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WORLD COUNCIL OF CHURCHES

PROGRAMME UNIT ON JUSTICE AND SERVICE
Commission on Inter-Church Aid, Refugee and World Service

April 24, 1980

To CICARWS related agencies and friends in the Dominican Republic and France. Support for centre in the Dominican Republic is under consideration.

Dear Colleagues,

re: Refugees from Haiti - Appeal for Solidarity

For several years, the National Council of Churches in the USA and its relief and development arm, Church World Service, have been defending the rights of Haitian refugees claiming political asylum in the United States. Through the Haitian Refugee Project in Washington, D.C., and the Haitian Refugee Center in Miami, Florida, NCCCUSA/CWS seek to alter immigration and other governmental policies toward the refugees - where necessary through legislation - and at the same time provide a range of necessary welfare, legal and advocacy services for those seeking asylum or involved in deportation hearings.

Recent events indicate that this struggle for Haitian rights may be nearing a successful conclusion and that therefore Haitians who claim refugee status will be accorded the same treatment as other refugees coming to the United States, especially those from communist countries. Please see the attached report, prepared by Carl Nielsen of CICARWS Refugee Service, for fuller information on this issue.

This is the appropriate time for churches of the WCC family to express their support to the National Council of Churches in the USA and Church World Service on the Haitian refugees issue, so I am therefore launching a

SPECIAL APPEAL FOR SOLIDARITY WITH REFUGEES FROM HAITI

with these two organizations for their efforts in this regard. While monetary contributions in support of the work would of course be welcome (requests for 1980 exceed US\$172,000 for local and national legal services and programmes of care and maintenance at the Center), I consider it equally important for the member churches and related agencies of the WCC to express their solidarity with NCCCUSA/CWS in public statements of support. It will be of considerable symbolic significance for the members of the WCC family thus to involve themselves in the problem of Haitians in the United States.

Communications should be addressed to:

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and/or

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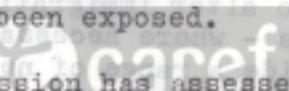
The mailing address for both organizations is:

475 Riverside Drive
New York, N.Y. 10027
USA.

It may be of interest to indicate here the various ways in which sub-units of the WCC have been involved in the Haitian issue in the United States and elsewhere:

- The Human Rights Resource Office for Latin America has been monitoring events as they affect Haitians not only in the United States but also in the Dominican Republic and France. Support for a human rights centre in the Dominican Republic is under consideration.
- The Programme to Combat Racism made grants of US\$10,000 each in 1976, 1977 and 1979 to the Haitian Refugee Project in the USA, the undertaking of the NCCCUSA which was mentioned above. Also in 1979 a grant of US\$10,000 was made to the Association of Immigrant Haitian Workers in France.
- The Migration Desk pays particular attention to the problems of migratory workers from Haiti, especially to the USA and the Dominican Republic. Labour organizing projects involving Haitian workers have been funded through CICARWS and the rôle of transnational corporations in exploiting Haitians has been exposed.
- The Christian Medical Commission has assessed and supported a multi-purpose development programme in rural Haiti, a project which in its health and other aspects could prove to be a model for the country. Relationships are also maintained with the Christian Medical Commission of Haiti.
- CICARWS has made two financial contributions to the Haitian refugee programme of NCCCUSA/CWS, regarding them as token grants of solidarity: US\$5,000 in 1978 from Danish Church Aid, and US\$2,500 in 1979 from Inter Church Aid of the Netherlands.

I urge you to respond to this Special Appeal for Solidarity by siding now with NCCCUSA/CWS in their struggle on behalf of Haitian refugees in the United States. With these endeavours apparently near success, it becomes all the more necessary to give final momentum to the effort that will bring justice to these refugees.



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REFUGEES REFUGIES FLÜCHTLINGE REFUGIADOS

April 1980/CFN

Are the Haitians Claiming Asylum in the United States Really Refugees?

Haiti comprises the western one-third of the Caribbean island of Hispaniola, sharing it with the Dominican Republic. Cuba lies 160 km. (100 mi.) to the west, and the island chain of the Bahamas to the northwest lies like a series of stepping stones to Florida, some 1,000 km. (625 mi.) away.

