

HUMANITARIAN PAROLE CRISIS:

How Racist
Policies and
Practices
Deny Haitian
Refugees Work
Authorization

EXECUTIVE
SUMMARY



**TAKEROOT
JUSTICE**



**Haitian Women
for Haitian Refugees**

ABOUT THE AUTHORS



Haitian Women for Haitian Refugees (“HWHR”) was founded in 1992 to respond to the refugee crisis faced by Haitian immigrants in the U.S. and Guantanamo Bay. Over the years, HWHR has provided support to thousands of families who sought asylum in the U.S. after being persecuted in Haiti. With a transnational approach, the organization has promoted climate justice and engages individuals and communities in various solidarity response projects, including the Birthright Campaign in the Dominican Republic to combat anti-Haitianism and statelessness, water justice to address increased droughts in Haiti, and relief for Haitian victims during and in the aftermath of natural and man-made disasters. Currently, HWHR provides culturally competent programs that include immigration-related screenings and referrals, community education, supportive services, and healing-centered community organizing. Through education, community organizing, leadership development, and collective action, HWHR members empower themselves as they struggle for social, economic, and racial justice. HWHR members engage in collective efforts and movement work to combat exclusion, oppression, and institutionalized racism that impacts their lives.



TakeRoot Justice (“TakeRoot”) partnered with HWHR to conduct this research. TakeRoot provides legal, participatory research and policy support to strengthen the work of grassroots and community-based groups in New York City to dismantle racial, economic, and social oppression. TakeRoot’s Participatory Research and Policy team partners with and provides strategic support to grassroots community organizations to build the power of their organizing and advocacy work. We utilize a participatory action research model in which low-income and excluded communities are central to the design and development of research and policy.



EXECUTIVE SUMMARY

The treatment of Haitian refugees, asylum seekers and migrants in the United States has recently garnered widespread media attention. Many will be familiar with the highly publicized targeting of Haitians who were stranded under the Del Rio Bridge in Texas in the summer of 2021, and with the violent events that followed that were viewed by people all around the world: a precipitous increase in deportations including families with young children; the resumption of dehumanizing treatment with callbacks to slavery, such as chases by mounted U.S. Customs and Border Protection officers and shackling Haitians with thick chains during deportations; and more.^{i ii} These events are part of a long legacy of racist and xenophobic U.S. immigration policy with deep historical roots and substantial current-day consequences.

Haitian Women for Haitian Refugees' position in New York City's Haitian community has allowed us to witness the way Haitian and other Black refugees, asylum seekers and migrants are treated by the U.S. government via its immigration policies and practices—some of which were originally designed to deter Haitians centuries ago and stem from decades of imperialist and White supremacist actions on the part of the United States with respect to Haiti.

This participatory action research report focuses on the intertwined issues of humanitarian parole and employment authorization. Humanitarian parole is a status granted to some individuals which allows them to be paroled in the U.S. for a temporary period based on “urgent humanitarian reasons.”ⁱⁱⁱ The parole allows them to apply for a critical lifeline: the Employment Authorization Document (“EAD”), also known as a work permit, so that they can support themselves and their families while pursuing a more permanent immigration status.^{iv}

Our research demonstrates that Haitian refugees, asylum seekers and migrants were granted humanitarian parole periods that were effectively meaningless because they provided insufficient time to apply for employment authorization, let alone to work. We also demonstrate significant delays in the processing of employment authorization applications for Haitians. The result is that recently arrived Haitians were put in a cruel and heartbreaking position: entering the U.S. with no pathway for legal, dignified employment, and significantly restricted access to other resources.

This report and its findings were drafted during a period of rapidly changing immigration policy. These policy changes, including the CHNV Parole Program and the expansion of the CBP One mobile application, could be viewed as potential gains for a limited number of people seeking entry into the U.S., but they contain troubling aspects, logistical challenges, and substantial limitations.^{v vi vii viii} We see these new policies as reactionary ploys aimed at limiting migration, distracting the public from U.S. treatment of immigrants, particularly Haitian and other Black refugees, asylum seekers and migrants, and as politically motivated in preparation for the 2024 election cycle.

While the policy landscape has shifted since our research was conducted, the findings from our research remain relevant and our policy recommendations remain urgent.

