Pushed into the Shadows:
Mexico’s Reception of Haitian Migrants

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REPORT | APRIL 2022
Refugees International would like to thank Daniela Gutierrez for her research and significant contributions to this report, as well as the many Haitian men and women who shared their experiences with our team.

Cover Photo Caption: At the stadium in Tapachula, Mexico, a Haitian man shows pictures of his family and friends in Haiti and documents from his time in Mexico and Brazil. Photo Credit: Daniela Gutierrez.
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This report is based on interviews with 25 Haitian men and women between December 2021 and March of 2022. Refugees International conducted initial interviews in person with Haitians in Tapachula, Mexico in December 2021, and then followed up for interviews by phone with the same Haitians and some others between January and March 2022. By then, the interviewees had moved to northern Mexico or crossed the U.S. border and been expelled to Haiti by the U.S. Department of Homeland Security (DHS).

Refugees International also conducted 15 interviews, both in person and by phone, with representatives of non-profit organizations and shelters working with Haitians in Mexico (Tapachula, Mexico City, Ciudad Juárez, Matamoros, Tijuana) and the United States (Del Rio, San Antonio, San Diego), as well as with UN organizations including the International Organization for Migration (IOM) and the UN Refugee Agency (UNHCR) and Mexican officials from the Commission for Refugee Assistance (COMAR for its acronym in Spanish) and the National Migration Institute (INM for its acronym in Spanish).

Refugees International uses pseudonyms to protect the safety of individuals interviewed for this report.

Introduction

In August and September 2021, people around the world were shocked by footage of Haitian fathers being pushed down by the Mexican National Guard in southern Mexico and grabbed and chased by U.S. Border Patrol agents on horseback in Del Rio, Texas. But Haitian migration to Mexico and towards the U.S. border had been rising long before mid-2021. And, beginning in the fall of 2021, the policies of the Mexican and United States governments shifted towards getting Haitians out of the public eye without concern for their human rights.

Mexico’s incapacity to humanely receive and integrate Haitians is part of a hemispheric failure that stretches back even before the earthquake in Haiti in 2010 that killed more than 200,000 Haitians, rendered 1.5 million Haitians homeless, and created additional reasons for flight. Large numbers of Haitians have been traveling to and through Mexico, especially since 2016, and many of them have spent periods of time in Brazil and Chile. Most Haitians with whom Refugees International spoke in late 2021 and early 2022 fled targeted violence in Haiti. They could not access asylum or regular immigration status, enjoyed few if any social services, and could not obtain dignified work in Brazil, Chile, or Mexico. Several experienced racial discrimination and violence. At the U.S.-Mexico border, they were blocked from seeking asylum. Many were detained and expelled to Haiti. They have returned to an ongoing humanitarian crisis stemming from political turmoil, gang violence, devastation wrought by natural disasters, widespread food insecurity, and a country with a negligible COVID-19 vaccination rate.

In 2019 and 2020, the U.S. and Mexican governments responded to the migration of asylum seekers, and especially caravans, with practices and policies designed to block and deter with force. When Haitians gathered in Del Rio, Texas, in mid-September 2021, even as the U.S. Department of Homeland Security (DHS) ramped up expulsion flights of Haitians to Haiti, officials of Mexico’s National Migration Institute (INM) rounded up Haitians who crossed back from Texas into Ciudad Acuna. INM also targeted Haitians for enforcement elsewhere along its northern border and bussed and flew Haitians southward.
This report focuses predominantly on what happened next in Mexico, while also discussing U.S. border and asylum policies (which Refugees International has analyzed extensively elsewhere) and especially U.S. treatment of Haitian asylum seekers in the wake of the well-documented incidents at Del Rio.

From the fall of 2021 through early 2022, Mexico implemented policy changes chaotically and in ways that reveal a disregard for Haitians, especially compared with other populations of displaced people in Mexico. First, in October 2021, the government announced a complicated asylum registration process that was difficult to access and was poorly explained to Haitian asylum seekers, who were already required by Mexican law to wait in Tapachula, in southern Mexico, without means of support.

Then, in late November and December 2021, the Mexican government reversed course: rather than preventing Haitians who were seeking asylum from leaving Tapachula, INM began promoting the movement of about 30,000 Haitians northward. Beyond its inhumane and haphazard execution, the policy gave little thought to the ability of Haitians to pursue their asylum cases or to integrate successfully in Mexican cities further north.

In December 2021 and January 2022, the Biden administration used Title 42—a public health authority—to summarily expel from the border to Haiti increasing numbers of Haitians, including families and young children, in contrast to asylum seekers from Cuba or Venezuela. There were 77 flights to Haiti from the U.S. border between early December 2021 through the end of February of 2022, with 4,500 Haitians expelled from mid-December to mid-January alone. Haitians who came north from Tapachula could not seek asylum in the United States and feared crossing the border lest they be sent to Haiti. Thus, in early 2022, Haitians found themselves in insecure limbo in cities in northern Mexico.

These policies reinforced a preconceived view of Haitians as unworthy of refuge. The story of Jean, whom Refugees International met in a stadium in Tapachula in late 2021 and then spoke to by phone in Haiti in March 2022, exemplifies the ways the search for security and dignified life in the Americas is impeded by policies that push Haitians into the shadows. Jean fled violent threats in Haiti in 2017 and was unable to gain secure legal status and means of support in Chile or Mexico. He was summarily expelled by the United States to Haiti, where he is scared to leave his home and does not feel he can remain. “I feel like a person when I talk to you,” Jean told Refugees International, reflecting on how policies have made him feel invisible and less than human. “My story is too much.” (See Jean’s full story on page six).

