area, the question should be: at this moment, why is this Administration returning Haitians at all?”^{iv}

Legal advocate reflections:

- *“Especially with the Haitian population, it’s been one thing after another. It’s been the earthquake...the president getting assassinated, and currently the gangs. So, there’s nothing to tell me that the situation in the origin country has ameliorated itself that would justify sending these people back to that country...Under the Trump administration I can see that there was a shift in ideology. But with President Biden coming in, I don’t understand it. I don’t understand why it has not gone back to pre-2017 metrics pretty much immediately...There has been no legal [explanation] I’ve seen that says why they are denying people from getting work authorizations. I don’t see how one administration can give these cards out for an extended period of time, and then another administration can choose not to, without stating exactly why.”*

—Anonymous, Haitian Americans United for Progress

- *“It sort of renders the parole designations completely useless. Humanitarian parole is an acknowledgment by the government that a person ...should be allowed to enter the U.S. for a specific instance and remain there for a certain amount of time because of humanitarian reasons. What could the humanitarian reason be for allowing someone to enter for only a two-week period?”*

—Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- *“If we were safe at home, we would have stayed there. We came here to look for life.”*
-Interviewee 1

“I would like the authorities to take the situation in Haiti into mind.”

Shortened humanitarian parole terms for Haitians are received as a deliberate decision by the government to strip Haitians of their right to work, and a cruel attempt to deter immigration and facilitate deportation.

Legal advocate reflections:

- *“It seems to be a matter of basic human dignity to allow people to work, to meet their basic needs at the very least, while they pursue their immigration case, especially given there’s this acknowledgement by the government that they had been paroled into the country. [Shortened paroles], it’s just sort of a baffling offering, if you can even call it that. There has to be this deliberate acknowledgement [from the government] of ‘We’re going to cut off folks’ ability to work while they fight for their immigration cases.’ And that feels really cruel to me in all contexts.”*

—Anonymous, New York, NY

- *“The idea that [the government] knows that they’re taking at times ten to eleven months to process EADs, and they also know parole is one of the ways to qualify for an EAD, and they haven’t internally just extended it, is baffling.”*

—Stephanie Delia, The Haitian Legal Network, Inc.

- *“I think that it’s probably used to make it more easy to facilitate deportation of people. If you give them shortened lengths of parole and then it’s very centered around their hearing date, if the hearing does not go favorably for the client, then you can kind of almost immediately gather them into detention and then expedite the deportation process.”*

—Anonymous, Haitian Americans United for Progress



Anti-Black racism and anti-Haitianism are understood as the root cause of the changes, with disparate treatment observed between Haitian and other Black refugees, asylum seekers and migrants. Anti-Black racism drives the response to and policies surrounding Haitian refugees.

Legal advocate reflections:

- *“The immigration system is profoundly racist. It was built on racism. Its tactics of policing are interwoven with other types of policing in this country, from its inception. It was created and designed to determine the demographics of this country, and those designs are distinctly anti-Black and anti-Haitian. This is just a continuation of that. Of not providing folks with the basic ability to support themselves, to care for themselves and their families in particular. I have no idea [why humanitarian parole lengths have been shortened] other than it’s just racism. I can think of no other function for it, or utility for the government.”*

—Aline Gue, TakeRoot Justice

- *“Giving [a one-year parole] that makes it appear as if you have improved your treatment of this population, while in the background doing something that impedes any progress...You’re trying to appear as if you’ve changed, and you’re not. You haven’t. You’re absolutely disenfranchising a very specific group...Why are you preventing me from getting this thing that costs you nothing? That’s what I feel is happening to the Haitians. It costs you nothing. It costs the government nothing to give the people already here a work permit for a year.”*
—Stephanie Delia, The Haitian Legal Network, Inc.
- *“If you look at it from the perspective of them trying to deter migration [and] from the White supremacist system that they’re supporting and holding up, it makes sense in that light.”*
—Hollie Webb, Al Otro Lado

Refugee, asylum seeker and migrant reflections:

- *“We are interpreting these acts as racist, because wherever we go, we are the ones who suffer the most for work and we know how to work.”* — Interviewee 4
- *“We are all the same. If you cut my skin, you are cutting the skin of another. Don’t differentiate because of my color. I would like to know if they have a problem with Haiti, or if they have a problem with our skin color.”* — Interviewee 6
- *“All I can say is that the media frequently depicts Haitians badly because their perception is based only on what they perceive of the situation in the nation, but on the inside, Haitians are hardworking; we are not lazy.”* — Interviewee 5



Santcha Etienne, the Miami organizer for Black Alliance for Just Immigration (BAJI), rallies in front of the Toussaint L’Ouverture Memorial Statue in Little Haiti, Miami, calling for an end to deportations and demanding Humanitarian Parole.

