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# After the Earthquake

A BULLETIN FOR CHILD WELFARE ORGANIZATIONS ASSISTING  
HAITIAN FAMILIES IN THE UNITED STATES



THE ANNIE E. CASEY FOUNDATION  
JULY 2010

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## ACKNOWLEDGEMENTS

The Annie E. Casey Foundation acknowledges the immeasurable contributions and expertise of Yali Lincroft for writing this bulletin and resource guide. In addition, the Foundation extends its appreciation to the following individuals who generously contributed time and expertise to the development of this document:

- Jenessa Bryan, *SOS Children's Village International*;
- Howard Davidson, *American Bar Association*;
- Helene Etienne and Mark Lewis, *New York City Administration for Children's Services*;
- Olivia Fairies and Eric Sigmon, *Lutheran Immigration and Refugee Service*;
- Ghazal Keshavarzian, *Better Care Network/UNICEF Child Protection Section*;
- Diane Kunz, *Center for Adoption Policy*;
- Deborah Lee, *Florida Immigrant Advocacy Center*;
- Nathalie Lummert, Yasmine Malebranche, Lyn Morland, and Adrienne Young, *United States Conference of Catholic Bishops*;
- Mark Riordan, *Florida Department of Children and Families*; and
- Kathleen Strottman and Rebeccah Weichhand, *Congressional Coalition on Adoption Institute*.

The Annie E. Casey Foundation also thanks four grantees for providing critical support or direct services to Haitian families and children in the United States in the months following the earthquake. Those grantees include the Florida Immigrant Advocacy Center, Lutheran Immigration and Refugee Service, and the Congressional Coalition on Adoption Institute. The Brooklyn Community Foundation also received grant money in support of the NYC Haitian Community Hope and Healing Fund, created in partnership with the United Way of New York City.

## DISCLAIMER

This guide should not be regarded as legal or child welfare advice and should not substitute for professional counsel that takes into account the specific circumstances of each agency's or client's situation, or any notices that may be issued from federal, state, and local officials. Immigration and child welfare policy and practice vary greatly by jurisdictions, so consult legal and child welfare experts. The inclusion of an organization or agency in this guide neither guarantees access to its services nor indicates endorsement of the organization. Further, some programs are offered only during emergencies and have limited services available.

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*The Annie E. Casey Foundation thanks Save the Children for providing the cover image for this bulletin. The picture captures a man and his son outside their tent at the Camp de Fraternite shelter camp on March 28, 2010 in Tchawa, Haiti. (Photo by Lee Celano/Getty Images for Save the Children)*

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## INTRODUCTION

Devastation caused by the January 2010 earthquake in Haiti has focused the world's attention on the humanitarian crisis in the poorest nation in this hemisphere. Among the repercussions of this natural disaster in the United States:

- Thousands of Haitians entered the United States;
- Large numbers of Haitians living in the United States do not want to return to their overstressed home country; and
- U.S. child welfare agencies and advocates increasingly are fielding requests to assist Haitian families and children.

To help Haitian-born families in the country at the time of the earthquake, the U.S. government announced a short-term strategy –Temporary Protective Status (TPS) – that allows qualified Haitian nationals to avoid removal from the United States, along with other benefits. This and other practical information and resources for helping Haitian families and children are discussed in this bulletin. Many of the resources also will be useful to child welfare agencies that work with other immigrant populations.

### **Critical deadline**

The deadline for Haitians to apply for TPS is July 20, 2010, a date which is fast approaching at the time of this bulletin's release. Moreover, TPS applications must be filed for each individual – including each individual child – as children are not covered under their parents' TPS applications. Child-serving agencies and advocates need to keep this in mind as they seek to help Haitian nationals in this country.

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## HAITIANS IN THE UNITED STATES, THEN AND NOW

On January 12, 2010, a massive earthquake in Haiti caused a shocking loss of lives and millions of dollars in infrastructure damages. In the days following the earthquake, thousands of Haitians departed Haiti bound for North America, as well as nations such as France and the Netherlands. The United States, home to the largest concentration of Haitians in any country outside of Haiti, faces significant challenges, both immediate and long-term, as a result of this tragedy.