Recent Haitian Migration and Policies in Receiving Countries

Brazil and Chile

While much has been written about international assistance in Haiti after the earthquake, less has been written about the lack of protection and assistance for Haitians who have left the country over the last decade. If Haiti’s government offices, homes, schools, hospitals, and businesses were not adequately “built back better” after the earthquake, neither were Haitians adequately provided refuge and stability in other countries in the Americas. As a result, their stays in these
Jean’s Story

In the midst of the violence that followed the 2004 coup in Haiti, Jean’s father, who sold furniture, was extorted and killed by gang members in Liancourt. Jean went to the Dominican Republic to work for several years to help support his family, and especially his ill mother. Soon after a mass deportation of Haitians from the Dominican Republic, Jean returned to Haiti in 2017, while it was still recovering from Hurricane Matthew, but he was held up and threatened by armed men. He left within days for Chile, where he had cousins, worked as a carpenter and welder in Maipu, and had temporary residency for a year. But by 2018, he had difficulty finding work, lacked legal status, and, eventually, could not afford food. This was a product of new Chilean policies and the economic downturn that came with the pandemic. Jean also felt increased pressure to send money to his family in Haiti. Like many Haitians, Jean’s relatives were increasingly reliant on remittances. They were also experiencing political upheaval, increased violence and kidnapping, and rising prices for food and fuel even before the presidential assassination and earthquake and floods in the summer of 2021.

Jean traveled to Mexico and arrived in Tapachula in September of 2021. He was unable to even apply for asylum—“everything was closed” he told Refugees International—so he sought out documents from INM, the Mexican immigration authority, that would allow him to leave the city. He bought a bus ticket to Tijuana, arriving there on December 17, 2021. Unable to find means of support, he went to Mexicali in early January 2022, where he had a cousin, but still could not find any work and his landlord threatened to evict him. He tried to contact the UNHCR (the UN Refugee Agency), but to no avail. He crossed the U.S. border and was detained in poor conditions for eight days and had no screening interview with U.S. officials before he was flown to Haiti in shackles, part of a mass expulsion to Haiti by the U.S. government in late 2021 and early 2022. He is depressed, and miserable at his inability to work and dependence on the very family he used to support. But he is afraid to leave his house, as it is “too dangerous to go out, and there is no police protection,” a reality confirmed by the United Nations, the Inter American Commission on Human Rights, Human Rights Watch, and Haitian civil society groups.
other countries do not obviate their right to seek asylum elsewhere. The **vast majority** of Haitians who arrived in Mexico in 2021 were compelled to leave Brazil and Chile, counties to which many had fled after the earthquake.

In response to **irregular migration** of Haitians to Brazil (via Ecuador, through Peru or Bolivia) **in the years following** the 2010 earthquake, Brazil created a five-year humanitarian visa for Haitians. This visa did not confer refugee status but accorded Haitians access to the labor market, health care, and social services. Humanitarian visas could be applied for at Brazilian embassies abroad, and 48,000 Haitian immigrants were granted these visas from 2012 to 2016. To get authorization to live and work in Brazil after five years, Haitian humanitarian visa holders were required to prove that they had a permanent place to live in Brazil and were employed. This **became difficult** after the downturn in the Brazilian economy in the middle of the decade. The inability to prove employment and gain residency **disproportionately** affected Haitian **women**. One Haitian woman told Refugees International she was able to get temporary residence but was miserable working at a chicken factory from afternoon till dawn and earning only $200 a month. Several Haitian women Refugees International interviewed mentioned their lack of residency in Brazil because of their lack of work.

All Haitians in Brazil found it increasingly difficult to make enough money to support themselves and their families back in Haiti, given their **marginality** in the Brazilian economy, **rising layoffs**, and the **fall in the value** of Brazilian currency. In late 2015, the Brazilian government published a list of almost 44,000 Haitians living irregularly in Brazil who were authorized to apply for permanent residence. To do so, Haitians had to submit a birth or marriage or consular certificate, a negative certificate of criminal record issued in Brazil, and a statement that they had not been criminally prosecuted in Haiti, as well as payment of fees for registration and foreign identity cards. Though **many Haitians applied** to regularize their status, others did not regularize, especially given the difficulty getting Haitian documents and the cost of fees. **Rising** nativism also pushed Haitians to leave the country.

In 2016, some Haitians went to Mexico, especially heading to Tijuana. Others, like a man Refugees International interviewed in southern Mexico, left Brazil for Chile. No visa was required to enter Chile at that time and, after arrival as tourists, Haitians could gain temporary residence if they had employment and housing. This was a bit of a catch 22, since many jobs and apartments require ID numbers. In 2018, **there was a shift**: the Chilean government required Haitians to apply for tourist visas in Haiti that could not lead to temporary residence. In contrast, visas for Venezuelans, also made available at this time, were for temporary residence.

In 2020, **a new Chilean law** enabled the regularization of those Haitians who arrived before March of that year but called for the removal of any irregular entrants who arrived thereafter. Gaining residence proved **difficult for many**. One Haitian woman who arrived in 2017 told Refugees International about her difficulty getting residence status in Chile despite having had two children there; she needed police clearances from Haiti, which was too difficult for her to get (despite her clean record). Another Haitian man who arrived in Chile in 2017 told Refugees International of the difficulty he had bringing over his daughters from Haiti, despite managing to get passports for them.

The pandemic hit Haitians in Brazil and Chile very hard, both economically and in terms of security. Several Haitians who had lived in Chile told Refugees International that the pandemic meant they lost their jobs and had no prospect of finding work at all. Without work they could not re-
new visas or identity cards needed to rent an apartment. One man told Refugees International of attempting to renew temporary residency to no avail, a common occurrence. Several Haitians who had lived in Chile told Refugees International of their difficulty accessing health services. The Haitian man who left Brazil for Chile in 2016 told Refugees International that, in 2020, he was the victim of several xenophobic physical and verbal attacks on the street and on public transport.

