

The Hon. Joseph R. Biden, Jr.
President of the United States
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

November 4, 2022

Submitted via email

Re: Do not send Haitians to detention at Guantánamo Bay or subject them to third-country arrangements

We, at the Haitian Bridge Alliance, and the undersigned 288 immigration, civil rights, human rights, and faith-based organizations, are deeply alarmed by a [report](#) that your National Security Council is considering sending and “holding” Haitian asylum seekers interdicted at sea by the United States to third countries or an offshore migrant detention center at the Guantánamo Bay military base in Cuba, a site associated equally with cruelty towards Haitians and more recently, lawlessness, torture, and executive overreach. We call on your administration to prioritize protections for Haitian nationals. This includes halting returns and expulsions to Haiti given the life-threatening conditions there. The administration must not under any circumstances send asylum seekers and migrants to the notorious Guantánamo Bay or other offshore detention locations. The United States should also immediately create swift, meaningful, and substantial safe pathways to protection for Haitians, and provide access to apply for asylum in the United States, without discrimination, and regardless of whether people travel by land, sea, or air in search of refuge.

Your administration should not add yet another chapter to the shameful U.S. [history](#) of mistreatment and racism toward Haitian people seeking protection, including those forced to take to the seas. In the 1990s, the U.S. government instituted [mass immigration detention](#) to target Haitians seeking refuge in the United States, disparately punishing Black asylum seekers. Successive U.S. administrations undertook sea interdictions and later pursued a policy of interception and indefinite detention at Guantánamo Bay, subjecting tens of thousands of Haitians, including children, fleeing a brutal humanitarian and human rights crises, and blocking them from access to U.S. asylum, as well as human rights monitors and refugee lawyers. These actions undermined U.S. influence and moral authority, and left a further stain on the United States’ history and legacy in its relationship with Haiti. The Guantánamo Public Memory Project [documented](#) the conditions as the following:

[Haitians detained at Guantánamo] were being chased by attack dogs. It was hurricane season and they were left out there. Ferocious wind. And then there were ripped cots. The babies did not have cribs and stuff like that. As a matter of fact, later on when we asked, they gave us cardboard for the babies. I looked at the canned food they were given, expired food. People were getting

sick and, you know, the hot sun. The conditions were really horrendous in terms of how a human being should live.

Neither should Haitians be sent to other offshore detention locations or subjected to third-country [arrangements](#) that violate refugee and human rights law. The Trump administration wielded third-country agreements as an asylum ban sending back a thousand people (mostly women and children) to [Guatemala](#), and its Remain in Mexico policy returned tens of thousands to deadly [harm](#) and instances of summary [removals](#) from Mexico. The Biden administration should reject the prior administration's approach, which made a travesty of the U.S. commitment to *non-refoulement*, subverted international law, and encouraged other countries to pursue similarly dangerous and inhumane asylum offshoring and detention agreements.

Today, Haitians face an unprecedented crisis in their home country. Armed groups with political ties are [terrorizing](#) Haiti's capital with kidnappings and other violent crimes, which have spilled into cities across the country. From political upheaval and widespread insecurity, to a concerning resurgence of [cholera](#), Haitian people are being forced to flee their home country in search of safety and protection. Some Haitian asylum seekers are taking to sea as a last resort given the dire conditions, as well as the impediments to obtaining visas to leave Haiti, and the extreme dangers of land routes to the U.S.-Mexico border.

There are concrete steps your administration can take to protect Haitian asylum seekers, uphold human rights, and implement your administration's commitment in the [executive order](#) on advancing racial equity to "redress" "policies [that] perpetuate systemic barriers to opportunities and benefits for people of color":