SELECT FINDINGS

These findings derive from semi-structured interviews with seven directly impacted Haitian individuals in New York City and semi-structured interviews with seven legal service providers in New York, New Jersey, and San Ysidro, California.

Finding 1: Humanitarian parole, and the associated ability to apply for employment authorization, is critical in the lives of refugees, asylum seekers and migrants.

A primary benefit of humanitarian parole is the door it opens for refugees, asylum seekers and migrants to apply for and receive employment authorization.

Legal advocate reflections:

- *“Work authorization, I’d say it is priority number one for most of my clients. It’s just sheer survival. It’s just a matter of the most basic needs.”*
—Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- *“You don’t feel comfortable if you are not working...You rely on other people...It causes you to feel childlike... We will come here and lose.”* —Interviewee 7
- *“Give people a chance to live as humans.”* —Interviewee 1

Finding 2: Humanitarian parole for Haitians was massively curtailed under the Trump administration, a trend which continued under the Biden administration, making it impossible for refugees, asylum seekers and migrants to fully utilize their Employment Authorization Document.

During the Obama administration, parole had been routinely granted for terms of two to three years, during which refugees, asylum seekers and migrants could apply for and receive employment authorization, giving them a means to support themselves while navigating their immigration cases. The Trump administration ushered in a precipitous shift. They began to deny humanitarian parole entirely, or to grant it for lengths of just a couple of weeks. These extremely short humanitarian parole terms—of just weeks or months—continued in the first year of President Biden’s administration, dashing hopes that they would do better by Haitians.

Humanitarian parole must be of sufficient length for individuals to actually utilize the parole to access employment authorization. With parole lengths of just weeks or months, parole is rendered patently useless.



Legal advocate reflections:

- *“Folks had [previously] gotten humanitarian parole for two to three years, mainly three years, and they were able to apply for work permits in order to work while they were weighing the decision to apply for asylum, or if they were eligible for something else. There started to be a real shift [in 2017] when more folks started to immigrate... we started to see folks weren’t granted humanitarian parole for as long, or it wasn’t as consistent. The [political] climate had really changed, at least in terms of more aggressive tactics being used. In 2020...mass deportations were happening all the time, like every day.”*
—Aline Gue, TakeRoot Justice
- *“They’ve stripped away all the practical benefits of [humanitarian parole] by making the term so short that someone can’t actually work and then can’t actually support themselves in the term they’re given. And then may just find themselves in deportation proceedings.”*
—Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- *“I came to the U.S. on September 23, 2021. They gave it [humanitarian parole] to me for two weeks. I feel powerless, incapable of taking care of my own baby. I’m never comfortable with this situation. I have three kids left in Haiti and I have one with me here. And then I don’t have the permit to work. If you don’t have a work permit, you can’t work.”*
—Interviewee 2
- *“I thought I would have been able to work, but they only gave me parole for two months...the time period was too short which didn’t allow me to do anything or start any process.”*
—Interviewee 6

Finding 3: A dramatic backlog in processing Employment Authorization Document applications means that even Haitians with relatively longer parole terms are still left without access to work authorization.

Following our primary research, new programs were introduced by United States Citizenship and Immigration Service (“USCIS”) that provide for one and two-year grants of humanitarian parole. While lengthened parole terms may seem like substantial benefits, they still fall short. Even for those who receive a one-year parole grant, the wait times for processing Employment Authorization Documents applications are so long that individuals never get to take advantage of their employment authorizations.

Legal advocate reflections:

- *“Even for the year-long terms, which we’re seeing a lot right now...By the time you apply for work authorization, it can be like eight to nine months before you get that permit. And there are very few people who receive parole, connect with an attorney on day one and are able to provide the filing fee, get their EAD application filed.... So more realistically they’re three months into their parole term when they’re filing the EAD, and then it’s essentially useless. It just sort of becomes moot...Nothing happens in a year. No stability is achieved in that short of a period of time.”*
—Anonymous, New York, NY

Finding 4: The curtailment of humanitarian parole, together with delayed processing of Employment Authorization Documents, was received as a deliberate attempt to strip people of their right to work, and a manifestation of anti-Haitianism and anti-Black racism at large.

Shortened humanitarian parole terms for Haitian refugees are received as a deliberate decision by the government to strip people of their right to work, and a cruel attempt to deter immigration and facilitate deportation. Anti-Black racism and anti-Haitian sentiment are understood as the root cause of the changes.

