Immigration Benefits and Services for Haitian Migrants: Yesterday, Today and an Uncertain Future

YESTERDAY:

Over the past several decades, natural disasters and political upheaval have led to extreme instability and violence in Haiti. While the timing of mass migration waves from Haiti and Cuba have coincided, Haitian migrants attempting to flee such adversity in their home country have been consistently discriminated against by immigration policies in the United States in comparison to their Cuban counterparts. Nonetheless, over the years, programs were created, and legislation was passed to accommodate certain factions of Haitian migrants attempting to obtain refuge in the United States.

Cuban Haitian Entrant Program (CHEP) (1986)

In 1986, the Cuban/Haitian Entrant Program (CHEP) was started. Under CHEP, Cuban and Haitian entrants became eligible for services mirroring those provided by USRAP’s Reception and Placement program. The services were available for 30 days for those entrants with family or sponsors in the United States, and for up to 180 days for those without. These services included:

- Employment orientation
- Job counseling and placement
- Application assistance for Social Security cards
- ESL class referrals
- Community orientation

Pursuant to 45 CFR § 401.2, a Cuban and Haitian Entrant is:
Anyone granted parole status as a Cuban/Haitian Entrant (Status Pending) or granted any other special status subsequently established under the immigration laws for nationals of Cuba or Haiti, regardless of the status of the individual at the time assistance or services are provided; and

Any other national of Cuba or Haiti:

- Who,
  - Was paroled into the United States and has not acquired any other status under the Immigration and Nationality Act;
  - Is the subject of exclusion or deportation proceedings under the Immigration and Nationality Act; or
  - Has an application for asylum pending with the Immigration and Naturalization Service; and
- With respect to whom a final, non-appealable, and legally enforceable order of deportation or exclusion has not been entered.

Funding for the CHEP program was cut in 2018 after the wet foot / dry foot policy for Cubans was terminated, and Cuban migration decreased significantly, even though Haitian migration did not.

**Haitian Refugee Immigrant Fairness Act (HRIFA) (1998)**

The Haitian Refugee Immigrant Fairness Act was passed by Congress in 1998 to provide a pathway to lawful permanent residency (Green Card) for certain Haitians who had been residing in the United States and had either filed an application for asylum, or had been paroled into the country prior to December 31, 1995. HRIFA also provided an opportunity for spouses and children of the principal applicant to obtain lawful permanent residency. Eligible Haitians had to apply for a Green Card by March 31, 2000.

**Haitian Family Reunification Parole program (HFRP) (2014)**

This parole program, started in 2014, offers Haitians the opportunity for to reunite with family in the United States up to two years before their immigrant visa is approved. Eligibility for HFRP requires the legal standing to obtain an immigrant visa, as well as a family member who is a U.S. citizen or green card holder. HFRP parolees could apply for their immigrant visa once granted parole. U.S. citizens or green card holders must file a form on their Haitian resident family member’s behalf, and, subsequently, the National Visa Center would issue an invitation to apply for the HFRP program. Only those who receive an invitation are able to apply.

DHS announced in 2019 that the HFRP program would be terminated. However, in late September of 2021, DHS reversed its decision, reinstating the program, but reducing its capacity due to the permanent closure of the Port-au-Prince USCIS field office in 2019. No invitations have been issued yet.
Cuban and Haitian Entrant Benefits and Services

According to 45 CFR § 401.12, Cuban and Haitian entrants are eligible for benefits and services to the same extent as refugees. This means that they are eligible for both refugee benefits through the Office of Refugee Resettlement (ORR), and federal mainstream benefits.

Mainstream federal benefits include, among others:

- Supplemental Security Income
- Temporary Assistance for Needy Families (TANF)
- Supplemental Nutrition Assistance Program (SNAP)

ORR benefits include:

Up to 8 months of:

- Refugee Cash Assistance (RCA)
- Refugee Medical Assistance (RMA)
- Matching Grant Program (MG)

Up to 5 years of:

- Refugee Support Services (RSS) related to employment assistance.
- Specialized programs such as youth mentoring, technical assistance for small business start-ups etc.
Advocacy Recommendations

▪ **Restart the Cuban Haitian Entrant Program.**

  Funding for CHEP was cut in 2018 only after Cuban migration to the United States slowed, not Haitian migration. Restarting the program would yield great benefits for Haitian migrants without significant cost since its infrastructure is still largely in place.

▪ **Push DHS to immediately issue invitations for the Haitian Family Reunification Parole program.**

  The HFRP program is essentially non-operational if the sole way it can be utilized, through invitations to participate, is stalled. DHS must immediately begin to issue invitations to eligible applicants to continue the process of obtaining parole.

▪ **Allow Haitians to fulfill their lawful right to seek asylum by dismantling Title 42.**

  The implementation of Title 42 as a means to prevent migrants, particularly Haitians, from being screened for asylum prior to expulsion has been called a direct violation of international law by UN special apporteurs for human rights. DHS has consistently averted responsibility for upholding the public health measure, placing the onus on the Center for Disease Control and Prevention (CDC) to cease its use. Regardless of which agency does, in fact, have the authority to end Title 42, the Biden administration must take whatever means necessary to do so, and, therefore, allow Haitian, and all other migrants, to fulfill their legal right to seek asylum.

**UNCERTAIN FUTURE:**

While we don’t know what the future holds for Haitians seeking refuge in the United States, particularly as Title 42 remains in place, there are several legislative and programmatic ways in which advocates can push for greater protections for them.