- **Do not refole, expel, return, or send any Haitians back to Haiti, including those interdicted at sea, and never again return people seeking asylum without refugee protection screening.** As you know, the [U.N. Refugee Agency](#), [U.N. High Commissioner for Human Rights](#), the [U.N. Humanitarian Coordinator](#) for Haiti recently called on states not to repatriate people to Haiti given the severe and dire humanitarian, health, and security crisis there. The U.N. High Commissioner for Human Rights Volker Türk stressed, "In this context, it is clear that the systematic violations of rights in Haiti do not currently allow for the safe, dignified and sustainable return of Haitians to the country." The Biden administration should take all available steps to [end](#) the [use](#) of Title 42, which UNHCR has repeatedly warned violates refugee law and returns people to their country of feared harm without asylum adjudications or screening, restore asylum processing at ports of entry, and ensure interdicted Haitians can disembark in the United States. Before any future returns of people by sea, protection screenings should include preliminary affirmative fear of return questions (rather than the deficient "shout" test), adequate interpretation, and access to full refugee screening.
- **Do not send Haitians to be detained at the infamous Guantánamo Bay.** People seeking protection should not be sent to a location that has long been a symbol of the subversion of human rights, and that lacks access to human rights monitors and refugee lawyers. The Biden administration should not extend the human rights horrors at Guantánamo, and should permanently close down Immigration and Custom Enforcement's Migrant Operations Center there and end all [contract](#) solicitations and active contracts for [guards](#) for the facility. Families, adults, and children

seeking to escape harm or seek refuge should not be subjected to offshore detention that contravenes human rights law and undermines the administration's steps to eliminate the use of family detention in the United States.

- **Disembark Haitians interdicted by the United States in the United States, as contemplated by U.S. law, with full access to asylum protection.** In the 1996 revision of the Immigration and Nationality Act section 235(a)(1), Congress clearly confirmed authority, which your administration should use to bring people interdicted at sea to U.S. soil. Given significant barriers for Haitians to access counsel and interpreters in expedited removal, you should ensure no one is denied full removal proceedings under section 240 of the Immigration and Nationality Act. Haitian families, adults and children who seek asylum in the United States should not be sent to county jails, immigration detention centers, or subjected to other punitive, discriminatory, or disparate treatment, and should instead shelter with family and friends in U.S. communities while awaiting asylum and immigration processing.
- **Refrain from striking formal or informal agreements with third countries to detain and/or process people seeking asylum.** Third country processing should *never* be your administration's response to people seeking refuge. Time and again, the United States has turned to nations with far less resources to take on its refugees, externalizing its obligations towards asylum seekers under U.S. and international law. It is past time to end that practice once and for all and ensure that people seeking U.S. protection, including Haitians, can access the U.S. asylum system from U.S. soil, with full compliance with statutory and constitutional protections.
- **Create swift, meaningful, and substantial safe pathways, which should never be linked to denial of access to asylum.** The absence of safe pathways has long pushed people fleeing a country to embark on dangerous journeys, and we urge the Biden administration to take all steps it can to create safe pathways for people seeking to leave Haiti and come to the United States. Critical steps include: immediate implementation of Haitian Family Reunification Program, creating new safe routes for Haitians seeking safety to come to the United States, and leverage technology for interviews impacted by the current security situation in Haiti. The provision of safe pathways should never be linked to denial of access to asylum, as the Department of Homeland Security shamefully did with [Venezuelan](#) asylum seekers, a legally flawed approach that endangers lives and subverts refugee protection globally.

It is past time for the United States, and the Biden administration, to pursue these rights-respecting actions, and end the pattern of discriminatory and disparate treatment inflicted on Haitians seeking U.S. protection. During your administration, Haitians have been met with summary push-backs at the hands of the U.S. Coast Guard. People have died and [continue to die](#) at sea while seeking protection at U.S. shores. Rather than protecting them, the United States further victimizes these individuals by returning them to danger. [Disparate treatment](#) of Haitians attempting to seek U.S. asylum at the border has continued. This past year, your administration spent [millions](#) to rapidly expel tens of thousands of asylum seekers to Haiti including pregnant women and newborn babies, shortly after committing [significant human rights abuses](#) against Haitians in Del Rio, Texas, in an effort to deter Haitians from coming to the U.S. border.

Despite your commitment to racial equity, your administration has continued and is poised to expand the discriminatory and anti-Black policies of the past. Your administration has the power to turn the page on these harmful and discriminatory policies. We urge you to do right by Haitian people seeking protection, whether by land or at sea, to live up to our humanitarian obligations, and build an [equitable](#) humanitarian protection system that welcomes those seeking refuge.