(Alexandra Martinez)

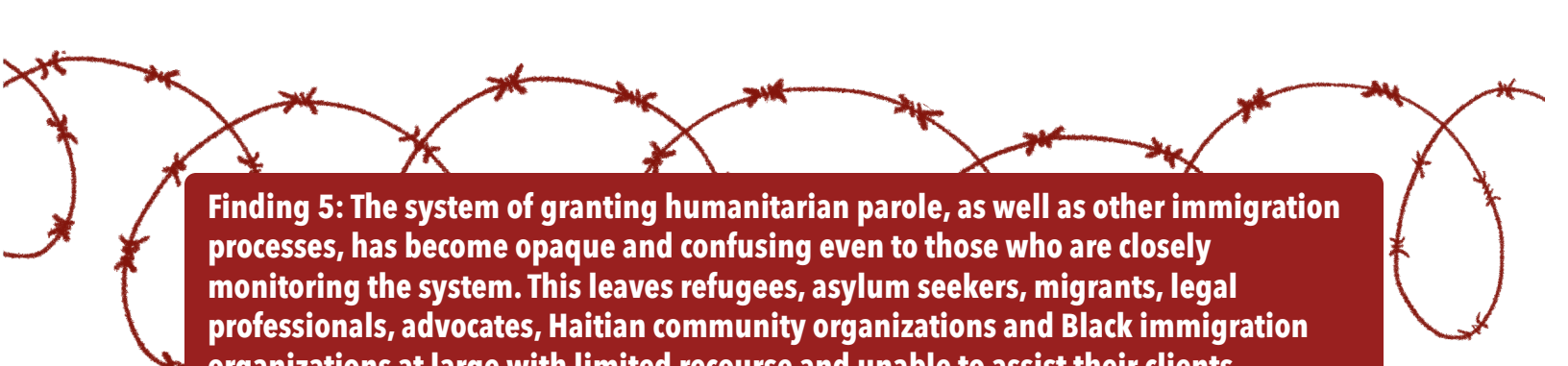
Advocates observe disparate treatment between Haitians and other groups:

Legal advocate reflections:

- *“They’re doing [an expedited process] for I think the Afghans right now. And the Ukrainians. They did it for the Afghans for a bit, they stopped from my understanding. The Ukrainians, the plan right now is to do that. There is an expedited process in place. Which is why it’s baffling. Because I’m like, you’re choosing this group that you’ve determined to do this thing for them. And for me, the parole for the Haitians with the one-year processing is deceptive and that’s why it’s offensive.”*
—Stephanie Delia, The Haitian Legal Network, Inc.
- *“For me, it is rooted in racism and nationalism. Historically, Haitians have not received the same treatment as other nationalities and races.”*
—Sandra Dieudonne, Catholic Charities

Refugee, asylum seeker and migrant reflections:

- *“I’d prefer them to treat us equally. I would like them to discontinue their boycott of Haitian immigration. And I’d like them to treat us with the same dignity as they do other immigrants.”*
— Interviewee 5
- *“When I was in detention, they let go of those who came after me. Probably because I was Haitian. For example, they will take about three Haitians and sixty Whites, the only time they will take us out as big groups is in the absence of Whites in the detention.”*
— Interviewee 6
- *“I think a lot of people already know how they treat Haitian people at the border.”*
— Interviewee 2



Finding 5: The system of granting humanitarian parole, as well as other immigration processes, has become opaque and confusing even to those who are closely monitoring the system. This leaves refugees, asylum seekers, migrants, legal professionals, advocates, Haitian community organizations and Black immigration organizations at large with limited recourse and unable to assist their clients effectively and equitably.

Legal service professionals find themselves trying to make sense of and catch up with rapidly changing immigration policy and government practices, both those specific to the issue of humanitarian parole, but also more broadly. What had once been routine and standard government practices related to immigration have been abruptly changed or abandoned—for example, legal advocates report seeing individuals released from detention without paperwork. The limbo experienced by both legal professionals and their clients is deeply felt and presents barriers to supporting Haitian refugees, asylum seekers and migrants.

The changes to how humanitarian parole have been granted to Haitian refugees, asylum seekers and migrants have been abrupt and confusing.