### Demographic background

The United States is home to approximately 785,676 persons reported to be of Haitian ancestry.<sup>1</sup> Nearly 70 percent of the Haitian-born population resides in Florida and New York State.

### Top Ten States with Haitian-born Populations<sup>2</sup>

*(percentage of total Haitian-born population in United States)*

Florida . . . . .	45.7%
New York . . . . .	23.1%
Massachusetts . . . . .	7.6%
New Jersey . . . . .	7.2%
Georgia . . . . .	2.5%
Pennsylvania . . . . .	2.3%
Connecticut . . . . .	2.1%
Maryland . . . . .	1.3%
Illinois . . . . .	1.1%
California . . . . .	1%
All other states . . . . .	5.7%

The top five U.S. counties with Haitian populations are Miami-Dade, Florida, with 118,554 Haitian-born persons; Broward County, Florida, with 102,500; Kings County, New York, with 86,687; Palm Beach County, Florida, with 59,463; and Queens County, New York, with 42,064.<sup>3</sup>

The Migration and Policy Institute reports:<sup>4</sup>

- More than 25 percent of all foreign-born Haitians in the United States arrived in 2000 or later.

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<sup>1</sup> Center for the Study of Brooklyn, *Haitian demographic information* (January 2010).

<sup>2</sup> Ibid.

<sup>3</sup> Ibid.

<sup>4</sup> Aaron Terrazas, *Haitian immigrants in the United States*, Migration Policy Institute (January 15, 2010). Retrieved on June 29, 2010, from <http://www.migrationinformation.org/USFocus/print.cfm?ID=770>

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- Haitian immigrants are more likely than other immigrant groups to be naturalized United States citizens (48.4 percent compared to 43 percent among the overall foreign-born population).
  - Approximately half of all Haitian immigrants have limited English proficiency.
  - Nearly half of all U.S. adults born in Haiti have some college education.
  - Nearly half of all employed Haitian-born men in the United States work in the service sector, or in construction, extraction, and transportation.
  - More than one in every four employed Haitian-born immigrant women work in healthcare support.
  - Haitian immigrants are less likely to live in poverty than other immigrant groups (12.9 percent lived below the poverty line in 2008 versus 14.9 percent of all foreign-born families).

The most recently published estimates from the U.S. Department of Homeland Security (DHS), based on an analysis of the 2000 Census, suggest that the unauthorized immigrant population from Haiti grew from 67,000 in 1990 to 76,000 in 2000.<sup>5</sup> These estimates do not consider increased migration during the past decade or since the earthquake.

### **The earthquake hits home**

A *New York Times* survey from February 2010 found 59 percent of Haitian Americans lost a loved one in the earthquake.<sup>6</sup> Since the tragedy, there have been reports of a continuous exodus of Haitians traveling to the Dominican Republic, arriving in the United States using a B-2 Tourist Visa (which covers short leisure or tourism visits), and staying with relatives and friends in communities such as Brooklyn and Miami.<sup>7</sup>

In the wake of Haiti's devastation and its decimated infrastructure, DHS announced a temporary stay on deportations to Haiti in January 2010.<sup>8</sup> While efforts to remove Haitians from the country slowed, the focus on keeping Haitians from entering America intensified. The U.S. Coast Guard, for example, has increased patrols in the Caribbean to deter illegal immigration and has returned a number of boats containing Haitians.<sup>9</sup>

The emergency has highlighted the fact that at least five federal agencies handle issues related to Haitian migrants:<sup>10</sup>

- The Coast Guard (part of DHS), which handles interdiction;

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<sup>5</sup> Ibid.

<sup>6</sup> Anne Barnard, "A parish tested: Haitian in U.S. double up to take in their own," *The New York Times* (March 5, 2010).

<sup>7</sup> Ibid.