Respectfully,

1. 1804 Institute
2. ACLAMO
3. Adhikaar for Human Rights & Social Justice
4. Advocates for Youth
5. African Advocacy Network
6. African Bureau for Immigration and Social Affairs (ABISA)
7. African Communities Together
8. African Human Rights Coalition
9. Al Otro Lado
10. Alabama Coalition for Immigrant Justice
11. Alianza Americas
12. Alliance in Defense of Black Immigrants
13. America's Voice
14. American Civil Liberties Union (ACLU)
15. American Friends Service Committee
16. American Gateways
17. American Immigration Council
18. American Immigration Lawyers Association (AILA)
19. American Jewish World Service
20. Americans for Immigrant Justice
21. Amnesty International USA
22. Angry Tias and Abuelas of the RGV
23. Asamblea de Derechos Civiles
24. Asian Americans Advancing Justice-Atlanta
25. Asian Americans United
26. ASISTA Immigration Assistance
27. Association of Exchange and Development of Activities and Partnership (AEDAP)
28. Association of Haitian Women, Inc. (AFAB)
29. Asylum Seeker Advocacy Project (ASAP)
30. Atlantic-Midwest Province of the School Sisters of Notre Dame
31. Austin Region Justice for Our Neighbors
32. Avanse Ansanm
33. Avocat au Barreau de Port-au-Prince
34. Ayiti Community Trust
35. Beyond Borders
36. Black Alliance for Just Immigration (BAJI)

37. Black Alliance for Peace, Haiti/Americas Team
38. Black Women Organizing For Power
39. Board Member Institute for Justice and Democracy in Haiti
40. Border Organizing Project
41. Bridges Faith Initiative
42. Brooklyn Defender Services
43. California Collaborative for Immigrant Justice (CCIJ)
44. Capital Area Immigrants' Rights (CAIR) Coalition
45. Caribbean American Diaspora Alliance
46. Caribbean Community Service Center (CCSC)
47. CASA
48. Catalyst Miami
49. Catholic Legal Immigration Network (CLINIC)
50. Catholic Social Services of Fall River, Inc.
51. Center for Gender & Refugee Studies (CGRS)
52. Center for Immigration Law and Policy, UCLA School of Law
53. Center for Justice and Accountability
54. Center for Law and Social Policy
55. Center for Victims of Torture
56. Central American Resource Center - Los Angeles
57. Central American Resource Center of Northern CA - CARECEN SF
58. Central Washington Justice for our Neighbors
59. Chicago Religious Leadership Network on Latin America-CRLN
60. Children's HealthWatch
61. City of North Miami Office of Vice Mayor
62. Civil Rights Education and Enforcement Center
63. Cleveland Jobs with Justice
64. Coalition for Humane Immigrant Rights (CHIRLA)
65. Communities Organizing Power and Action for Latinos
66. Communities United for Status and Protection (CUSP)
67. Community Access Center, Inc.
68. Community Justice Exchange/National Bail Fund Network
69. Community Justice Project
70. Community Powerhouse Consulting & Coaching
71. Company of the Daughters of Charity of Saint Vincent de Paul
72. Comunidad Maya Pixan Ixim
73. Congregations of St. Joseph
74. CUNY Haitian Studies Institute @ Brooklyn College
75. Daughters of Charity of St. Vincent de Paul USA
76. Defend Haiti's Democracy
77. Detention Watch Network
78. Diaspora Community Services
79. Disaster Law Project
80. Diversify Group