Most of the Haitians interviewed by Refugees International in Mexico in December 2021 had migrated to Brazil or Chile within the past three years, driven by deteriorating conditions in Haiti and finding conditions in Brazil and Chile much less secure than they hoped—compelling them to leave. One Haitian man told Refugees International of being forced to leave Port au Prince after being attacked, beaten, and kidnapped by an armed group (whom the police told him not to resist), and a few years later, in 2021, leaving Rio de Janeiro after his neighbor was shot outside his house.

Refugees International also spoke to Haitians in Tapachula who were interested in seeking asylum in Mexico. One man told Refugees International of threats and attacks on his family in Haiti because of his father’s work as a police officer. The man worried about how, without documentary proof of what happened to him—which was lost with his belongings while crossing Panama—he could effectively present his case. In Chile he had temporary status for a year that the Chilean government did not renew, so he struggled between 2018 and 2021 to find work and a place to live for his daughter and wife. As discussed further below, he was right to wonder whether he would be granted refuge in Mexico and how his family would live in Mexico while waiting for a decision.

### Access to Asylum for Haitians in Mexico

Over the last few years, the number of people filing for asylum in Mexico has grown exponentially while the COMAR (Mexico’s refugee agency) has received insufficient funding to handle these claims. In 2021, 62,633 Haitians (including children born in Brazil and Chile) requested asylum in Mexico, more than any other nationality and representing 47 percent of all asylum requests in the country. Compared with other nationalities, approvals of Haitian asylum claims are quite low. Only 27 percent of applications are approved (according to interviews with stakeholders involved in the asylum process).

This is partly because the Cartagena Declaration is not used to interpret asylum claims from Haitian nationals. The Cartagena Declaration’s refugee definition broadens that of the 1951 Refugee Convention relating to the Status of Refugees, offering protection to those whose home countries face “generalized violence, foreign aggression, internal conflicts, massive human rights violations, and other circumstances that have seriously disturbed public order.” In Mexico, asylum claims from nationals of Honduras, El Salvador, and Venezuela are typically analyzed by using Cartagena standards and by using differentiated procedures that are more efficient, recognize that conditions in the country of origin merit these broader standards, and lead to more approvals. Venezuelan asylum applications are approved around 98 percent of the time. COMAR designates which country’s nationals have access to differentiated asylum procedures using the Cartagena standards. It has not so designated Haiti, despite Haiti being a country with a seriously disturbed public order.

Haitians also have generally limited access to other ways to stay in Mexico such as through complementary protection, an option for displaced people who have protection concerns but do not
qualify for asylum. This is a long-term status that protects people from deportation and provides access to labor pathways. But only **1,469 Haitians** were granted complementary protection from 2013 to 2022. Further, those granted complementary protection (Haitians and other nationalities) cannot bring spouses, children, parents, or other family members to Mexico.

Haitians faced difficulties when applying for asylum due to COMAR’s lack of interpreters and inadequate knowledge of conditions in Haiti. One Haitian who applied for asylum in Tapachula in 2020 told Refugees International about his process. He said he found the interview humiliating and felt his interviewers lacked knowledge, training, and language competency. In October 2020, the COMAR office in Tapachula only had two Creole translators. By late 2021, it had eight. But, in December 2021, a representative of an organization that provides legal services to Haitian asylum seekers complained to Refugees International that COMAR denials of asylum were “badly written” and “used outdated country of origin information.” This interviewee added that COMAR also did not transcribe eligibility interviews accurately and fully.

**Conditions for Haitians in Tapachula in Late 2021**

In accordance with COMAR regulations, asylum seekers in Mexico must remain in the state from which they originally applied until a decision is made on their cases. This regulation essentially traps Haitian asylum seekers in Tapachula waiting for months and with little opportunity for work given the limited economy in Chiapas. In the past, Mexico responded to increases in Haitian migration to Tapachula with several short-term policy fixes to address crowding and protests, but did little to provide Haitians with access to work or services (like health care and education). The response in late 2021 was similar largely due to dearth of resources for the COMAR, lack of coordination between agencies, and harmful practices from the INM.

When Haitian asylum seekers arrived in Tapachula in the summer of 2021, they generally went to register with COMAR. Faced with an average of 2,000 people seeking to register each day, the COMAR and UNHCR created an email appointment system so people could request appointments for their asylum procedure online. Officials told Refugees International that problems arose immediately. Some Haitians did not have email addresses or were requesting appointments for people who were in other countries. Some 47,000 appointments were registered through this system in two weeks, after which COMAR and UNHCR suspended it.

For several weeks that followed, there was no way for new arrivals to the city to obtain an appointment with COMAR in Tapachula. Furthermore, COMAR refused to consider any requests to transfer asylum cases to other states or to unify with family, claiming Haitians were abusing the system and filing fraudulent applications. UNHCR monetary support was available to only a limited number of waiting Haitian asylum seekers based upon their vulnerability. Refugees International spoke to several Haitian families with young children, some of whom were sick. However, only one family Refugees International interviewed was receiving a stipend from UNHCR, because the wife was pregnant. Funds from UNHCR enabled the family to rent a room to stay. Without such a stipend, other families were forced to stay with friends in crowded, sub-par housing. Parents also struggled to feed their families; one Tapachula shelter for unaccompanied children told Refugees International that, “every day, several Haitian families visited to ask for food.”