Legal advocate reflections:

- *“It was incredibly hard to understand what was going on. People didn’t have documents. It was chaos, and it was changing all the time. They were changing their policies all the time. It was incredibly opaque.”* —Aline Gue, TakeRoot Justice
- *“One thing that was different was in the parole documentation that they were receiving; it was more sparse than before.”*
—Anonymous, Haitian Americans United for Progress

The pattern of shortened humanitarian parole coupled with the confusion of an immigration system that has become increasingly hard to navigate, with constantly changing policies, compromises the ability of legal advocates to support their clients.

Legal advocate reflections:

- *“It feels so chaotic. When there’s no information given, it makes it really difficult for us to advise people. And it’s really unsettling for everyone.”*
—Anonymous, New York, NY
- *“The first thing I’ve noticed is [that] it’s nearly impossible to predict what I will see. Because I’m seeing everything from two weeks to none...the issue is the difficulty in advising clients and saying ‘If you get [work authorization] in three months, that’s great. But if you get it in 11 months, you just wasted your money, and I don’t know which it’s going to be, so I don’t know what to tell you.’”*
—Stephanie Delia, The Haitian Legal Network, Inc.

- *“I feel like everything is hopeless right now. When I tell them ‘It’s great you have [parole] for a year, but I don’t know when you’re going to get your [EAD] card.’ Before, I could say, okay, about three to four months. But now, I don’t know. And they’re looking at me like ‘How do you not know? Why can’t you fight and get this faster?’”*
—Sandra Dieudonne, Catholic Charities
- *“[As legal professionals] we are constantly reacting to something that is happening, policy changes, things like that. There are moments where we’re like ‘Okay, I know what’s going on, I can do this thing.’ And there are other moments where we definitely pick up the feeling of anxiety because there is very little that can be done. There are few things that we can do. And I think this is very much a moment like that.”*
—Aline Gue, TakeRoot Justice
- *“We have to constantly be adapting our information and trying to educate people... [the] U.S. government is never putting out information that is migrant-facing or trying to explain any of this or what’s happening. It almost stretches credibility for people when we’re constantly explaining this new thing, this change or that change. Once people get a sense of what’s going on, the rug gets pulled out from under them and it changes again. So, it makes it difficult to keep the migrant community aware of what’s happening.”*
—Hollie Webb, Al Otro Lado

Finding 6: The substantial delays in processing employment authorizations, coupled with shortened humanitarian parole periods, are devastating for Haitians who are desperate to work with dignity to support their families.

Closing the door to legitimate work for Haitian refugees, asylum seekers and migrants leaves them vulnerable to exploitative employment practices.

Legal advocate reflections:

- *“People have no means to support themselves without work authorization, which leaves folks ripe for labor exploitation. [Situations where] they’re not paid, or they’re not paid the agreed upon wage. There’s a lot of wage theft going on. And there’s a lot of intimidation.”*
—Aline Gue, TakeRoot Justice
- *“When folks don’t have work authorization, if they are able to find work, that work ends up being really exploitative, extremely underpaid, threats of deportation from bosses, really grueling hours...the sense of being trapped.”*
—Anonymous, New York, NY
- *“It’s very difficult for people. It forces them to either work undocumented labor where they can be exploited, or they have to rely on their family and friends and that’s an incredibly vulnerable position to be in. People don’t know about rights that they have, they’re always worried about being found out if they’re working undocumented. It’s really stressful, extremely difficult to support a family if you come here with children in that way.”*
—Hollie Webb, Al Otro Lado

Refugee, asylum seeker and migrant reflections:

- *“When you live with your family and are unable to get employment, your only option is to accept someone’s hand-to-hand labor in order to provide for your family. However, because it is always a transitory post, it is never enough. The worst-case scenario is when you work, and someone gives you anything they feel like.”* — Interviewee 1
- *“When you don’t have an EAD, some people might want to offer you a job...they would take advantage of you, and you would have overworked and not get paid the number of hours you should get paid for.”* — Interviewee 3
- *“The worst is that sometimes we will go to certain places, and you could feel the level of disrespect towards us because of not having our papers. They make us do extra work and extra hours.”* — Interviewee 6

Even for those who have managed to secure an EAD, short parole terms create additional barriers to work.