<sup>8</sup> Toluse Olorunnipa and Alfonso Chardy, "U.S. halts deportation of undocumented Haitians due to earthquake," *The Miami Herald* (January 13, 2010).

<sup>9</sup> "88 More Haitians Repatriated," *Post-Newsweek Stations* (February 16, 2010).

<sup>10</sup> Congressional Research Service, *CRS report for Congress: U.S. immigration policy on Haitian migrants*, RS21349, (March 31, 2010).

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- Customs and Border Protection, charged with apprehending noncitizens and inspecting those entering the country;
  - Immigration and Customs Enforcement, which detains noncitizens;
  - U.S. Citizenship and Immigration Services (USCIS), which provides information on threats, called “credible fear determinations,” to the United States; and
  - The Department of Justice’s Executive Office of Immigration Review, which handles asylum and removal hearings.

Should a mass migration occur, DHS is the lead organization and procedures have been developed for how state and local agencies would work under their federal guidance if such a scenario arose.

### **The children of Haiti, then and now**

Even before the earthquake, Haiti suffered massive, systemic, and deep poverty. According to the World Bank, more than half of the population lived in extreme poverty, surviving on less than \$1 a day.<sup>11</sup> The United Nations had designated Haiti as one of the 50 “least developed countries” in the world.<sup>12</sup> The Inter-American Development Bank considered the 2010 earthquake to be the most destructive natural disaster in modern times considering the size of Haiti’s population and economy.<sup>13</sup>

Prior to the earthquake, as many as 380,000 children were estimated to be living in orphanages within the country. In the post-earthquake devastation, the number of orphans in Haiti has risen dramatically.<sup>14</sup> In contrast to the United States, the terms “orphans” and “orphanages” in Haiti refer to both true orphans (those lacking parents) and to children whose parents’ whereabouts are unknown or whose parents’ poverty meant they could not support their children.<sup>15</sup>

In addition, pre-earthquake Haiti had a serious child trafficking problem, with numerous abandoned and homeless children living on the street. It also has a tradition of children living as household servants, many in slave-like conditions, called “restavek,” a French word for “one who stays.”

Following the earthquake, several steps have been taken to safeguard children, both those who are separated from their families and those whose families have died or are missing as a result of the disaster. The Haitian government, UNICEF, and international aid organizations have developed children’s “safe zones” and a registration system for unaccompanied children meant to reunify lost children and their families.

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<sup>11</sup> Congressional Research Service, *Haiti earthquake: Crisis and response*, F41023 (January 15, 2010).

<sup>12</sup> Ibid.

<sup>13</sup> Merle David Kellerhalls, Jr., “Donor’s conference March 31 to mobilize support for Haiti,” *America.Gov* (March 5, 2010) Retrieved on June 29, 2010, from <http://www.america.gov/st/develop-english/2010/March/2010305123644dmslahrelleko.3958704.html>

<sup>14</sup> Charley Keyes, “State Department: U.S. working to prevent child trafficking in Haiti,” *CNN.com* (January 28, 2010) Retrieved on June 29, 2010, from <http://www.cnn.com/2010/WORLD/americas/01/28/haiti.us.children/index.html>

<sup>15</sup> Ibid.



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## PRINCIPLES REGARDING CHILDREN SEPARATED FROM FAMILY

Organizations with experience handling large-scale disasters such as the Haiti earthquake have developed principles for coping with children separated from their parents and families as the result of a crisis. These children are considered a vulnerable population whose basic survival is in question and who face heightened risk of abuse and exploitation.

The *Guidelines for the alternative care of children*, the first international document on caring for children without parents in non-emergency and emergency situations, was adopted by the United Nations General Assembly only a few months prior to the earthquake in Haiti.<sup>16</sup> It underscores that in emergency situations, such as an earthquake, the primary goal is to track down and reunify children with their families to the maximum extent possible, prior to any other permanent solution being pursued. The principles of the *Guidelines* include:<sup>17</sup>

- a registry of unaccompanied and separated children;
- temporary and long-term family-based care;
- rules that specify the use of residential care as a temporary measure only; and
- a prohibition on using large-scale residential facilities as permanent or long-term care solutions.

