



Protection of Haitian Children Vital to Relief Effort: U.S. Can Do More to Safeguard Children

January 22, 2010 -- The earthquake that occurred in Haiti on January 12th has wreaked untold damage and loss of life on a country already burdened by poverty, poor infrastructure, and weak governance. Children have been particularly affected by the tragedy unfolding in Haiti, and must remain a core priority in rescue and relief efforts, as well as in the long recovery that lies before the Haitian people in the weeks, months, and years to come.

The U.S. government is taking important and significant steps to help Haitians both in Haiti and in the U.S. The immediate focus on the urgent protection and assistance needs on the ground in Haiti reflects the best traditions of the United States and the American people. The grant of temporary protected status (TPS) for Haitians in the U.S. and of humanitarian parole to Haitian orphans who had been identified and matched for inter-country adoption has also helped thousands of people. We applaud the U.S. for enacting these compassionate policies. The U.S. government, however, can do more. We urge the U.S. government to consider the following measures to protect Haitian children:

- **Immediate family reunification services:** As part of the relief effort, priority must be given to child registration, family tracing, and family reunification services to reunite children with their parents, customary caregivers, or other appropriate relatives as quickly as possible. It is generally in the best interest of children to be with their family. Family unity is particularly important in times of crisis because children can be further traumatized by separation from their families, which can also lead to developmental problems.
- **Children with urgent medical needs:** Children who have urgent medical needs that cannot be addressed by the emergency medical care delivery efforts in Haiti should be transported to the United States or elsewhere where they can access appropriate medical care. In such cases, parents or caregivers must be allowed to travel with the child in order to ensure that the child's best interests are considered.
- **Children in mixed status families:** Since the earthquake, some mixed status families -- in which some but not all members have lawful status in the U.S. -- are being forced to choose between leaving behind those members who do not have authorization to enter the U.S., or remaining in Haiti so that the family can stay together. The U.S. government should ensure that it does not

inadvertently create more separated families; enacting a policy to allow these families to come to the U.S. together would prevent further trauma for Haitian children. These families should be allowed to enter the U.S. through the Cuban Haitian Entrants Program and regularize their status.

- **Expedite I-730s for Haitian refugees and asylees:** Refugee and asylees in the U.S. have the right to bring a spouse or unmarried children under 21 to the U.S. The I-730 – the refugee/asylee relative petition – should be expedited for all Haitian refugees and asylees in the U.S. so that their children and spouses can reach the safety of the U.S. more quickly.
- **Orphaned, separated and unaccompanied children in Haiti:** In emergencies such as an earthquake, children without parents or close family members are most at risk of violence, including sexual violence, exploitation, trafficking, kidnapping and other threats to their lives and well-being. Haiti is, and will be for a time to come, a very dangerous place for these children. Many outside of Haiti are eager to provide safety and care for children who have been orphaned. It is vital, however, to avoid inadvertently separating children from their families in Haiti. Children should not be removed from Haiti or placed in adoption proceedings until child registration and family tracing have confirmed that reunification with family is not an option, and that it is in the best interests of the child to be removed or adopted. In the meantime, safe havens must be created for children who are separated, unaccompanied or orphaned.
- **Screening of children outside of Haiti:** As conditions worsen in Haiti, people may start to flee the country for the United States. The United States has said it would turn people back, but it is possible that they would also send them to Guantanamo Bay, or to facilities in the U.S. Haitians who are in refugee-like circumstances, particularly children, should be carefully screened to ensure that their lives are not in danger upon return. It is particularly important that children be screened to determine that they are not being sent back to traffickers or others who would abuse or exploit them. Children should be sent back only when it is truly safe for them to go home – when health care and education are available again, when security is widespread and when they have family able and willing to support them in Haiti. Haitians fleeing Haiti by sea have been offered little chance to access U.S. protection because they have been subjected to the “shout test” in which Haitians interdicted on boats are sent back with no screening unless they proactively express a fear of return. As is the case with Cubans or Chinese interdicted on the high seas, Haitians, particularly children, should be properly screened to determine their protection concerns.