Legal advocate reflections:

- *“Employers aren’t hiring you for an EAD that’s expiring in 30 days, even if you get it and it’s valid.”* —Stephanie Delia, The Haitian Legal Network, Inc.
- *“If you are lucky enough to get your [EAD] card in a six-month period, and you still have six months, a job may not want to take you as opposed to someone else who has a longer period of time that they’re available to work. Because they don’t want to have to go through this all over again in six months.”* —Anonymous, Haitian Americans United for Progress

Refugees, asylum seekers and migrants are left without the ability to provide for themselves and their families and with limited access to the social safety net: a devastating situation with enormous consequences.

Refugee, asylum seeker and migrant reflections:

- *“Not being able to formally work in the U.S. has been a very bad experience in my life. It has been one year since I’ve been in the U.S., and I haven’t made any money. If one of my kids were sick, I don’t have money to send him back home. I never feel good.”* —Interviewee 2
- *“We don’t have access to work legally. We feel we are never going to achieve anything, and my wife is about to give birth to our baby. I can’t even help her.”* —Interviewee 3

- *“I have not received the humanitarian parole. Which means that I am currently unable to apply for a work authorization. If they had given it to me, it could have provided me with the tools necessary to support my wife, kids, and my expected baby of this month...If I had received the humanitarian parole, I would have been able to put my family in a different financial position... [I] can loudly say my difficulties are countless. Most of human needs require the assistance of money, which without a job I cannot get.”*
—Interviewee 4
- *“I am burdened, psychologically. Because not having the work authorization means you don’t have the right to work. Without work authorization, you cannot even make a budget for future expenses. Having a target sheet for a life plan is out of the question because it is difficult for you to obtain work without work permission. Everyone wants to do something in their lives...my entire life has been affected by the fact that I haven’t obtained the working documents.”*
—Interviewee 5
- *“For me, not having the work authorization is torment. I am a hard worker, and I can’t even find work....Everywhere I look for a job, they insist on work authorization. I am unable to work and must sit idle. I feel helpless. The money that I am currently making can’t even provide for the kids’ daycare. The problem is that I also have to pay for food and daily supplies for the kids...It bothers me because I will sit home and see other people going to work, and I stay still. They go in and out. I still stay in the same position.”*
—Interviewee 6
- *“Sometimes when the time to pay rent comes around, you don’t know what to do. You call family members to see if they can help, you try to borrow money. Sometimes I get day labor work, and I do my best to do a good job, but sometimes the money is not enough, and I have to try to find more to pay our bills. My sadness stems from the fact that I came here in pursuit of a better future and not to remain where I am.”*
—Interviewee 1





POLICY RECOMMENDATIONS

The research presented in this report, the historical treatment of Haitians in the United States, and the current political conditions in Haiti all necessitate changes to U.S. immigration policy. There is an urgent need to enact policies that will allow Haitian and other Black migrants, refugees, and asylum seekers to live with dignity and humanity.

The most comprehensive and humane measure that can be implemented on behalf of Haitian migrants, refugees and asylum seekers is to cover them under Deferred Enforced Departure (“DED”). Individuals covered by DED are protected from removal from the United States.^{lvi} Executing DED is within President Biden’s constitutional powers and is a more sustainable and long-term solution than extending humanitarian parole on a case-by-case basis and is a pathway to permanent residency and sustainable employment opportunities. In the alternative, a holistic measure that would facilitate economic stability and dignity for Haitians is the re-designation of Temporary Protective Status (“TPS”) beyond the current extension.^{lvii}

In the interim, Haitian Women for Haitian Refugees calls on the Department of Homeland Security (“DHS”) and other applicable agencies to implement the following recommendations to ensure a dignified, humane, and equitable response to the refugee crisis, and to remedy the disparate treatment of Haitian migrants, refugees and asylum seekers. Our recommendations address the policies and practices that are the outcomes of a historically racist immigration system.

Expand and Extend Humanitarian Parole

Recommendation 1: Make five-year humanitarian parole the default status granted to all who enter at points of entry, regardless of their country of origin. Short humanitarian parole periods are unsustainable for asylum seekers, migrants, and refugees, for the institutions that regulate immigration proceedings, and for the countries of origin to which deported people will be repatriated. This length of parole would allow people to obtain and utilize their Employment Authorization Documents and stay in status while pursuing their legal cases. While three- year terms have been granted historically, many still fell out of status after three years, leaving them unable to extend their employment authorization.

Recommendation 2: Implement a nationwide policy which allows humanitarian parole to be automatically extended upon expiration of the parole term. Currently there is no uniform, streamlined process for parole extensions. Our research shows that humanitarian parole terms must be sufficiently long enough for individuals to connect with an attorney, apply for and receive the Employment Authorization Document, and connect with and get hired by an employer.

