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RECORD ID: 9408402
RECEIVED: 17 OCT 94 09

TO: LAKE

FROM: WENICK, MARTIN

DOC DATE: 27 SEP 94
SOURCE REF:

KEYWORDS: HAITI
MP

REFUGEES

PERSONS:

SUBJECT: LTR FM INTERACTION RE VOLUNTARY REPATRIATION FOR HAITI

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STAFF OFFICER: SCHWARTZ

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ACTION DATA SUMMARY REPORT

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SUSPENSE

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D O C U M E N T D I S T R I B U T I O N

FOR ACTION
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FOR CONCURRENCE
CLARKE
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SCHWARTZ

FOR INFO
FEINBERG
SEATON
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COMMENTS: _____

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Staff to
Larry Cassin

 InterAction
American Council for Voluntary International Action

September 27, 1994

8402

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Mr. Anthony Lake

Assistant to the President for National Security Affairs

National Security Council

Washington, DC 20530

Dear Mr. Lake:

We are writing with several concerns regarding U.S. policy towards Haitian refugees, given the significant events of the last few days, and the confusion that the U.S. led intervention has engendered. We are particularly concerned that Haitian refugees are treated fairly and humanely, and that their human rights are respected.

1. **Voluntary Repatriation for Haitians in Guantanamo:**

We understand that a repatriation of Haitian refugees held in Guantanamo has begun, now that conditions in Haiti seemingly have changed. We note with concern that the agreement reached on Sunday, September 18, does nothing to rectify or bring to justice the perpetrators of human rights violations that caused the refugee flow. In fact, the proposed "general amnesty" could allow these persecutors to go on with business as usual, creating much fear and uncertainty among the refugee population.

- A. We strongly recommend that the Administration not promote or encourage voluntary repatriation among the Haitians at Guantanamo for the next 90 days until the situation can be assessed to determine if real and stable improvements in human rights conditions have occurred and that security concerns have been properly addressed. However, this ought not to preclude the U.S. government from facilitating the return of those refugees who genuinely choose voluntary repatriation.
- B. We strongly urge and emphasize the VOLUNTARY aspect of any repatriation program. No one should be forcibly returned without a full and fair screening.
- C. We also urge you to plan for the return of Haitians in the broader context of assistance and development programs. A concerted effort to reintegrate refugees into larger development and assistance programs has shown to be productive in many areas of the world.
- D. We urge the Administration to work very closely with the UNHCR and non-governmental organizations in the planning and execution of any future voluntary repatriation and re-integration program. Refugees should be well informed on a regular basis about conditions on the ground in areas of projected return.

2. **Voluntary return programs for Haitian asylum seekers in the U.S.**

The Administration should neither reinstate nor begin new deportation or exclusion hearings for Haitians in INS proceedings, who were paroled into the U.S. to apply for asylum or otherwise entered the U.S. since September of 1991. Instead, such

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proceedings should be held in abeyance until the broader assistance and development programs are in place as described above, and Haitians in the U.S. are allowed the opportunity to avail themselves of a dignified return home.

- A. We recommend that the current informal policy of suspending deportation and exclusion hearings be continued for six months, until a clear assessment can be made about conditions in Haiti and reintegration programs can begin functioning.
- B. Haitians who have applied for asylum who choose to pursue their asylum claims should be given the benefit of the doubt about their continuing fears of persecution upon return based upon continuing uncertainty about political stability and safety in the country.
- C. Haitians who have been granted asylum should be allowed to adjust to permanent resident status despite any expected or actual political changes in Haiti, as was done for Nicaraguans in 1991.

3. **In-country processing program (ICP) in Haiti.**

We understand that the ICP has basically shut down and that there are no plans to re-open interviews in the near future. We think that this is very unwise. The conditions in Haiti for the foreseeable future are very unstable, and the ambiguities of the September 18 agreement are such that there will be a continuing need for the U.S. to have a safety valve for Haitians in country who need protection from the military, paramilitary and other irregular security forces.

We also understand that the Administration plans to move to the U.S. only those refugees in the ICP pipeline who have been approved and are travel ready, leaving behind the greater majority of about 1,800 INS approved cases. It is patently unfair that because of U.S. imposed embargoes and sanctions, refugees who have proven their claims (under very strict standards) would not be allowed to come to the U.S. because of the recent events. Again, the ambiguities and confusion of the current situation in Haiti argues for a rapid movement of all the INS approved cases to the U.S., not for the reversal of a decision based upon unclear conditions of safety in Haiti.

- A. We strongly recommend that the ICP remain as a viable option in the short term, until conditions stabilize in Haiti.
- B. We strongly urge the Administration to move rapidly to the U.S. all INS approved cases, whether "travel ready" or not.

4. **Discussion regarding resettlement of vulnerable cases held in Guantanamo.**

The U.S. should look at resettlement needs as part of a comprehensive strategy of durable solutions including voluntary return. There are several smaller vulnerable groups of refugees for whom return to Haiti may not be appropriate.

The agencies have preliminarily identified a few such groups, namely:

- * About 350 unaccompanied refugee minors. At least one-half appear to have families in the U.S. as well as Haiti, and a group of at least 70 have families only in the US.

- * A small group of medical cases, including about 27 HIV-positive individuals.
- * About 15% of the population (about 2,000) appears to fit within the UNHCR resettlement guidelines as "victims of torture/victims of violence." Such refugees are a priority in resettlement because of their vulnerable status, as well as their protection needs. Given the ambivalence of the future role of the military and other security forces in Haiti, it would be unreasonable to expect that such persons would voluntarily return.
- * Those who arrived and/or were picked up before the announcement of the change in policy regarding resettlement last summer.

We recommend that discussion begin with resettlement agencies about the needs of such groups, who are not likely to return voluntarily to Haiti under the conditions of the agreement of September 18, 1994. At an appropriate time resettlement for other groups should be considered.

5. Concluding Remarks

The evolving situation in Haiti promises some signs of hope for Haitians to be able to stay home and live in peace and dignity. However, the situation on the ground is extremely confusing, and is likely to remain very fragile for the next few months. We believe that a policy by the Administration along the lines of the recommendations we have proposed would set the right course for U.S. refugee policy. We also have ongoing concerns regarding the conditions on, and access to, safe havens. We will continue to work with your staff to address these concerns.

Sincerely,



Martin Wenick, Chair
Committee on Migration and Refugee Affairs, InterAction

Executive Vice President
HIAS

on behalf of

Anthony J. Kozlowski, President and CEO
AMERICAN REFUGEE COMMITTEE

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