Many international child welfare organizations, such as International Social Service, Save the Children, SOS Children's Village International, and World Vision, have called for countries to adhere to the principles of the *Guidelines for the alternative care of children*, as well as the Better Care Network's *Interagency guiding principles on unaccompanied and separated children*.<sup>18</sup>

In particular, these organizations stress the need to reunite children separated from their families rather than adopting them out of the country. These relief agencies also have called for an immediate moratorium on any new adoptions of children found on their own following the earthquake until exhaustive family tracing and reunification has been completed. The fear is that any hasty new adoptions would risk permanently breaking up families, causing long-term damage to already vulnerable children, and distract from aid efforts in Haiti. These organizations, however, have encouraged adoptions interrupted by the disaster to move forward, as long as the appropriate legal documentation was in place prior to the earthquake and the adoptions meet Haitian, U.S., and international laws.

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<sup>16</sup> SOS Children's Villages International and International Social Service, *Guidelines for the alternative care of children* (November 20, 2009). Retrieved on June 29, 2010, from <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N09/470/35/PDF/N0947035.pdf?OpenElement>

<sup>17</sup> Better Care Network, *Preventing further trauma in Haiti! International community calls for the use of international guidelines to ensure maximum protection of children* (January 22, 2010). Retrieved on June 29, 2010, from [http://www.bettercarenetwork.org/bcn/details\\_news.asp?ID=21576&themeID=1001&topicID=1007](http://www.bettercarenetwork.org/bcn/details_news.asp?ID=21576&themeID=1001&topicID=1007)

<sup>18</sup> Better Care Network, *Interagency guiding principles on unaccompanied and separated children* (2004). Retrieved on June 29, 2010, from <http://www.crin.org/bcn/details.asp?id=9253&themeID=1005&topicID=1031>



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## TEMPORARY PROTECTION: TPS

On January 15, 2010, DHS announced that Haitian nationals living in the United States prior to the January 12 earthquake may apply for Temporary Protective Status (TPS) and obtain 18-month work permits.<sup>19</sup>

As the name implies, TPS is a short-term benefit that does not lead to permanent resident status. However, it does allow qualified Haitian nationals to avoid removal from the United States and obtain employment authorization documents and permission to depart from and return to the United States. Undocumented Haitians who travel to the United States after January 12, 2010, are not eligible for TPS.

*The deadline for application by Haitians for TPS is July 20, 2010. The federal government also grants TPS to individuals from other countries in Central America and Africa.*

In order to apply for TPS, Haitian applicants need to prove three things: (1) that they are Haitian, (2) that they already were residing in the United States on January 12, 2010, and (3) that they have been residing in America continuously since that date.<sup>20</sup>

Documents needed for the TPS application include:

- Proof of Haitian nationality with a passport, birth certificate accompanied by photograph identification, or any national identity document from Haiti with a photograph and/or fingerprint.
- Date of entry documented by a passport, an I-94 Arrival/Departure Record, or another document proving residency.
- Proof of residence in the United States on January 12, 2010, with appropriate employment records, rent and utility receipts, school and hospital records, or affidavits from churches, unions, and other organizations.
- Two passport photos.

TPS application is costly. The required I-821 form carries a \$50 fee, the I-765 form mandated for those ages 14 to 65 is \$340, and those older than 14 years old must also pay an \$80 biometrics fee. Families must also pay an additional \$50 for each child.