Ensure Equitable Practices and Prompt and Transparent Processing for Humanitarian Parole and Employment Authorization

Recommendation 3: Implement efficient practices within USCIS and DHS by providing Employment Authorization Documents (“EADs”) simultaneously with grants of humanitarian parole and ensure processing of both status in 6 weeks or less regardless of country of origin. EADs received after humanitarian parole periods expire are effectively useless. In order for asylum seekers, migrants and refugees to be able to support themselves and their families with dignity, they must have the legal authorization to work during their parole periods.

- In the short term, if separate applications for EADs remain necessary, they should be issued simultaneously with Social Security Cards and both documents should be processed within 6 weeks or less. We know that faster processing times for EADs are possible despite documented backlogs at USCIS. The processing of immigration and employment documents for Afghans and Ukrainians has often been swift and efficient, and that efficiency should be applied equitably to all people.

Recommendation 4: Implement automatic renewals of Employment Authorization Documents for all recipients regardless of country of origin. Automatic renewals would ensure that recipients will not fall out of status while waiting for their renewals in the heavily backlogged system.

Recommendation 5: Grant Employment Authorization fee waivers for all humanitarian parole recipients.

- We know through the course of our work that many Afghan and Ukrainian nationals were granted fee waivers due to the precipitous events in Afghanistan and Ukraine. In our experience, Haitian refugees, asylum seekers and migrants have an increased burden of proof to be eligible for fee waivers and they are not given the same considerations despite decades of political instability and the urgent need for humanitarian aid.

Recommendation 6: Dedicate additional resources and increase capacity at USCIS and DHS and ensure those resources are specifically allocated for the efficient processing of humanitarian parole grants and Employment Authorization Documents.

Recommendation 7: Establish an online portal accessible to migrants, refugees, asylum seekers and their legal representatives. This portal should show the case status for humanitarian parole applications, including the reasons for any delays in processing paperwork, and should include definitions for any terms used to describe case status.

- An online portal should be established in which people can view their status, understand any terminology used (such as “under review”), and also remedy any outstanding issues. Based on our experience, we know that numerous Haitian cases are given the ambiguous “under review” status. This status can persist for so long that their grants of humanitarian parole expire before the status changes resulting in a denial of their application for employment authorization.

Increase Accountability for Employers

Recommendation 8: Enforce applicable local and federal laws that prohibit discrimination based on perceived immigration status and enforce associated penalties for such discrimination for employers who do not recognize the automatic renewal of an employee's Employment Authorization Document or Temporary Protected Status. In many cases, EAD holders can apply for an automatic extension of their EAD before their current document expires. Upon submission of the extension, they are given a receipt notice, which, coupled with either their expired EAD or other relevant documentation, serves as "acceptable proof of employment authorization and/or EAD validity" during the automatic extension period.^{lviii} Renewals for EADs and TPS are made public via Federal Register Notices, the official periodical of the federal government that contains new and amended federal regulations^{lix} Our experience shows that some employers are not aware of such extensions or ignore them altogether and terminate employees who have the legal authority to work. These actions are discriminatory and both New York City and federal laws prohibit unfair immigration-related employment practices.^{lxxi} This type of discrimination can also easily lead to discrimination based on national origin, another prohibited employer practice.^{lxxii} These laws should be enforced when employers refuse to honor automatic renewals.

Recommendation 9: Update List C of the Form I-9 Acceptable Documents to include the Federal Register Notice and the associated receipt notices received upon submission of applications for automatic renewals of employment authorization. The receipt notice given to EAD holders who apply for automatic extensions can be used, with other documentation, as "acceptable proof of employment authorization and/or EAD validity" during the automatic extension period.^{lxxiii} However, the Federal Register Notice and the receipt notice are *not* included in the list of documents which USCIS provides to employers as acceptable for completion of an I-9 form.^{lxxiv} This must be remedied by amending the list to include these documents.

Recommendation 10: Ensure an employee is entitled to lost wages and, if applicable, to a reinstated position, in the event that an employee loses their wages and/or job due to an Employer's failure to adhere to the Federal Register Notice.

Recommendation 11: Establish a concerted public education campaign aimed at informing employers of their responsibilities related to hiring individuals with EAD cards, honoring automatic renewals of EADs, and the associated penalties for unlawful discrimination.