Legal advocate reflections:

- *“Giving [a one-year parole] that makes it appear as if you have improved your treatment of this population, while in the background doing something that impedes any progress...You’re trying to appear as if you’ve changed, and you’re not. You haven’t. You’re absolutely disenfranchising a very specific group...Why are you preventing me from getting this thing that costs you nothing? That’s what I feel is happening to the Haitians. It costs you nothing. It costs the government nothing to give the people already here a work permit for a year.”*
—Stephanie Delia, The Haitian Legal Network, Inc.
- *“If you look at it from the perspective of them trying to deter migration [and] from the White supremacist system that they’re supporting and holding up, it makes sense in that light.”*
—Hollie Webb, Al Otro Lado

Refugee, asylum seeker and migrant reflections:

- *“If we were safe at home, we would have stayed there. We came here to look for life.”*
—Interviewee 1
- *“We are interpreting these acts as racist, because wherever we go, we are the ones who suffer the most for work and we know how to work.”*
— Interviewee 4
- *“We are all the same. If you cut my skin, you are cutting the skin of another. Don’t differentiate because of my color. I would like to know if they have a problem with Haiti, or if they have a problem with our skin color.”*
— Interviewee 6

Finding 5: The system of granting humanitarian parole, as well as other immigration processes, has become opaque and confusing even to those who are closely monitoring the system. This leaves refugees, asylum seekers, migrants, legal professionals, advocates, Haitian community organizations and Black immigrant organizations at large with limited recourse and unable to assist their clients effectively and equitably.

Legal service professionals find themselves trying to make sense of and catch up with rapidly changing immigration policy and government practices, both those specific to the issue of humanitarian parole, but also more broadly. The limbo experienced by both legal professionals and their clients is deeply felt and presents barriers to supporting Haitian refugees, asylum seekers and migrants.

Legal advocate reflections:

- *“It was incredibly hard to understand what was going on. People didn’t have documents. It was chaos, and it was changing all the time. They were changing their policies all the time. It was incredibly opaque.”* —Aline Gue, TakeRoot Justice
- *“I feel like everything is hopeless right now. When I tell them ‘It’s great you have [parole] for a year, but I don’t know when you’re going to get your [EAD] card.’ Before, I could say, ‘Okay, about three to four months’. But now, I don’t know. And they’re looking at me like ‘How do you not know? Why can’t you fight and get this faster?’”* —Sandra Dieudonne, Catholic Charities

Finding 6: The substantial delays in processing employment authorizations, coupled with shortened humanitarian parole periods, are devastating for Haitians who are desperate to work with dignity to support their families.

Closing the door to legitimate work for Haitian refugees, asylum seekers and migrants leaves them vulnerable to exploitative employment practices. Refugees, asylum seekers and migrants are left without the ability to provide for themselves and their families and with limited access to the social safety net: a devastating situation with enormous consequences.

Legal advocate reflections:

- *“People have no means to support themselves without work authorization, which leaves folks ripe for labor exploitation. [Situations where] they’re not paid, or they’re not paid the agreed upon wage. There’s a lot of wage theft going on. And there’s a lot of intimidation.”* —Aline Gue, TakeRoot Justice
- *“When folks don’t have work authorization, if they are able to find work, that work ends up being really exploitative, extremely underpaid, threats of deportation from bosses, really grueling hours...the sense of being trapped.”* —Anonymous, New York, NY

Refugee, asylum seeker and migrant reflections:

- *“When you don’t have an EAD, some people might want to offer you a job...they would take advantage of you, and you would have overworked and not get paid the number of hours you should get paid for.”* — Interviewee 3
- *“Not being able to formally work in the U.S. has been a very bad experience in my life. It has been one year since I’ve been in the U.S., and I haven’t made any money. If one of my kids were sick, I don’t have money to send him back home. I never feel good.”* —Interviewee 2
- *“For me, not having the work authorization is torment. I am a hard worker, and I can’t even find work....Everywhere I look for a job, they insist on work authorization. I am unable to work and must sit idle. I feel helpless. The money that I am currently making can’t even provide for the kids’ daycare. The problem is that I also have to pay for food and daily supplies for the kids...It bothers me because I will sit home and see other people going to work, and I stay still. They go in and out. I still stay in the same position.”* —Interviewee 6



SUMMARY POLICY RECOMMENDATIONS

Haitian refugees, asylum seekers and migrants deserve the right to live and work with dignity in the United States. The most expansive protections for Haitians would be to cover them under Deferred Enforced Departure (“DED”) or re-designate Temporary Protected Status (“TPS”) for Haitians beyond the current extension, and we advocate strongly for these solutions.^{ix} * In the interim, we call on the Department of Homeland Security (“DHS”) and other applicable agencies to implement a number of urgent changes.