### TPS underused

According to a March 2010 Congressional Research Service report, 35,110 Haitians have submitted TPS petitions, substantially lower than the 100,000 to 200,000 initially expected by the federal government.<sup>21</sup>

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<sup>19</sup> Federalregister.com, *Designation of Haiti for temporary protected status*, Federal Register Doc. 2010-1169 (January 21, 2010). Retrieved on June 29, 2010, from <http://www.thefederalregister.com/d.p/2010-01-21-2010-1169>

<sup>20</sup> New York City Legal Aid Society, *A fact sheet on TPS* (January 16, 2010) Retrieved on June 29, 2010, from [http://www.legal-aid.org/media/129079/haiti%20tps%20factsheet%20\\_5\\_.pdf](http://www.legal-aid.org/media/129079/haiti%20tps%20factsheet%20_5_.pdf)

<sup>21</sup> Congressional Research Service, RS21349.

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Why the low rate of submission for this potentially helpful temporary benefit? Immigrant advocates and policy experts speculate Haitian nationals have been discouraged by factors such as:

- Fear of being “caught” by federal authorities. Temporary Protective Status is not amnesty and many Haitians may not understand how obtaining some form of immigration status can help stabilize their family’s economic situation. Many immigrants who have been living illegally in the United States for years are hesitant to apply for fear that they will be marked for future deportation since TPS now makes them “visible” to immigration authorities.<sup>22</sup>
- The cost of filing fees. The nearly \$500 in filing fees is a strain for many undocumented immigrants already facing financial distress because of the recession and their efforts to provide remittances to family in Haiti.<sup>23</sup> They also may be unfamiliar with the process of filing for fee waivers.
- Not enough information. Immigrant groups are concerned that after initial outreach efforts to promote TPS in primarily urban communities, little information has been available about the program, particularly in rural communities where less free or low-cost legal assistance is available.<sup>24</sup>
- A lack of required documentation. Many applicants lack the necessary documents – passports or birth certificates – and must rely on the overwhelmed Haitian consulate for assistance.<sup>25</sup>
- Worries about any criminal history. Haitians who have “criminal dispositions” on their records are ineligible for TPS and future criminal dispositions may make the client ineligible for re-registering for such benefits later. In addition, those who may be ineligible because of a criminal history may find that applying for TPS status could lead to possible detention and deportation. Haitian nationals with past criminal dispositions should seek expert legal advice before applying for TPS.

To help improve the flow of information and ease the financial burden, bar associations, law firms, and immigrant defense organizations have organized pro bono TPS clinics and outreach efforts nationwide, offering free legal services to Haitian applicants. DHS has cautioned potential TPS applicants to be wary of possible immigration scams and issued a fact sheet that warns applicants to avoid immigration “consultants” or “notaries” who are not authorized to file immigration applications or provide legal counsel.<sup>26</sup>

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<sup>22</sup> Julie Kay, “Fees, deadlines loom for Haitians in Florida,” *Daily Business Review* (March 12, 2010).

<sup>23</sup> Law Firm of Hunton & Williams, *Letter to U.S. government on behalf of Catholic Charities Immigration Legal Services, the Episcopal bishop of Haiti and a coalition of 49 U.S. charitable organizations urging the U.S. government to waive fees for Haitian nationals applying for TPS* (March 15, 2010). Retrieved on June 29, 2010, from [http://www.hunton.com/bios/news.aspx?id=15775&gen\\_H4ID=16943](http://www.hunton.com/bios/news.aspx?id=15775&gen_H4ID=16943)

<sup>24</sup> Deborah Lee, Staff Attorney, Florida Immigrant Advocate Center, conversations with author, May 2010.

<sup>25</sup> Ibid.

<sup>26</sup> U.S. Citizenship and Immigration Services, *Fact sheet: USCIS warns of immigration scams targeting Haitian applicants for temporary protected status* (n.d.). Retrieved on June 29, 2010, from <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnnextoid=3449a57d86766210VgnVCM10000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>

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## TPS and child welfare

Many adult caregivers and service providers do not realize that children do not automatically receive TPS under their parent's application; they need to submit their own individual TPS application. It is critical for child welfare caseworkers, dependency and delinquency court judges, court staff, and others to understand the importance of applying for Haitian TPS for children in the foster care system, as well as for their Haitian parents and relative caregivers.

