

Cubans and Haitians in the US: The Catholic Church Response

Background

In 1961, the Catholic Church opened the first assistance program for Cuban refugees in Miami, which was subsequently expanded to serve Haitian clients as well. Today, the United States, particularly in Florida, receives Haitian asylum-seekers and Cuban immigrants through the Cuban/Haitian Primary/Secondary Program (CHPSRP), administered by Migration and Refugee Services of the United States Conference of Catholic Bishops (USCCB). Through this program, the U.S. government has helped resettle more than 300,000 Haitians and Cubans in our country in the last twenty-five years, assisting people who have fled persecution in their home countries and helping them to reach self-sufficiency at an early stage. Without the services provided by the CHPSRP, many of those served by the program would be without support in the United States, leading them to life on the street without the prospect of employment or housing.

In partnership with the U.S. Department of Homeland Security, the program provides processing and resettlement services to Cubans and Haitians who are released from immigration custody. It also serves Cubans without relatives in the United States who are paroled directly from Cuba after they win the special Cuban visa lottery. The program also provides initial processing and later resettlement services for a 90-day period to “free” cases (those with no relatives in the United States). For cases that have relatives in the United States, family reunification services are facilitated for a limited period of 30 days by the diocesan agencies where the relatives live.

Issue

Cubans and Haitians face very different realities when arriving in the United States. Through a lottery program in Cuba, 20,000 Cubans are allocated visas to emigrate to the United States each year through the Special Cuban Migration Program of 1994. The Cuban Adjustment Act of 1966 allows any citizen of Cuba who has been inspected and admitted, or paroled, into the United States after January 1, 1959 to remain legally in the country. Those who remain in the United States for one year can then adjust to permanent resident status. Those Cubans who do not safely reach land and do not demonstrate a credible fear of persecution if returned are interdicted at sea and are then returned to Cuba (the “Wet Foot/Dry Foot” policy). This policy constitutes the most favorable treatment afforded to any single group of potential entrants to the United States.

Haitians, on the other hand, have long been treated in a much more exclusionary manner. Lengthy mandatory detention, interdiction, and lack of access to counsel have been hallmarks of U.S. policy toward Haitians fleeing their country. In 2003, the Attorney General ruled that immigration judges must consider the “national security interests implicated by the encouragement of further unlawful mass migrations...” in making bond determinations regarding release from detention of unauthorized migrants who arrive in “the United States by sea seeking to evade inspection” Essentially, the United States government is concerned that allowing individuals fleeing famine, war, or persecution to seek asylum from a country so close to U.S. shores would trigger a mass migration¹. Notwithstanding this concern, the United States shall not ignore its legal and ethical responsibility by denying asylum to those who are not safe to return to their country of origin. Despite some recent improvements, the United States continues

¹ http://www.ndu.edu/library/docs/crs/crs_rs21349_21jan05.pdf

to deport non-criminal Haitians who have lived in the United States for years; who have U.S.-born children, own houses, and pay taxes; and who send money to Haiti, thus sustaining huge numbers of people in the most impoverished country in the Western Hemisphere. This is unacceptable.

Catholic Social Teaching

The Judeo-Christian tradition is steeped in images of migration. Papal teaching has reflected biblical images of migration including the plight of those fleeing danger and persecution. Pope Leo XIII's 1891 encyclical *Rerum Novarum* included the right to migrate to sustain one's family. *Exsul Familia*, Pius XII's response to the unprecedented populations of refugees and displaced persons following World War II, called the Holy Family the "archetype of every refugee family." Pope Benedict XVI's second encyclical, *Spe Salvi* (Saved in Hope), reminds us that "No one lives alone. No one sins alone. No one is saved alone. The lives of others continually spill over into mine: in what I think, say, do, and achieve (48)." And Pope John Paul II, speaking in *Centesimus Annus* about the condition of refugees and immigrants, said that "no one can say that he is not responsible for the well-being of his brother or sister."

Indeed, we harken back to the plight of the Holy Family, including the infant Jesus, who fled into Egypt to escape the tyranny of King Herod. Jesus teaches us that in the face of the refugee and asylum-seeker we see the face of Christ. "For I was hungry and you gave me food, thirsty and you gave me drink, a stranger and you welcomed me" (Matthew 25:35). In response to our Lord's call, the Catholic Church in the United States, through the work of Migration and Refugee Services of USCCB, the Catholic Legal Immigration Network, Inc. (CLINIC), Catholic Charities agencies, and Catholic Relief Services, provides basic needs and resettlement assistance to refugees and asylum-seekers throughout the world.²

What the Catholic Community is Doing to Help

Through Migration and Refugee Services' extensive network of diocesan partner agencies across the country, the Catholic Church has played a major part in assisting immigrants and refugees since the beginning days of our nation, and continues to do so by helping newcomers resettle and adjust to life in the U.S.

USCCB's MRS has long collaborated with the federal government in helping Haitian and Cuban entrants processed through detention centers to best access the rights afforded them as asylees and asylum-seekers. In 2002, Bishop Thomas G. Wenski testified before the Senate Subcommittee on Immigration on the plight of Haitians, stating that U.S. policy toward Haitian asylum-seekers should be reformed. This advocacy played a major role in the ruling that any interdicted Haitian must receive a hearing before an immigration judge before facing deportation.