81. Doctors for Camp Closure
82. Edmund Rice International
83. Elmont Cultural Center
84. Environmental Justice Initiative for Haiti
85. Espacio Migrante A.C.
86. Esperanza Immigrant Rights Project
87. Faith Based Organizing
88. Faith in New Jersey
89. Familias Unidas en Acción
90. Families Belong Together
91. Families Rights Network
92. Family Action Network Movement
93. Fanm Saj, Inc
94. Farmworker Association of Florida
95. Felician Sisters
96. First Focus on Children
97. Fleur De Vie
98. Florence Immigrant & Refugee Rights Project
99. Florida Council of Churches
100. Florida Immigrant Coalition
101. Franciscan Sisters of Our Lady of Perpetual Help
102. Free Migration Project
103. Free Them All- San Diego
104. Friends Committee on National Legislation
105. Fuerzas Unidas
106. Gamaliel of Metro-Chicago
107. Gender Action
108. Global Justice Clinic, New York University School of Law
109. Global Justice Clinic, Western New England University School of Law
110. Global Rights Advocacy
111. Government Accountability Project
112. Grantmakers Concerned with Immigrants and Refugees (GCIR)
113. Haiti Dream Keeper Archives
114. Haiti Justice Alliance
115. Haiti Pathway Forward
116. Haitian-American Alliance of New York
117. Haitian-American Democratic Club
118. Haitian-American Foundation for Democracy
119. Haitian-American Professionals Coalition
120. Haitian Bridge Alliance
121. Haitian Ladies Network
122. Haitian Studies Association
123. Haitian Women for Haitian Refugees
124. Harvard Immigration and Refugee Clinical Program

125. HIAS
126. Hispanic Health Network
127. Hope Border Institute
128. Houston Coalition Against Hate
129. Houston Immigration Legal Services Collaborative
130. Human Rights First
131. Human Rights Watch
132. Illinois Coalition for Immigrant and Refugee Rights
133. Immigrant Action Alliance
134. Immigrant Defenders Law Center
135. Immigrant Justice Network
136. Immigrant Law Center of Minnesota
137. Immigrant Legal Advocacy Project
138. Immigrant Legal Defense
139. Immigrant Legal Resource Center
140. Immigration Equality
141. Immigration Hub
142. Innovation Law Lab
143. Institute for Justice & Democracy in Haiti (IJDH)
144. Interfaith Welcome Coalition - San Antonio
145. International Mayan League
146. International Refugee Assistance Project (IRAP)
147. International Rescue Committee
148. Jesuit Refugee Service/USA
149. Jewish Activists for Immigration Justice of Western Mass
150. Jewish Family Service of San Diego
151. Just Neighbors Ministry
152. Justice Action Center
153. Justice For Our Neighbors North Central Texas
154. Kids in Need of Defense (KIND)
155. Kiskeya Interpreting & Translation
156. Las Americas Immigrant Advocacy Center
157. Latin American Working Group (LAWG)
158. Law Offices of Nancy Hormachea
159. Lawyers for Good Government
160. Legal Aid at Work
161. Legal Aid Justice Center
162. Long Beach Immigrant Rights Coalition
163. Louisiana Organization for Refugees and Immigrants
164. LSN Legal LLC
165. L'union Suite
166. Make the Road New York
167. Man Dodo Humanitarian Foundation
168. Marin Interfaith Task Force on the Americas

169. Mariposa Legal, Program of COMMON Foundation
170. Maryknoll Fathers and Brothers
171. Maryland Legislative Coalition
172. Massachusetts Immigrant and Refugee Advocacy Coalition
173. Mauritania Network for Human Rights
174. Mercy Focus on Haiti
175. Miami Freedom Project
176. Michigan People's Campaign
177. Mid-South Immigration Advocates
178. Migrant Center for Human Rights
179. Minority Humanitarian Foundation
180. Mississippi Immigrants Rights Alliance
181. MomsRising/MamásConPoder
182. Movement for Black Lives
183. Movement of Immigrant Leaders in Pennsylvania (MILPA)
184. Movement of Love For Haiti
185. MPower Change
186. Muslim Advocates
187. NAKASEC
188. National Black Justice Coalition
189. National Council of Jewish Women
190. National Domestic Workers Alliance
191. National Employment Law Project
192. National Immigrant Justice Center
193. National Immigration Law Center
194. National Immigration Project (NIPNLG)
195. National Lawyers Guild International Committee
196. National Network for Arab American Communities (NNAAC)
197. National Organization for Immigrant and Refugee Rights
198. National Partnership for New Americans
199. Nebraska Appleseed
200. NETWORK Lobby for Catholic Social Justice
201. New Jersey Alliance for Immigrant Justice
202. New Sanctuary Movement of Philadelphia
203. New York Immigration Coalition
204. New York Law School Asylum Clinic
205. Nicaragua Center for Community Action
206. Northwest Immigrant Rights Project
207. Oasis Legal Services
208. Office of Peace, Justice, and Ecological Integrity/Sisters of Charity of Saint Elizabeth
209. Office of Peacebuilding and Policy, Church of the Brethren
210. Ohio Immigrant Alliance
211. Orange County Justice Fund
212. Partners In Health