TPS helps these at-risk Haitian children and families involved in the public child welfare system by:

- providing immediate protection from deportation to Haiti, and
- allowing Haitian parents and caregivers to achieve stability by providing them with legal work authorization that will help them comply with case plans.

The cost of the TPS application for a child is an additional \$80 fee for those 14 or older, \$340 for form I-765 for people ages 14 to 65, and \$50 for each additional child within a family.

Child welfare agencies should contact immigration legal agencies for help in requesting fee waivers for their clients and assistance in assessing whether the immigrant client and family may be eligible for other potential immigration relief options, such as Special Immigrant Juvenile Status, U- and T-visas, etc. For more information about immigration relief options for immigrant families in child welfare, refer to "A Social Worker's Toolkit: Immigration Status and Relief Options," listed in this bulletin's resources section.<sup>27</sup>

### For more information:

- U.S. Citizenship and Immigration Services, <http://www.uscis.gov/portal/site/uscis>  
TPS information, including answers to fee-waiver questions, and application forms can be downloaded at the USCIS website. Information is available in English and Creole. Those interested also can call the USCIS National Customer Service Center at 1.800.375. 5283. Applications cannot be submitted electronically and must be postmarked on or before July 20, 2010.
- Florida Immigrant Coalition, <http://floridaimmigrant.org/default.asp?PageNum=561>  
This website includes resources from the National Campaign for TPS for Haitians.
- Immigrant Defense Project, *Advisory for Haitian nationals considering applying for TPS: Past criminal dispositions/conduct could bar TPS eligibility and lead to detention and deportation*, [http://www.immigrantdefenseproject.org/docs/10\\_TPSCriminalBarsAdvisory1.pdf](http://www.immigrantdefenseproject.org/docs/10_TPSCriminalBarsAdvisory1.pdf)
- Legal Aid Society of New York, *Haiti TPS fact sheet* (January 16, 2010)  
[http://www.legal-aid.org/media/129079/haiti%20tps%20factsheet%20\\_5\\_.pdf](http://www.legal-aid.org/media/129079/haiti%20tps%20factsheet%20_5_.pdf)

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<sup>27</sup> American Humane Association, *A social worker's tool kit for working with immigrant families: Immigration status and relief options* (June 2009). Retrieved on June 29, 2010, from <http://www.americanhumane.org/assets/docs/protecting-children/PC-migration-sw-toolkit-status-relief.pdf>

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- Lutheran Immigrant Refugee Services, webinar on TPS for Haitians (January 22, 2010)  
[http://www.lirs.org/site/c.nhLPJoPMKuG/b.5766003/k.E8D8/Applying\\_for\\_Temporary\\_Protected\\_Status\\_for\\_Haitians.htm](http://www.lirs.org/site/c.nhLPJoPMKuG/b.5766003/k.E8D8/Applying_for_Temporary_Protected_Status_for_Haitians.htm)
  - National Immigration Law Center (February 2010). *Temporary protected status and proving work authorization – Toolkit for advocates* <http://www.nilc.org/immsemplymnt/ircaempverif/index.htm#tps>
  - New York Health, <http://wnylc.com/health/entry/105/>  
TPS applicants residing in New York may be eligible for Medicaid and Family Health Plus, as long as they also meet the income requirements for these programs.
  - The New York Immigration Coalition, *TPS for Haitians resource list*,  
<http://www.thenyic.org/templates/documentFinder.asp?did=1150>

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## REPATRIATED U.S. CITIZENS FROM HAITI

When the earthquake occurred, there were approximately 45,000 U.S. citizens living in Haiti. To help citizens living abroad return home in times of crisis, such as the earthquake, the U.S. Department of Health and Human Services' Administration for Children and Families (ACF) maintains the U.S. Repatriation Program. Administered by the Office of Refugee Resettlement (ORR) in partnership with states, the program provides returning Americans with essential goods and services for 90 days after their arrival. If a repatriated citizen is incapable of self-support or self-care for reasons such as age, disability, or lack of vocational skills, this assistance may be extended for up to nine additional months upon authorization by ACF.

