

President Joseph R. Biden, Jr.
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Anthony Blinken
Secretary
Department of State
2201 C Street NW
Washington, DC 20037

Vice President Kamala D. Harris
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20500

The Honorable Alejandro Mayorkas
Secretary
Department of Homeland Security
301 7th Street SW
Washington, DC 20024

February 17, 2021

Re: Moratorium on Deportations to Haiti

Dear President Biden, Vice President Harris, Secretary Blinken, and Secretary Mayorkas:

We, the undersigned, write to express our horror and outrage regarding the United States government's plan to [deport over 1,800 people](#)¹ to Haiti, which, with painful irony, the Biden-Harris Administration started on the first day of Black History Month. As Congressional Representative [Mondaire Jones](#) said, "We're just three days into #BlackHistoryMonth and ICE has already sent planes full of Black people to Cameroon and Haiti in defiance of @POTUS' executive order."

Deportation flights to Haiti in the midst of a deadly global pandemic and a major in-country uprising are cruel and unconscionable. We fear for the children being sent into the middle of this chaos. There were twenty-six children on the February 9, 2021 flight to Haiti, some as young as two months old. We liken this scenario to a house burning, and instead of taking people out for their own safety, the United States is sending defenseless babies into the inferno.

We strongly urge the government to halt all deportation and expulsion flights to Haiti. While nationwide unrest and political turmoil bring Haiti to "[the verge of explosion](#)"², Immigration and Customs Enforcement ("ICE") has deported more than [1000 people](#) to Haiti in furtherance of its goal of deporting 1,800 by mid-February. According to credible sources, the February 9, 2021 flight included five pregnant women, including two women who were almost at full term (36-weeks and 35-weeks pregnant), risking the health and safety of these expectant mothers. The flight also reportedly included twenty-six children, including eighteen toddlers who were three years old or under. Children at this stage in their development are subject to lasting

¹Jacqueline Charles, *Biden team under fire for deportation uptick, backing Moïse as Haiti tensions multiply*, Miami Herald (Feb. 6, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article249046215.html>.

²Harold Isaac, Andre Paultre and Maria Abi-Habib, *Haiti Braces for Unrest as a Defiant President Refuses to Step Down*, The New York Times, (Feb. 7, 2021), <https://www.nytimes.com/2021/02/07/world/americas/haiti-protests-President-Jovenel-Mois.html>.

trauma and [mental health disorders](#)³ caused by their families' imprisonment, mistreatment, and deportation by ICE.

We strongly urge the government to stop expelling Haitian asylum seekers to Mexico, as it did on February 3, 2021, when it forcefully removed dozens of Haitians to [Ciudad Juarez](#)⁴ from El Paso, Texas. Some of these families reported that U.S. immigration authorities threw away their personal belongings after holding them in detention for days. They did not have a chance to file for asylum, and now face significant risk of exploitation and anti-Black violence in Mexico because they stand out as Black migrants and do not speak Spanish. Further, conditions on the U.S.-Mexico border become more dangerous by the day. Last month, [Mexican police were charged in the massacre of 19 migrants on the border](#).⁵ Only the migrants' charred bodies, many too burned to be identified, were found. In recent months, there have been [reports](#) of Haitian and other women and their newborns being sent to Mexico immediately after giving birth.

We strongly urge the government to end President Donald Trump's "[Title 42](#)" order that allows Customs and Border Protection ("CBP") and ICE to deport migrants apprehended at the border, as in the El Paso case mentioned above, without allowing them to pursue asylum claims. The Biden Administration's 100-day moratorium on deportations, which has been temporarily stayed by a [Texas Federal Court](#)⁶, did not include protection against Title 42 expulsions. Moreover, notwithstanding the Texas court order, the Administration retains the ability to use [prosecutorial discretion](#) in its detention and removal decisions.