213. Passionist Solidarity Network
214. Passionists International
215. Pedro Arrupe Jesuit Institute
216. Pennsylvania Council of Churches
217. Pennsylvania Immigration and Citizenship Coalition
218. People's Response Network
219. Phoenix Legal Action Network (PLAN)
220. Physicians for Human Rights
221. Pilsen Neighbors Community Council
222. Pote kole ak lagonav
223. Presbyterian Church (USA) Office of Public Witness
224. Priority Africa Network (PAN)
225. Progressive Leadership Alliance Of Nevada
226. Project Lifeline
227. Project On Government Oversight
228. Public Counsel
229. Pulso
230. Quad Cities Interfaith
231. Quixote Center
232. RAICES
233. Refugee Congress
234. Refugees International
235. Respond Crisis Translation
236. Revive Your Soul Ministries, Inc
237. Rian Immigrant Center
238. Robert F. Kennedy Human Rights
239. Rochester Committee on Latin America
240. Rocky Mountain Immigrant Advocacy Network
241. Rourke & Rosenberg LLC
242. Rural Women's Health Project
243. Samidoun Palestinian Prisoner Solidarity Network
244. Sant La, Haitian Neighborhood Center
245. Save Haiti
246. Save the Children
247. Service Employees International Union (SEIU)
248. Services, Immigrant Rights and Education Network (SIREN)
249. Sinai Ministry International
250. Sisters of Charity Federation
251. Sisters of Charity of Nazareth Congregational Leadership
252. Sisters of Charity of New York
253. Sisters of Charity of our Lady of Mercy
254. Sisters of Mercy of the Americas Justice Team
255. Sisters of Notre Dame de Namur
256. Sisters of St. Joseph of Peace

257. Takoma Park Mobilization, Equal Justice Committee
258. Tennessee Justice for Our Neighbors
259. Texas Civil Rights Project
260. The 360 Evolution Academy, Inc.
261. The Advocates for Human Rights
262. The Haitian-American
263. The Haiti-Jamaica Society
264. The Legal Aid Society
265. The National Haitian American Elected Officials Network (NHAEON)
266. The Sidewalk School
267. The United Methodist Church Board of Church and Society
268. The Young Center for Immigrant Children's Rights
269. Tsuru for Solidarity
270. UndocuBlack Network
271. Unitarian Universalist Service Committee
272. United Congregations Of Metro-East
273. United Methodist Church General Board of Church and Society
274. United Stateless
275. United We Dream (UWD)
276. University of Miami School of Law Human Rights Clinic
277. USC Gould School of Law Immigration Clinic
278. VECINA
279. Vera Institute of Justice
280. VietLead
281. Washington Office on Latin America (WOLA)
282. #WelcomeWithDignity
283. Welcoming America
284. Wind of the Spirit Immigrant Resource Center
285. Witness at the Border
286. Women Working Together USA
287. Women's Refugee Commission
288. Woori Center
289. YWCA Haiti

cc: The Honorable Kamala D. Harris, Vice President of the United States
Attorney General Garland, Department of Justice
Secretary Alejandro Mayorkas, Department of Homeland Security
Secretary Antony Blinken, Department of State
Secretary Xavier Becerra, Department of Health and Human Services
Ambassador Samantha Power, U.S. Agency for International Development
Advisor Jake Sullivan, National Security Council
Ambassador Susan Rice, Domestic Policy Council