Haitians had difficulty accessing support and services in Tapachula. Representatives from an NGO described difficulties working with Haitian girls because the NGO lacked Creole interpret-
ers. They also emphasized the way public institutions in the city, such as hospitals and schools, refused services to Haitians. Haitian children staying with their families at one particular Tapachula shelter had severe skin problems that they likely acquired on the trip through the Darien Gap and for which they were not getting needed medical treatment.

The streets around the downtown offices of COMAR in Tapachula were crowded with waiting asylum seekers. Haitians sold goods around the registration center, worked for companies like Movistar, and rented rooms in the area. Although these were positive signs of integration, local NGOs stated that Tapachula residents complained about Haitians sleeping on the streets and attracting smugglers. The only street signs in Creole indicated efforts to separate and segregate Haitians by warning them not to sell their wares anywhere but at the Haitian market. Representatives of another shelter to which the INM sent Haitians referred to them as “invaders” who did not respect the law, caused trouble, and were “violent,” “uneducated,” and “aggressive,” and were “taking over” the streets and the parks. Refugees International heard the same language about Haitians in meetings with Mexican officials in the fall. A Haitian man who had been in Tapachula for eight months awaiting a decision from COMAR said the local Tapachula population “looked at us [Haitians] like trash.”

This situation was further complicated by INM practices. Unable to move forward with their asylum cases, Haitians also could not get any needed documents such as visas and the Mexican identity card known as a CURP (Clave Única de Registro de Población) from INM. “The INM delegation in Tapachula has collapsed,” one NGO representative told Refugees International. “If a person wishes to regularize their immigration status, they must access the platform to request an appointment, but now the platform does not allow people to make appointments until months from now.” He also complained about what he believed to be INM corruption:
“INM sells appointments to start regularization procedures at an internet cafe in Tapachula.” A representative of another NGO told Refugees International that Haitians were charged thousands of Mexican pesos for immigration documents that were fraudulent but printed by INM.

Under pressure from the U.S. government, the Mexican government increased the INM and National Guard presence at its southern border to carry out a "record number of migrant apprehensions" during the spring and summer of 2021. INM and the National Guard targeted certain areas of Tapachula where Haitians lived and congregated for enforcement operations and document checks. Haitians, due to their blackness, were very visible and were often easier targets for enforcement. One Haitian man told Refugees International that he and other Haitians had been detained and had their documents taken from them. The INM and National Guard also used violent and aggressive tactics against migrants in Tapachula or those who attempted to move northward. Local news reported migrants with lesions on their body from Mexican authorities, family separation, and use of force on women and children. One NGO representative told Refugees International that they spoke to an asylum-seeking family that was deported to Haiti because “they witnessed the death of a migrant inside the detention center in Tapachula.”

Frustrated by mistreatment, COMAR policies, INM practices, and long months of waiting in Tapachula in poor conditions and without work, Haitians began protesting and trying to leave, especially in late August and September 2021. Following the protests and public condemnation of the INM and of National Guard abuses against migrants, COMAR and INM implemented new policies.

New Policies: Using the Stadium and Transfers

Conditions at the Stadium

The first major policy shift was using Tapachula’s Olympic stadium as a COMAR processing site. Starting September 28, 2021, asylum seekers were required to go to the stadium to register, where they were given an appointment to fill out their form and, later, called to come to collect their Constancia, (an official document that formally certifies the person is an asylum seeker in COMAR proceedings) and CURP. Five weeks into this appointment system at the stadium, the COMAR had registered 41,000 appointments. Humanitarian organizations supported the COMAR, providing COVID-19 supplies and hydration stations. While the stadium allowed for the COMAR to handle a high volume of appointments, the humanitarian infrastructure in Tapachula could not support so many asylum seekers. With only a few hundred beds, Tapachula’s three shelters were pushed to the breaking point.

Initially, the stadium was used solely as a temporary COMAR processing site. But in November of 2021, the COMAR stopped taking appointments at the stadium and moved appointments to the Laureles market in another area of Tapachula. Later that month the stadium began to be used for the INM transfer program. Through this program, INM began allowing migrants and asylum seekers to leave Tapachula for other states in Mexico. There they could carry out their immigration processes in less busy INM and COMAR offices. Unfortunately, the INM transfer program was implemented quickly, with little coordination with other agencies or civil society organizations in Tapachula, and with lack of clarity to Haitians.

Due to the lack of clarity over the bus and transfer schedule, Haitians and other migrants
canceled the rooms they had rented or left the shelters to sleep in the stadium to await the buses. During Refugees International’s visit in December 2021, the stadium held around 3,000 people. The sun and heat in the stadium were intense. Conditions in the crowded stadium were terrible, and humanitarian aid was lacking. People covered themselves with makeshift tents made from scraps of cloth and mostly slept on the ground outdoors in unsanitary conditions. Garbage was not picked up, the toilets reeked, and there was no available drinking water. Some Haitians sold food and clothing. Refugees International also heard from several people about an 8-month-old baby who died of suffocation from the heat. There were also multiple reports of a woman who was bleeding and did not receive medical attention because there were no medical services available in the stadium, even though a fire station and civil protection station are located right next to the stadium. The person who appeared to be in charge at the stadium told Refugees International they were unauthorized to give out medicine.

The INM also relied on only the National Guard to assist in the stadium. Local NGO staff were not present at the stadium to provide needed services. Nor were there any INGOs or Mexican government agencies that typically provide humanitarian support or monitor human rights. Some INGOs were instructed not to approach the stadium mainly for security reasons. At the stadium, Refugees International witnessed the National Guard order Haitians to move away from a shaded area and, when a Haitian man complained, a National Guard member threatened to detain him. An INM officer laughed at a Haitian man who said he needed medicine for his heart condition. It is also important to note that many of the INM officers were former Mexican military. Two NGOs told Refugees International that they believed the transfers were an attempt to disperse Haitian
asylum seekers rather than a humanitarian program.