Under the Trump Administration, deportation flights soared in the midst of the coronavirus pandemic, despite numerous [reports](#)⁷ that detention and deportations put people at great risk of contracting the virus. Deportation flights also [export](#)⁸ the virus to countries like Haiti that lack the health and other infrastructure to adequately control this deadly pandemic. In addition, "Title 42"

³ Rhithu Chatterjee, *Lengthy Detention Of Migrant Children May Create Lasting Trauma, Say Researchers*, National Public Radio (NPR) (Aug. 23, 2019), <https://www.npr.org/sections/health-shots/2019/08/23/753757475/lengthy-detention-of-migrant-children-may-create-lasting-trauma-say-researchers>.

⁴ Jose Luis Gonzalez, Lizbeth Diaz, *U.S. expels dozens of Haitian asylum seekers to Mexico*, *Reuters.com, Ciudad Juarez, Mexico*, Reuters (Feb. 3, 2021), https://www.reuters.com/article/idUSKBN2A40FM?fbclid=IwAR1NPspQoE5tc2SPetedB0o7ydWla_HABd hJbtY1fmC6XJrO1r8eiHcT4v4.

⁵ Kevin Sieff and Gabriela Martínez, *Mexican police charged in massacre of Guatemalan migrants near U.S. border*, *Washington Post* (Feb. 3, 2021), https://www.washingtonpost.com/world/the_americas/mexico-tamaulipas-police-migrant-killing/2021/02/03/32c22274-65c7-11eb-8468-21bc48f07fe5_story.html.

⁶ Julián Aguilar, *Federal judge temporarily blocks Biden's 100-day deportation moratorium after Texas sues administration*, *Texas Tribune* (Jan 26, 2021), <https://www.texastribune.org/2021/01/26/texas-joe-biden-deportation-moratorium-ken-paxton/>.

⁷ Emily Kassie and Barbara Marcolini, *'It Was Like a Time Bomb': How ICE Helped Spread the Coronavirus*, *The New York Times* (July 10, 2020), <https://www.nytimes.com/2020/07/10/us/ice-coronavirus-deportation.html>.

⁸ Melissa del Bosque, Isabel Macdonald, *Exporting the Virus: How Trump's Deportation Flights Are Putting Latin America and the Caribbean at Risk*, *The Intercept* (Jun. 26, 2020), <https://theintercept.com/2020/06/26/coronavirus-ice-detention-deportation-haiti-guatemala/>.

(of the U.S. Code) expulsions, [as intended](#)⁹, have resulted in a complete border shut down under the false pretext of public health, and denied many of the over [380,000](#)¹⁰ immigrants expelled under Title 42 in 2020 their right under international human rights law and U.S. law to state a claim of fear of persecution or torture. The vast majority of the young families being deported to Haiti have risked their lives in a [long, dangerous, and traumatic journey](#)¹¹ from Haiti, up through South and Central America, to the U.S. Mexico border, only to be summarily expelled without the chance to request asylum.

We strongly urge the government to halt all flights to Haiti pending review of policies and practices concerning immigration enforcement, which have resulted in systemic discrimination against Black asylum seekers and other Black immigrants. Just one victim of this negligent and discriminatory system is [Paul Pierrilus](#)¹², who was deported to Haiti on February 2, 2021, even though he was not born in Haiti, has never been to Haiti, and is not a Haitian citizen. The only just and appropriate remedy is to return Mr. Pierrilus to his family in New York, who themselves are U.S. citizens.

We strongly urge DHS, in consultation with the State Department, to redesignate Temporary Protected Status (TPS) for Haiti, given the [extraordinary and temporary conditions](#)¹³ unfolding there that make return unsafe for Haitian's nationals.

We strongly urge the Biden-Harris Administration, as [promised](#)¹⁴, to restart and [improve](#) the Haitian Family Reunification Parole Program (HFRP), including authorizing the National Visa Center (NVC) to issue new invitations for eligible petitioners to apply.

⁹ Tom Ricker, *Title 42: Another day, another policy, another COVID-19 lie*, The Quixote Center (Oct 5, 2020) <https://www.quixote.org/title-42-another-day-another-policy-another-covid-19-lie/>.