Haiti has had an extremely tumultuous and bloody history since Columbus landed there in 1492. First there was Spanish, then French, colonial rule that ended in 1804 only to be followed by civil war and almost continuous strife with the Dominican part of the island. Ruler after ruler tried to govern Haiti but nearly every one was ousted by revolution. Great Britain, France and the United States, though each had recognized Haiti's independence, intervened directly at various times in Haitian affairs, and finally, in 1915, the U.S. began an occupation which lasted until 1934. After that, struggles for Haitian leadership resumed in the former pattern, with one president succeeding another after periodic outbursts of violence. Then, in 1957, François Duvalier was elected president. He ruled with an iron hand until his death in 1971. His son Jean-Claude Duvalier succeeded him as Haiti's hereditary "President for Life" and still occupies office.

Haiti's economy is basically agricultural, with coffee, sisal, cotton, castor beans, cacao, sugar and edible oils as the main products. It was one of the most productive regions in the Caribbean during the French colonial period, but the bloody wars for independence and the revolutions that followed resulted in the destruction of the large estates and irrigation systems. Thousands of peasants today struggle against ever-worsening erosion and soil depletion, making agricultural reconstruction a vital necessity. Illiteracy throughout Haiti is estimated at 80%, child malnutrition at 75%, and unemployment/under-employment at 50%. With an annual per capita income of about US\$200, Haiti ranks as one of the poorest of the American republics.

Since 1957, that is, since the two successive Duvalier regimes, an estimated half a million people have left Haiti. Before then, despite endemic poverty, Haiti's U.S. migration quota remained unfilled. The purposes of this report are, first, to examine what factors have contributed to such a sudden, massive movement; second, to see what has happened to Haitians claiming political asylum in the U.S.; and, third, to answer the question posed in the title.

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Conditions in Haiti

François Duvalier was swept into power as a populist in Haiti's last free election of 1957. A country doctor who bore the affectionate nickname of "Papa Doc," he gained office on the strength of his promises to cure the nation's ills. Once in power, though, he not only quickly and effectively crushed political opposition, including a revolt in 1958, but also established an apparatus of repression that remains in place to this day under his son. Amnesty International in its 1975-76 report documented the widespread violation of human rights in Haiti and stated that more than 3,000 people had been executed or tortured to death during the two Duvalier regimes. AI's findings are consistent with those of other human rights organizations, journalists, and what Haitians say who have fled the country.

The mainstay of the Duvaliers' power has been the Volontaires National Sécurités, an unpaid militia that was armed by the elder Duvalier and given license to terrorize, kill and extort. It was nicknamed "Tonton Macoutes" after a mythical folk character who disappears with innocent people at night. After the younger Duvalier came to power in 1971, the Macoutes substituted what had been a blatant, largely urban style of oppression for a quieter but no less effective system based throughout the countryside. Using a network of informers whose allegations are acted upon swiftly and brutally, the Macoutes, operating much like local warlords, have no serious opposition. It is reported that any utterance against them or the Duvalier regime is sufficient cause for summary execution. The Haitian prisons, according to AI's 1978 report, have one of the world's highest mortality rates among detainees. The same report describes widespread arrests without legal safeguards and hundreds of political prisoners who have not been accounted for, dead or alive.

The human exodus from Haiti since the first Duvalier took office coincided with a pattern of political repression coupled with severe economic difficulties. The Duvalier regimes and their allies have tried to explain this exodus purely in economic terms, without any relation to the political situation, but in fact the two are inseparable. Political repression and economic deprivation reinforce each other in Haiti.

Opponents of the regime are forced to leave, thus destroying democratic resistance to the government and tightening the hold of those in power. This compulsory migration also brings an economic benefit to Haiti's rulers, directly through a system of ransoms collected for exit visas, and indirectly through payments made by Haitians overseas to their families still at home. Paradoxically, then, political exiles like these help the government from which they have fled obtain badly-needed foreign exchange to make up for its economic failures. But many more people in Haiti have left without the long wait for an expensive exit visa. This includes people, mainly from the upper and middle classes, who departed as tourists and decided for many reasons, including fear of reprisals, not to return. Mainly in the U.S., they live and work clandestinely as "illegals" or "undocumented aliens." The great majority of Haitian exiles, however, simply find the destitution and repression too much to endure and, seeing no hope for the future in their country, decide to get out by whatever means they can.

The despoiling and abandonment of the land, terrorism by the Macoutes, widespread agricultural unemployment and the reduction of job opportunities elsewhere, chaos caused by the decay and destruction of public administration structures, large-scale smuggling, stealing, racketeering and price-fixing, soaring inflation, the total lack of peace and security except for an elite few -- these by any but the most partisan assessment are the characteristics of Haiti today. Foreign aid has not only been squandered but, worse, has resulted in the sacrifice of Haiti's economic integrity. In effect, the Duvalier regimes have ransomed the Haitian people's human, civil and political rights in exchange for what was to have been economic development in a setting of "law and order." But when foreign aid is not invested in productive enterprises but instead diverted and embezzled, the only alternative short of revolutionary internal reform is to plunder the national income. This is precisely what has happened in Haiti.