**Implementation of the Transfer Program**

The transfer policy relocated around 35,000 people in less than two months to 17 other Mexican states in the center and north of the country. It prioritized vulnerable groups including children, elderly people, and those with illnesses or disabilities. If implemented with the proper coordination and attention to human rights, it could have significantly improved the situation of Haitians who might more easily find work, have their asylum claim processed, or gain a humanitarian visa in central or northern Mexico.

But Refugees International witnessed what can only be described as a chaotic implementation of the transfer program. In one incident, immigration authorities announced to those in the stadium that 100 INM buses were arriving to initiate transfers. Upon hearing this, the Haitian man that Refugees International was interviewing along with several other people started running desperately to the parking lot of the stadium where they had their belongings. Chaos ensued from this moment on with little order or guidance from INM or the National Guard. The Ombudsman Office, known as the Centro Nacional de Derechos Humanos, which was not present at the stadium, appeared when the buses began to arrive.

Many people complained about the disorganization of the INM. Haitians who spoke with Refugees International stated they had tickets, but they lost their place in lines to go to find their relatives, or they were removed from the line by the INM or the National Guard. Several Haitians reported that INM agents had previously pulled people physically out of line despite having tickets. Follow up interviews with Haitians who were at the stadium and moved to other states in Mexico reveals that many Haitians waited weeks in the stadium to board a bus. Some were not able to board an INM bus at all. Thus, after requesting permission to transfer to another state from the INM, they purchased a ticket on their own.

Those Haitians who did board INM buses stated they were not given much information about where they were going or what organizations or services would be available to them upon arrival. Many were given oficios de salida (a permission to leave the state) as their only documentation to move freely in the country. Local news outlets reported that INM was selling bus tickets for transfers under the table for up to 2,000 pesos (roughly USD $100) per ticket. One Haitian at the stadium was awaiting his eligibility interview with the COMAR, but his wife was interested in taking the transfer bus because “how are they going to survive [in Tapachula] without work?” He was unsure what to do: if they left Tapachula, “how are they going to obtain permanent residence?”

In March 2022, civil society organizations in Mexico denounced the transfer policy for its lack of transparency, for “generating confusion and tension,” and for racial disparities in the treatment of displaced people by the INM. The National Human Rights Commission also issued statements directed at INM, COMAR, and health authorities asking for more access to regularization, humanitarian aid and medical care, and speeded up refugee processing in Tapachula. In early 2022, Haitian-led associations in Tapachula also hosted a press conference and held meetings with officials, in which they advocated for better treatment and inclusion in the Mexican system.

Under increasing public pressure, the Mexican government promised to provide humanitarian visas (tarjeta de visitante por razones humanitarias) to Haitians in the transfer program and
information regarding shelters in other states. From November 23 to December 28, the INM issued 42,684 humanitarian visas (according to data provided through a public information request). While INM did not clarify how many of these 42,684 were for Haitian nationals, it is safe to assume a high percentage were issued for Haitians. Humanitarian visas are issued for a one-year period and provide access to work and transit through the country as long as they are issued with the CURP. Some Haitians were issued a humanitarian visa but were not given the CURP. This led to significant challenges for visa recipients in finding work in Mexico.

According to information drawn from public information requests, 37,471 people were transferred under the INM transfer program, of whom over 30,000 were Haitians or Chilean and Brazilian children of Haitians. 12,471 people (not disaggregated by nationality) with active asylum requests were able to transfer the requests to other states they moved to through the INM transfer program. In these cases, the COMAR would not consider the asylum claims abandoned and asylum seekers could continue to pursue their claims in the states to which they transferred. However, many asylum seekers who did not take the INM buses north but moved northward on their own likely had their claims considered abandoned.

The transfer program thus allowed some Haitians to access documentation, either through obtaining a humanitarian visa or transferring their asylum request. However, the lack of follow up after transfer leaves a large gap in knowledge about how many transferees were able to regularize their status in Mexico (including through obtaining their CURP), obtain employment, or secure housing. Furthermore, it is unclear how many of the people transferred remained in the state to which they were transferred, or where they went after transfer.
Up from Tapachula into Limbo or Danger

Once they got off buses in Mexican cities north of Tapachula, most Haitians Refugees International interviewed were unsure about their next steps. Whether they would stay in Mexico or migrate to the United States depended a great deal on whether they could find housing, work, services, and renew their status in Mexico and whether they felt insecure and or were violently targeted in Mexico, had family in the United States, or would be expelled to Haiti if they crossed the U.S. border.

Given the options available in Mexico and at the U.S. border, many Haitians in Mexico are ambivalent and in limbo. Refugees International first met Ruth in the stadium in Tapachula. Ruth went to university and trained to be a nurse in Haiti. She was forced to flee Haiti with her husband in 2017 and spent four years in Chile, where her two children were born. Unable to get residence because she could not get needed clearances from Haiti, she headed north. She did not apply for asylum in Tapachula and, after she, her husband, and her children spent five days in the stadium, they received humanitarian visas and boarded a bus that took them to Michoacán. They bought bus tickets to Nayarit, where she had a friend. Though she would consider staying in Mexico, she cannot find work because she lacks a CURP. She has nowhere to leave her children, and there is no organization she can turn to for support. She wants to join her brother in the United States but has no plans to go north now because she is afraid she will be sent to Haiti.