### For more information:

- Office of Refugee Resettlement, Administration for Children and Families, Department of Health and Human Services, *Information for U.S. citizens returning from Haiti*, <http://www.acf.hhs.gov/programs/orr/programs/repatriation.htm>
- For assistance helping U.S. citizens currently in Haiti return to the United States, contact the Haiti Task Force at 888.407.4747 (from the United States or Canada), 202.501.4444 (outside the United States and Canada), or send an email to [Haiti-Earthquake@State.gov](mailto:Haiti-Earthquake@State.gov). In addition, contact the U.S. Embassy in Port-au-Prince, Haiti, at 509.2.229.8000 or email [ACSPaP@state.gov](mailto:ACSPaP@state.gov). For further information, please see the State Department Consular Affairs website at [http://travel.state.gov/travel/cis\\_pa\\_tw/pa/pa\\_haiti\\_info\\_number.html](http://travel.state.gov/travel/cis_pa_tw/pa/pa_haiti_info_number.html)
- If a family member in Haiti is a victim of the earthquake and has U.S. citizenship or residency, he or she may qualify for Social Security benefits by calling 800.772.3875 or going online at [www.socialsecurity.gov](http://www.socialsecurity.gov). Information is available in English and Creole.

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## FEDERAL PROGRAMS FOR HAITIAN MIGRANTS

The federal government offers a number of programs that may benefit Haitian migrants in the United States.

### Humanitarian Parole

Granted sparingly by U.S. Citizenship and Immigration Services, humanitarian parole is an immigration status allowing someone otherwise inadmissible into the country for a temporary period of time due to a compelling emergency or urgent humanitarian reason.<sup>28</sup> To receive this status, the applicant files:

- Form I-131 (a travel document),
- a filing fee,
- Form I-134 (an affidavit of support to demonstrate the applicant can be self-sufficient), and
- a detailed explanation and evidence of circumstances.

Migrants granted humanitarian parole are treated the same as refugees when considering eligibility for public benefits and resettlement services. Provided by national organizations contracting with the U.S. State Department, resettlement services provide time-limited reception services to meet immediate needs, such as housing, furnishings, clothing, and food. Assistance also is provided to help parolees access Social Security cards, school enrollment, health care, employment services, and English language instruction.<sup>29</sup> Many Haitian adoptees and medical evacuees were granted humanitarian parole status.

#### For more information:

- U.S. Citizenship and Immigration Services, “Humanitarian parole definition,” <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=acc3e4d77d73210VgnVCM10000082ca60aRCRD&vgnnextchannel=acc3e4d77d73210VgnVCM10000082ca60aRCRD>

### Cuban/Haitian Entrant Program (CHEP)

The Cuban/Haitian Entrant Program (CHEP) is one of many special programs administered by Migration and Refugee Services of the United States Conference of Catholic Bishops (MRS/USCCB). It is funded by the Department of Homeland Security’s Citizenship and Immigration Service (USCIS), to provide reception, processing, and resettlement services to both Cubans and Haitians who are released from immigration custody. In addition, DHS funds an Unaccompanied Cuban/Haitian Minors Program with USCCB, to ensure the well-being and smooth transition to life in the United States.

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<sup>28</sup> U.S. Citizenship and Immigration Services, *Humanitarian parole* (n.d.). Retrieved on May 25, 2010, from <http://www.uscis.gov/portal/site/uscis/menuitem.eb1d4c2a3e5b9ac89243c6a7543f6d1a/?vgnextoid=acc3e4d77d73210VgnVCM10000082ca60aRCRD&vgnnextchannel=acc3e4d77d73210VgnVCM10000082ca60aRCRD>

<sup>29</sup> Florida Department of Family and Children and Families, *Special initiatives: An update from Secretary George H. Sheldon* (March 1, 2010). Retrieved on May 25, 2010, from <http://www.dcf.state.fl.us/initiatives/haiti/>