USCCB Position on Cuban migrants

While U.S. migration policy toward Cubans is generous, each year many would-be entrants perish at sea in their attempt to reach U.S. shores. Additionally, the years since 2003 have seen a dramatic increase in the number of Cubans who are attempting to enter the United States through Mexico, resulting in new networks of smuggling and trafficking of Cubans. In 2007, the U.S.

² <http://www.usccb.org/mrs/wenhait.shtml>

Coast Guard reported at the end of the year that over 3,200 Cubans have been interdicted at sea and repatriated to Cuba, a significantly higher number than seen in years past. In that same year, a recent migration report assembled by the U.S. Customs and Border Protection indicated that as many as 13,000 Cubans left the island by sea to Mexico, and then entered the U.S via the land border. While these entrants are paroled as soon as they enter the United States, they are not receiving the services to which they are entitled under the law, resulting in delays in their ability to obtain lawful employment, among other things.

In August of 2006, President George W. Bush signed an executive order allowing certain Cuban Medical Personnel in third countries (that is, not in Cuba or the United States) to apply for parole at a U.S. Embassy or Consulate, including their relatives of different nationalities. However, in 2007 the Office of Refugee Resettlement announced that the non-Cuban spouses and children of the Cuban Medical Personnel Parolees do not meet the definition of a “Cuban and Haitian entrant” as defined in the Refugee Education Assistance Act of 1980. They argued that, being non-Cuban, these persons are not eligible for ORR benefits and services. In the interest of family unity, this policy should be changed to include non-Cuban spouses and children in the definition of a “Cuban and Haitian entrant”. This has also been a problem with non-Cuban children of Cubans entering via the U.S. – Mexico border. In addition to ineligibility for services, these children are not being paroled along with their parents, leaving them in a legal limbo.

In 2004, DHS/USCIS began issuing a “Notice to Appear” to Cubans upon entry instead of immediately granting them parole, as stipulated by the law. This vastly complicates the process of accessing benefits and employment authorization. In addition, the length of parole and subsequent parole extensions were shortened from one year to two, creating delays for those adjusting status and seeking to remain employed or seek employment. USCCB advocates for a return to the pre-2004 practices in order to serve these entrants in an orderly fashion which enables them to access needed services and employment opportunities as quickly and as consistently as possible.

Recommendations

- DHS/USCIS should fund access to the CHPSRP near the most common border entry points for Cubans entering across the U.S.- Mexico land border, 11,500 Cubans have entered via Mexico in fiscal year 2008. At the current time, Cubans who enter the U.S. anywhere besides Miami do not receive the services to which they are entitled under the law.
- Cuban Medical Personnel parolees should be provided with professional recertification training programs by the states in which these parolees reside.
- Instead of issuing a “Notice to Appear” to Cuban rafters, parole should be granted immediately to Cubans at the port of entry. This is a policy change effected by DHS/USCIS in 2004, and must be reversed immediately to come into compliance with the law.
- Parole, and parole extensions, should be granted for two years, as specified by U.S. law, instead of for one year only, as has been practice since 2004.

- Cubans who receive visas through the Cuban Family Reunification Program should be eligible for the CHPSRP if necessary, since their visas are identical to those provided through the Cuban visa lottery.
- Non-Cuban relatives of the Cuban Medical Personnel Parolees Program should be eligible for ORR benefits, though they are paroled and allowed to work.
- Non-Cuban relatives of Cubans crossing the U.S. – Mexico border should be paroled and granted ORR benefits.

USCCB position on Haitian migrants

USCCB calls for an end to a policy that unfairly and unjustly discriminates against Haitian asylum-seekers. While Cubans who land on U.S. soil are automatically eligible for asylum, Haitians are viewed as economic migrants and are mostly deported back home. More than 1,500 Haitians seeking to escape poverty and violence at home were caught at sea and repatriated by the U.S. Coast Guard during 2007.

USCCB advocates strongly for a current review of the conditions in Haiti and a grant of Temporary Protected Status (TPS) to Haitians. TPS is granted by the Executive Branch to provide relief to nationals of countries suffering natural disasters or political violence. The status suspends deportations of people who have overstayed their visas or entered illegally, for renewable 12-18 month periods. TPS provides important relief to such visitors, their families and their governments, at very little cost to U.S. taxpayers.

In addition to the political violence of recent years, Haiti is the poorest country in the Americas, and is also extremely vulnerable to natural disasters. Tropical Storm Jeanne, for example, killed over 2,000 people in 2004. Nonetheless, Haitians have never received TPS. By contrast, Nicaragua, Honduras and El Salvador, all more prosperous and stable than Haiti, received TPS following natural disasters since 1999.

Recommendations

- The United States should provide screenings for all interdicted Haitians and other interdicted migrants to determine whether they have a credible fear of return to their home country.
- The United States must review the conditions in Haiti and consider a grant of Temporary Protected Status to Haitians living in the United States.
- The United States should re-examine current interdiction policies. Haitians stopped on the high seas or in airports must not be denied the opportunity to request asylum and to be heard fairly.
- As a general policy position, USCCB calls for a dramatic improvement in the conditions in U.S. detention facilities. One Haitian in particular, the Reverend Joseph Dantica, died in ICE detention in 2004 after being denied his medications by officials. Between 2004 and 2007, at least 65 people have died in ICE custody³.

³ http://www.democracynow.org/2007/10/5/in_new_memoir_award_winning_haitian