A chance at refuge in the United States was a much better bet for Haitians in the summer of 2021 than in late 2021 and early 2022. Almost 20,000 Haitians crossed the U.S.-Mexico border over the course of June, July, and August 2021, and only a tiny percentage of those encountered by U.S. Customs and Border Patrol (CBP) were expelled. The vast majority were released by DHS with a notice to check in with U.S. Immigration and Customs Enforcement (ICE) or appear in immigration court at their final destination. In Texas in mid-August, Refugees International spoke with several Haitians who were arranging their travel plans after release by DHS to the Val Verde Humanitarian Border Coalition center in Del Rio – which received more than 2,000 asylum seekers hailing mostly from Haiti, Cuba, and Venezuela during the first two weeks of August. Rather than plan to humanely and safely receive and screen Haitian asylum seekers that the administration knew were coming to the border, in September 2021 the Biden administration opted to fence approximately 15,000 Haitians in a squalid Del Rio encampment with inadequate access to food and medical care and subject to violent and racist mistreatment by CBP officers. To “clear the camp” and deter future border crossings, the Biden administration ramped up expulsions to Haiti—with out access to any asylum screening whatsoever—despite the firm opposition of the U.S. special envoy to Haiti and Senior State department legal advisor Harold Koh. Many of those expelled had credible asylum claims, having fled Haiti after they or their relatives suffered targeted threats and attacks for political reasons. Not only did a much larger number of encountered Haitians get expelled to Haiti under Title 42 in September and October, but more Haitians were sent to ICE detention centers—in New Mexico, Mississippi, and Louisiana. There they were subject to poor treatment in miserable conditions and denied fair asylum hearings and access to interpretation and counsel. There is evidence that Haitian asylum seekers have been singled out for disparate treatment under Title 42 (through the expulsion of more Haitian families with very young children)

1 Also in summer 2021, some Haitians (though fewer than people of other nationalities) were able, with the help of attorneys and non-profit organizations, to gain exemptions to Title 42 and be paroled into the United States at ports of entry (which were generally closed to asylum seekers because of Title 42). One lawyer told Refugees International that she helped about 2,000 Haitians gain exemptions to Title 42 between June and August 2021.
and in detention (at higher rates and with more expensive bonds).

Refugees International interviewed a man, Ron, whose goal was to seek asylum in the United States, where his wife had family. He left Haiti for Chile in July 2017, partly because he needed medical care unavailable in Haiti. He stayed in Chile less than a year, working on a farm harvesting fruit and with a temporary residence. He could not bring over his wife and daughter from Haiti, so he left for Brazil. There he was able to get a “ten year residency” because of a job with a dried meat company in Santa Catarina but earned only $200 a month, not enough to support his family. His wife and daughter were in desperate straits as conditions in Haiti deteriorated in the summer of 2021, when Ron’s parents were killed by an armed group at their business. Ron filed a complaint with the Haitian police, who had opened an investigation but made no arrests. Ron believed he would be targeted if returned to Haiti. How his case would be considered by a U.S. asylum officer or immigration judge is unclear. In June 2021, a federal court vacated a ruling that a man with a case similar to Ron’s was ineligible for asylum (because he was “firmly resettled” in Brazil) or for withholding of removal (because he feared persecution by private actors that authorities in Haiti were investigating). No new decision or guidance has been issued by the Biden administration as to how to handle the cases like these. Instead, in September 2021, U.S. Secretary of State Blinken spoke with the Brazilian foreign minister about accepting Haitians who were being expelled, i.e., who were denied an opportunity to seek asylum in the United States.

It is important to note that the awful incidents in Del Rio and the expulsion flights of September and October 2021 did not deter many Haitians in desperate straits and with ties to the United States. Refugees International interviewed a woman who left Brazil in October 2021 after the events in Del Rio. She had fled insecurity in Haiti in December 2020, was not able to gain work or legal status in Brazil during the pandemic, and wanted to reach her father, who had been living in the United States in unauthorized status for more than two decades.

Del Rio also did not deter Lou, a Haitian man with whom Refugees International spoke several times, who crossed the U.S. border near Yuma in December 2021. CBP took him to a “big plastic tent” in Texas for five days, separated him from his wife and child, gave him the same awful food every day, allowed him only one shower, and never gave him an interview. “They let the Venezuelans in, but they deported even a Haitian woman who recently gave birth,” he said. The deportation flight was awful. “We were shackled such that my wife couldn’t go to the bathroom normally and had difficulty holding the baby.” Upon arriving in Haiti, Lou said “everything is different. I don’t recognize the place. It is so dangerous here–bullets are like rain.” Within a few weeks he left Haiti for Chile, where he had lived precariously before September 2021 and where his son was born. Other Haitians who are desperate to leave Haiti are increasingly going by sea. Lou told Refugees International in March 2022 that he did not have adequate work, housing, and support for his family in Chile and still hoped to migrate to the United States, where he has relatives. But not, he said, on a route that repeated the traumatic experience in the Darien Gap (where armed men threatened to kill his son), in Tapachula (which he said was “like a prison”), and in DHS custody.

Given the risk of expulsion, many Haitians have remained in Mexican cities after traveling north from Tapachula. They have mostly been left to fend for themselves without jobs or essential services.

Refugees International first spoke to Ralph in the stadium in Tapachula in December 2021. He left Haiti in 2017 after gang members threatened his life. He lived in Chile for three years but spent the last two unable to renew his residency. When Refugees International spoke to him again in
late January 2022, he said he managed to get on an INM bus that took him to Oaxaca, where he was able to get a humanitarian visa. He went from there to Mexico City, where he has a brother-in-law. In late January Ralph told Refugees International that the date on his ID is incorrect, which is making it hard for him to work. Also, his Haitian passport was about to expire. Renewing it would take at least a year, making it impossible for him to renew his Mexican visa. If he could get permanent residency and a job that would allow him to send money to support his parents in Haiti, he would stay in Mexico City. But he also felt he had a viable asylum claim he might be able to pursue in the United States if Title 42 were to end.