¹⁰ Customs and Border Protection, *FY 2020 Nationwide Enforcement Encounters: Title 8 Enforcement Actions and Title 42 Expulsions* (2020), <https://www.cbp.gov/newsroom/stats/cbp-enforcement-statistics/title-8-and-title-42-statistics-fy2020> (last checked Feb. 10, 2021).

¹¹ *A Journey of Hope: Haitian Women's Migration to Tapachula, Mexico*, IMUMI, Haitian Bridge Alliance, Center for Gender & Refugee Studies (Jan. 12, 2021), <https://cgrs.uchastings.edu/sites/default/files/A-Journey-of-Hope-Haitian-Womens-Migration-to%20-Tapachula.pdf>.

¹² Jacqueline Charles, *He wasn't born in Haiti. But that didn't stop ICE from deporting him there, lawyer says*, Miami Herald (Feb. 2, 2021), <https://www.miamiherald.com/news/nation-world/world/americas/haiti/article248959659.html>.

¹³ The New York Times Editorial Board, *Haiti Needs Help. This Is What the U.S. Sends Instead*, New York Times (Feb. 10, 2021), <https://www.nytimes.com/2021/02/10/opinion/haiti-us-deportations.html?action=click&module=Opinion&pgtype=Homepage>.

¹⁴ Jacqueline Charles, *Biden to Haitian-American voters: You can help decide the next U.S. president*, Oct. 5, 2020, <https://www.miamiherald.com/article246223940.html#storylink=cpy>

We are incensed but not surprised by these deportations to Haiti; Haitians have [historically](#)¹⁵ been denied access to the United States and continue to be disproportionately denied such access, despite conditions that clearly qualify them to refuge under the law. In fact, the immigration prison system as we know it today, with a goal of mass detention and summary deportation, was started in the early [1980s](#)¹⁶ in response to the thousands of Haitian migrants fleeing the Duvalier dictatorship.

We note the Haitian government's irresponsibility in agreeing to receive deportees given the political turmoil, which shows a disregard for the well-being of our brothers and sisters who will face severe hardship or even death upon their return.

In conclusion, we are demanding that this Administration stop these deportations and expulsions immediately. We continue to hope that the Biden-Harris Administration will change course and not continue the same draconian, cruel, evil, and inhumane practices of the Trump Administration. President Biden and Vice President Harris specifically promised the Haitian community and other immigrant communities that they would build back better. We need them to take bold action, provide much needed protection, and honor their promises to our Black immigrant communities.

Sincerely,

Blanca Malpartida-Girard

Adelanto Visitation & Advocacy Network

(310) 310-0790

cc:

Representative Joyce Beatty, Congressional Black Caucus
Senator Bob Menendez, Chairman, Senate Foreign Relations Committee
Senator Gary C. Peters, Chairman, Senate Homeland Security and Governmental Affairs
Senator Dick Durbin, Chairman, Senate Judiciary Committee
Representative Gregory Weldon Meeks, Chairman, House Foreign Affairs Committee
Representative Bennie G. Thompson, Chairman, House Committee on Homeland Security

¹⁵ Brief of Haitian Bridge Alliance, Institute for Justice & Democracy in Haiti, Ira Kurzan, and *Irwin v. Stotzy* as Amici Curiae in Support of Plaintiffs' Motion for Summary Judgment, *Al Otro Lado INC v. Wolf*, (Oct. 27, 2020),

https://www.splcenter.org/sites/default/files/documents/0600-002_10-27-2020_brief_of_haitian_bridge_alliance_institute_for_justice_democracy_in_haiti_i.pdf

¹⁶ Brief of Haitian Bridge Alliance, Institute for Justice & Democracy in Haiti, Ira Kurzan, and *Irwin v. Stotzy* as Amici Curiae in Support of Plaintiffs' Motion for Summary Judgment, *Al Otro Lado INC v. Wolf*, (Oct. 27, 2020),

https://www.splcenter.org/sites/default/files/documents/0600-002_10-27-2020_brief_of_haitian_bridge_alliance_institute_for_justice_democracy_in_haiti_i.pdf

Representative Jerrold Nadler, Chairman, House Committee of the Judiciary