Recommendation 12: DHS should hold monthly meetings with community-based organizations and legal service providers who work with immigrant populations. These meetings should be two-way dialogues, in which DHS informs organizations of relevant changes in processes and practices, community-based organizations inform DHS of the impact of current policies and practices on community members, and opportunity is provided for questions and discussion. Currently meetings between DHS and legal advocates are scheduled ad hoc, and are sometimes presented as listening-only, webinar-style presentations which do not allow for questions or dialogue. It is critical for advocates and legal service providers to have ample opportunity to engage and ask questions to better understand the changing legal landscape.

Provide Meaningful Engagement Channels for Community Based Organizations

Recommendation 13: Create opportunities for immigration advocates to engage with government agencies around regulations that impact immigrants. Advocates should be given meaningful opportunities to provide feedback on the implementation of regulatory changes prior to those changes being finalized.

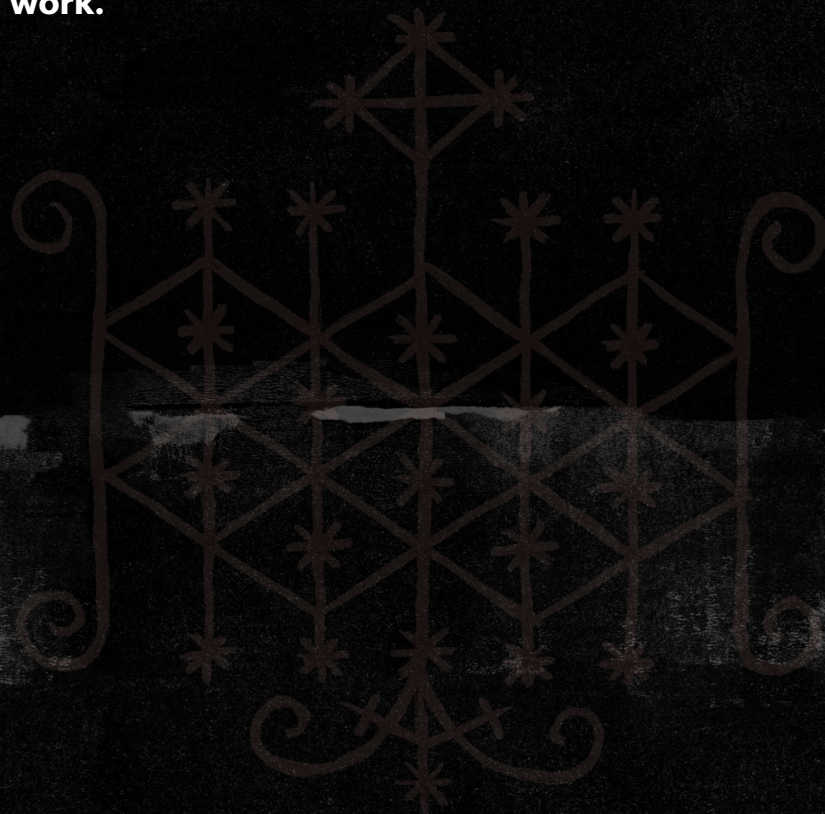


photo courtesy of HWHR



Call to Action

United States immigration policy is defined by a long legacy of cruelty, racism and xenophobia, and U.S. policies have always been deeply anti-Haitian. Today is no exception. This report highlights the interconnected issues of humanitarian parole and work authorization, and the policy decisions and bureaucratic problems which have made it impossible for Haitian refugees, migrants, and asylum seekers to effectively utilize humanitarian parole and gain work authorization. This leaves people in the desperate and inhumane situation of being unable to support themselves and their families. President Biden can offer immediate humanitarian relief to hundreds of thousands of Haitians by covering them under Deferred Enforced Departure or by re-designating Temporary Protective Status beyond the current extension.^{lv} In the meantime, we call on the Department of Homeland Security to immediately implement the policy changes we have detailed in this report to ensure that all Haitian refugees, migrants, and asylum seekers can access ample humanitarian parole, work authorization and dignified work.



ENDNOTES

- ⁱ What is a Refugee? United Nations Refugee Agency. Retrieved from: <https://www.unhcr.org/en-us/what-is-a-refugee.html#:~:text=The%201951%20Refugee%20Convention%20is.group%2C%20or%20political%20opinion.%E2%80%9D>
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- ⁱⁱⁱ Herrera, Jack. (2021, Sep. 23) Why 15,000 Migrants Ended Up at One Spot on the U.S.-Mexico Border. Politico. Retrieved from: <https://www.politico.com/news/magazine/2021/09/23/del-rio-desperation-dysfunction-immigration-513978>
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