Many Haitians travelled further north to towns along the Mexican side of the U.S.-Mexico border. Ralph was in fact considering traveling to Reynosa, where many Haitians have moved in recent months and where some have been able to get humanitarian parole to the United States. In early 2022, CBP at the ports of entry in McAllen and Brownsville were more accepting of humanitarian parole applications for Haitians who—especially after the dangerous journey through the Darien Gap and their experiences in Mexico—required treatment for medical and mental health needs that they could not get in Reynosa or Matamoros, where hospitals turned them away. Still, hundreds more Haitians waited in these cities and found it difficult to get work or housing. In March and early April 2022 in Reynosa, Haitians were living in an encampment in the main plaza that local authorities were keen to close and then move residents to a new shelter. The Haitians there want a chance to ask for asylum at the port of entry.

Thousands of Haitians arrived in Tijuana in December 2021 without documents (especially those needed to get work), adequate clothes, and in desperate need of medical attention. Local shelters and organizations struggled to accommodate them and many slept in the streets. As a result, several Haitians were targeted for robbery and attacks. Tragically, a Haitian man was killed and other Haitians died in Tijuana in January 2022, according to Haitian Bridge Alliance (HBA). The man’s pregnant wife was then deported back to Haiti by Mexican immigration authorities. In March 2022, representatives from HBA and the Center for Gender and Refugee Studies met with Haitians to discuss their experiences and plans. They found that many fled violence and persecution in Haiti and had tremendous protection needs but were unable to get a fair chance to seek asylum in the United States.

The situation for Haitians in Ciudad Juarez in late 2021 and early 2022 was more of the same. On each day leading up to Christmas, 40 Haitians—most with visas issued in southern Mexico—would come to the IOM office seeking help finding housing and jobs. Many could not get work because they did not have a needed CURP or a tax identification number (RFC). Given the willingness of Mexican manufacturers to hire thousands of Haitian workers, this is a crucially missed opportunity. Many Haitian children in Juarez also were not attending school. As in Tijuana, few Haitians were living in the city’s shelters. There was no COMAR office in Juarez for those who wanted to pursue asylum in Mexico.

Though there is a COMAR office in Monterrey, Richard, another Haitian man interviewed a few times, will not be able to apply for asylum there given the 30-day deadline for asylum applications in Mexico. Richard spent three months in Tapachula trying to no avail to get an appointment with COMAR. Instead, he took a bus to Zacatecas, got a humanitarian visa, and then traveled to Monterrey (where he had a friend), arriving just before Christmas. Richard, like other Haitians living in Monterrey, lacks a CURP and RFC, which makes finding work difficult. His wife is pregnant, so he does not want to risk crossing the border and expulsion to Haiti, but once U.S. policy changes, he hopes to seek asylum in the United States, where his brother lives.
Multilateral Response

In late 2021 meetings with Refugees International, UNHCR said Haitians must have prompt access to protection in Mexico, but statuses besides asylum should be made available to them, especially given their low grant rate by an overwhelmed and understaffed COMAR. In IOM’s late 2021 survey of Haitians in Mexico, 82 percent of whom had begun proceedings with COMAR, the vast majority of respondents indicated they wanted to stay in Mexico and further indicated that they had secure legal status to reside in Chile and Brazil. But interviews by Refugees International with Haitians indicate that many, if not most, did not feel they had a true choice as to where they could move and live given the policies in place and what they experienced in Brazil and Chile, Mexico, and at the U.S. border. RI’s conversations with representatives of international organizations engaging with Haitians in Mexico left us persuaded that a significant percentage of them, especially the many with family members in the United States, do not wish to remain in Mexico. In an early 2022 survey, IOM found that the vast majority of Haitians returned to Haiti feared for their safety, had little means of support, and were unlikely to stay there rather than move once more.

The UNHCR in Tapachula provides support to the COMAR to carry out its asylum functions, funds shelters in Tapachula, and provides monetary support to Haitian families in the city, though not very many. The IOM office in Tapachula is smaller, and its reach in the city is less than that of UNCHR, and it has done little for the Haitian population. The INM could greatly benefit from IOM training and technical support, but currently the IOM in Tapachula does not have programs to assist INM. Following the rollout of the INM transfer program, the UNHCR and IOM developed a small pilot program with the Mexican government to provide regularization to Haitians in northern Mexico. It is a promising initiative that could allow Haitians to access residency permits without having to apply for asylum.

IOM has recently scaled up its presence along the northern border, especially in cities like Ciudad Juarez. There it should devote more of its attention to helping Haitians and other migrants renew humanitarian visas and get identification numbers required to access employment and get access to regular or permanent status, housing, and services. UNHCR should also increase its presence along the northern border to ensure Haitians can access asylum in Mexico or the United States. It should also increase its monitoring of U.S. asylum processing and adjudication not only under the renewed Remain in Mexico program but also under soon-to-be implemented border asylum procedures.

Conclusion

The situation for Haitians in Mexico represents a longer journey of rejection, neglect, and difficulties throughout the Americas. In Brazil, Chile, and the United States, Haitians experienced several challenges that eventually drove them to seek protection and work in Mexico. In late 2021, the Mexican government responded to Haitian migration chaotically and without proper attention to human rights, protection, and integration, and local organizations and multilaterals in Mexico did not adequately fill this gap. Today Haitians in Mexico remain in the shadows, lacking work and services. Or they have been expelled to Haiti by the United States and are planning their next escape. The Mexican government, multilaterals, and the United States must develop policies that ensure Haitians dignity and safety for the long-term.
Recommendations

To the Mexican government:

- **The Mexican Commission for Refugee Assistance (COMAR) should evaluate whether Haiti ought to receive differentiated asylum procedures under the Cartagena Declaration.** Conditions in Haiti appear to merit such treatment, which would both provide greater (and appropriate) protection for Haitians and would reduce the time it takes to resolve asylum claims.