Reception in the United States

It is hardly surprising, therefore, that under such circumstances many people have left Haiti. What is surprising is the manner in which they have been received in the country to which most of them went, the United States. There, officials in the State Department and the Immigration and Naturalization Service (INS) have contended that the Haitians were merely "economic refugees" -- job-seekers -- and therefore not entitled to political asylum. To be classified as an economic refugee bars one from welfare assistance and leaves open the prospect of deportation proceedings. Indeed, the INS is attempting to send back some 8,000 Haitians in the Miami, Florida, area which it says are in the United States illegally. These people have been seeking asylum since 1972 and are now in prison, hoping to receive from the U.S. Attorney General the status of political refugees.

The attempt to deport these Haitians is being vigorously resisted by several religious, human rights, social service, trade union and community groups, among them the National Council of Churches of the U.S.A. (NCC) and its relief and development arm, Church World Service. On behalf of the NCC, the International Human Rights Law Group has filed a complaint with the Inter-American Commission on Human Rights of the Organization of American States. The NCC's complaint, which is supported by affidavits based on interviews with 300 Haitians, charges the United States with violations of human rights of the 8,000 Haitians who seek political asylum. Included in the allegations are irregular and discriminatory procedures by the INS, the use of "threats, intimidation, and the employment of Haitian translators believed to be informers for the Haitian government" to coerce the detainees to make a "voluntary return" to Haiti. In two appendices to the complaint, Amnesty International offers evidence of forced expulsion ("refoulement") of Haitians from the U.S. and expresses concern for what happens to many deportees when they reach Haiti: arrest, detention and persecution. In sum, the NCC's complaint offers strong evidence in support of the contention that in its treatment of the Haitians seeking political asylum, the U.S. is in violation of its own laws as well as certain international commitments to which it is a signatory, notably the American Declaration of the Rights and Duties of Man, the American Convention of Human Rights, and the United Nations 1967 Protocol Relating to the Status of Refugees.

In another lawsuit which will directly affect the legal status of the Haitians seeking asylum in the U.S., the NCC is supporting a complaint charging numerous illegal acts by the INS in its treatment of Haitians: rushing them through asylum and deportation hearings; deprivation of legal counsel by mass scheduling of asylum interviews and deportation hearings; failure to inform the Haitians of their right to counsel and remain silent for interrogation; failure to maintain prior asylum decisions; and imprisonment of Haitians who asserted the constitutional right against self-incrimination. In addition to legal services for refugees seeking political asylum, the NCC operates an advocacy programme for the Haitians as well as a refugee centre where services like food, clothing, shelter, acculturation, transportation and other benefits are made available to some 8,000 clients per year. This work has gone on since 1973 at an expenditure of more than US\$800,000. Support is still needed for what the NCC terms the "Atlantic boat people".

Are They Refugees?

On March 18, 1980, President Carter signed into law the Refugee Act of 1980, which revises provisions for refugee admissions and assistance. An important feature of this new law is that it will permit fair and equitable treatment of refugees in the United States regardless of their country of origin. Those concerned with the manner in which Haitians seeking asylum in the U.S. have been treated will watch with great interest the implementation of the new law. U.S. refugee legislation heretofore has had a clear bias in favour of people fleeing regimes which were communist, while refugees from the kind of fascist oppression exemplified by Haiti have often had to contend with official hostility. The difference in the way boat people from Indochina have been treated compared with those from Haiti illustrates the ambiguity which it is hoped the Refugee Act of 1980 will resolve. If this happens, the Carter administration will have taken an important step forward in advancing the credibility of its commitment to human rights on a fair and impartial basis, one that will not result in invidious distinctions between economic and other kinds of refugees which, in effect, meant that certain categories of people fleeing oppression were not as welcome as others. Ever since 1974 the NCC has warned that the discrimination against Haitian refugees would result "in sowing seeds of racial strife ... and in making the United States appear by design or default as a champion of dictatorships of the right no matter how repressive they might be." The way in which Haitians seeking political asylum in the U.S. are treated under the provisions of the new Refugee Act will be a test of whether the NCC's warning still has validity.