Expand and Extend Humanitarian Parole

Recommendation 1: Make five-year humanitarian parole the default status granted to all who enter at points of entry, regardless of their country of origin.

Recommendation 2: Implement a nationwide policy which allows humanitarian parole to be automatically extended upon expiration of the parole term.

Ensure Equitable Practices and Prompt and Transparent Processing for Humanitarian Parole and Employment Authorization

Recommendation 3: Implement efficient practices within USCIS and DHS by providing Employment Authorization Documents (“EADs”) simultaneously with grants of humanitarian parole and ensure processing of both statuses in 6 weeks or less regardless of country of origin.

- In the short term, if separate applications for EADs remain necessary, they should be issued simultaneously with Social Security Cards and both documents should be processed within 6 weeks or less.

Recommendation 4: Implement automatic renewals of Employment Authorization Documents for all recipients regardless of country of origin.

Recommendation 5: Grant Employment Authorization fee waivers for all humanitarian parole recipients.

Recommendation 6: Dedicate additional resources and increase capacity at USCIS and DHS and ensure those resources are specifically allocated for the efficient processing of humanitarian parole grants and Employment Authorization Documents.

Recommendation 7: Establish an online portal accessible to migrants, refugees, asylum seekers and their legal representatives. This portal should show the case status for humanitarian parole applications, including the reasons for any delays in processing paperwork, and should include definitions for any terms used to describe case status.

Increase Accountability for Employers

Recommendation 8: Enforce applicable local and federal laws that prohibit discrimination based on perceived immigration status and enforce associated penalties for such discrimination for employers who do not recognize the automatic renewal of an employee's Employment Authorization Document or Temporary Protected Status.

Recommendation 9: Update List C of the Form I-9 Acceptable Documents to include the Federal Register Notice and the associated receipt notices received upon submission of applications for automatic renewals of employment authorization.

Recommendation 10: Ensure an employee is entitled to lost wages and, if applicable, to a reinstated position, in the event that an employee loses their wages and/or job due to an employer's failure to adhere to the Federal Register Notice.

Recommendation 11: Establish a concerted public education campaign aimed at informing employers of their responsibilities related to hiring individuals with EAD cards, honoring automatic renewals of EADs, and the associated penalties for unlawful discrimination.

Provide Meaningful Engagement Channels for Community Based Organizations

Recommendation 12: DHS should hold monthly meetings with community-based organizations and legal service providers who work with immigrant populations. These meetings should be two-way dialogues, in which DHS informs organizations of relevant changes in processes and practices, community-based organizations inform DHS of the impact of current policies and practices on community members, and opportunity is provided for questions and discussion.

Recommendation 13: Create opportunities for immigration advocates to engage with government agencies around regulations that impact immigrants.

Detailed findings and expanded recommendations can be found in our full report.

CALL TO ACTION

United States immigration policy is defined by a long legacy of cruelty, racism and xenophobia, and U.S. policies have always been deeply anti-Haitian. Today is no exception. Our report highlights the interconnected issues of humanitarian parole and work authorization, and the policy decisions and bureaucratic problems which have made it impossible for Haitian refugees, migrants, and asylum seekers to effectively utilize humanitarian parole and gain work authorization. This leaves people in the desperate and inhumane situation of being unable to support themselves and their families. President Biden can offer immediate humanitarian relief to hundreds of thousands of Haitians by covering them under Deferred Enforced Departure or by re-designating Temporary Protective Status beyond the current extension.^{xi xii} In the meantime, we call on the Department of Homeland Security and other applicable agencies to immediately implement the policy changes we have detailed in our report to ensure that all Haitian refugees, migrants, and asylum seekers can access ample humanitarian parole, work authorization and dignified work.



ENDNOTES

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