- **The Mexican government should allow freedom of movement for asylum seekers and migrants. The COMAR should amend its policies to allow for the transfer of asylum claims to other states in Mexico.** The National Migration Institute (INM) should provide greater accessibility to obtain a formal permission to leave the state (oficio de salida) to migrants who want to do so. Both the INM and the COMAR should provide Haitians with information regarding where they can obtain shelter and connect with humanitarian organizations in the state to which they travel.

- **The COMAR and the INM should hire Haitian translators to ensure that immigration and asylum procedures are carried out in languages Haitians can understand.** COMAR and INM staff must receive training on inclusive reception of diverse populations. COMAR and INM must improve interagency coordination through liaison on documentation and transfers.

- **Mexican government oversight organizations should take further steps to ensure the human rights of Haitians are respected.** The Ombudsman’s office known as the Centro Nacional de Derechos Humanos (CNDH) should be present at COMAR and INM registration centers and border checkpoints to monitor National Guard and INM practices. The CNDH should issue further precautionary measures to the INM to ensure that Haitians are not subjected to excessive force or other human rights violations and are allowed free movement in the country without racial profiling.

- **The Mexican federal government should provide access to long-term legal status to Haitians beyond refugee status including complementary protection and a pathway from temporary to permanent residency.**

- **The INM must ensure that the CURP (Clave Unica de Registro de Población) is provided to humanitarian visa holders, asylum seekers, refugees, and other Haitian residents in Mexico.** The CURP, an identification number necessary to conduct most basic activities in Mexico such as opening a bank account or access to healthcare and employment, must be given at the same time as the other documents to allow Haitians to begin working as quickly as possible.

- **The Mexican Federal government should work with the manufacturing sector to facilitate job opportunities for Haitians in northern Mexico.** The INM must ensure that Haitians are given information on getting a Mexican tax identification number in order to work in this sector.
To the U.S. government:

- **All Title 42 expulsions to Haiti must cease and asylum processing be restarted at ports of entry.** The Biden administration must ensure fair assessment of Haitian asylum claims through training of asylum officers, an updated country condition report, and ensuring access to counsel and interpretation. In the wake of Title 42, Haitian asylum seekers should not be forced to prepare their cases from immigration detention or wait for their hearings in Mexico.

- **Redesignate Haiti for temporary protected status (TPS)** to extend the eligibility date for protection against deportation to those currently with TPS and to those who have arrived since July 29, 2021, given that conditions in Haiti have worsened since then.

- **The United States should prioritize resettlement of Haitians from third countries in the Americas and create additional protection pathways and complementary pathways to the United States from Haiti.** These should include use of humanitarian parole for those harmed in the Del Rio encampment, families expelled either since the September 16 district court ruling or the March 4 court of appeals decision outlawing expulsions of those likely to be persecuted or tortured, and all those expelled after the CDC announced, on April 1, 2022, plans to terminate Title 42 on May 23.

- **Within new asylum border procedures that have been announced,** if Haitians specify alternative removal to Brazil or Chile should they be denied asylum, DHS should facilitate removal to those countries only if asylum is denied and after appeals are exhausted. This avoids removals from the United States without assessment of individual cases and allows for coordination on migration between countries in the Americas in a way that respects the rights and choices of asylum seekers. No child born to Haitian parents in Brazil or Chile should be removed by U.S. officials to Haiti without DHS proving the child would be safe and better off there and without an assessment of the family’s ability to alternatively be removed to Brazil or Chile, should they so indicate that preference.

To UN agencies:

- **The UN Refugee Agency (UNHCR) should prioritize analysis of the international protection needs of Haitians.** UNHCR should assess conditions on the ground in Haiti and, with other UN agencies, should issue a non-return order for Haiti. The UNHCR’s Quality Assurance Initiative should prepare a country packet on Haiti for the head of the COMAR for consideration of Haitians claims under the Cartagena standards. The UNHCR should also prepare a legal considerations paper clarifying how different kinds of stays in, and ties to, Brazil and Chile should (or should not) affect Haitian asylum claims elsewhere. UNHCR should also monitor the treatment of Haitians at the U.S.-Mexico border and ensure that they are not blocked from accessing territory and effectively seeking asylum.

- **The International Organization for Migration (IOM) should provide technical support to INM for immigration functions and integration of migrants.** This support should include training on human rights practices during immigration processing and on carrying out future transfer programs, and assistance for online immigration functions. The IOM should
provide more direct cash assistance for humanitarian visa holders as well as legal and technical support to Haitians seeking eligibility for work in Mexico.

- To facilitate Haitian integration in Mexico, UNHCR and the IOM should work to quickly expand the pilot program for work permits extended to Haitians. They should also broaden the criteria for those who are eligible for the program. UNICEF and UNESCO should work with Mexican schools and hospitals to ensure access for Haitian children to education and healthcare.

- The Inter-American Commission on Human Rights should prepare a thematic report on human rights of Haitians on the move in the Americas.

Note
This report was updated on May 20, 2022 to make technical corrections and update statistics. In addition, the section on multilateral response includes some revisions informed by discussions with UNHCR.
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About Refugees International

Refugees International advocates for lifesaving assistance, human rights, and protection for displaced people and promotes solutions to displacement crises around the world. We do not accept any government or UN funding, ensuring the independence and credibility of our work.