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According to the federal Office of Refugee Resettlement (ORR), benefits may be provided to Haitians who are in the United States as a result of the earthquake.<sup>30</sup> To participate, Haitian nationals must meet the standards set out in the ORR-issued State Letter #10-03 from January 27, 2010.<sup>31</sup> The term “Haitian entrant” is not an official immigration status, but it is used to determine eligibility for public benefits. Haitian entrants are eligible for benefits to the same extent as refugees. Eligible Haitian entrants may receive ORR-funded benefits and services, which include Entrant Cash Assistance, Entrant Medical Assistance, and Refugee Social Services and Targeted Assistance services. Haitian nationals granted Humanitarian Parole also may be referred to the Cuban/Haitian Entrant Program.

The program provides services for up to 180 days to “free” cases (those with no relatives in the United States). For cases who have relatives in the United States, family reunification services are facilitated for a limited period of 30 days by the diocesan agencies network where the relatives live. The case management system adopted by the diocesan network provides initial orientation to the new arrivals. A comprehensive resettlement plan addresses client needs such as applying for Social Security cards, obtaining an Employment Authorization Document (EAD), and meeting other initial needs. It also maintains records of cash assistance disbursements and referrals to employment and other community services. In order to be a CHEP client, a Cuban or Haitian individual must be referred to MRS/USCCB by USCIS, and then referred by MRS/USCCB to a diocesan resettlement program.

**For more information:**

- California Department of Social Services, “Fact sheet: Cuban/Haitian Entrant Program,” [http://www.dss.cahwnet.gov/refugeeprogram/res/pdf/Factsheets/Cuban-Haitian\\_FactSheet.pdf](http://www.dss.cahwnet.gov/refugeeprogram/res/pdf/Factsheets/Cuban-Haitian_FactSheet.pdf)
- Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, “State letter #10-00: Cuban and Haitian entrants – eligibility for ORR-funded benefits and services,” <http://www.acf.hhs.gov/programs/orr/policy/sl10-03.htm>
- Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, “State letter #10-03: Status and documentation requirements for the federal Refugee Resettlement Program,” <http://www.acf.hhs.gov/programs/orr/policy/sl10-03.htm>

## **Orphans and Adoptees**

On January 18, 2010, DHS, in coordination with the U.S. Department of State (DOS), announced a humanitarian parole policy allowing certain “orphan” children from Haiti to

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<sup>30</sup> United States Conference of Catholic Bishops, *Migration and refugee services Miami office handbook* (n.d.).

<sup>31</sup> Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, Cuban and Haitian entrants: Eligibility for ORR-funded benefits and services (January 27, 2010). Retrieved on June 29, 2010, from <http://www.acf.hhs.gov/programs/orr/policy/sl10-03.htm>



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enter the United States temporarily on an individual basis.<sup>32</sup> The departments are working together and have issued travel documents (either immigrant visas or humanitarian parole authorizations) for children who are cleared to travel so they may be united with their American adoptive parents.

Under applicable laws, unaccompanied minors entering the country without a parent or legal guardian are subject to special procedures regarding their custody and care. DHS coordinates with the Department of Health and Human Services' Office of Refugee Resettlement in the cases of these unaccompanied minors. All cases will be evaluated by U.S. Citizenship and Immigration Services (USCIS). Depending on their circumstances and information available, some children will receive immigrant visas with permanent immigration status and will require no further processing. Those who enter under humanitarian parole status will need to have their immigration status resolved after arrival.

At the request of the Haitian government, USCIS stopped accepting new requests for parole under the Special Humanitarian Parole Program for Haitian Orphans effective April 14, 2010.<sup>33</sup>

**For more information:**

- U.S. Department of State Haiti News Page, <http://adoption.state.gov/news/Haiti.html>
- Congressional Coalition on Adoption Institute Haiti News Page, <http://www.ccaainstitute.org/for-members-of-congress/haiti-update/haiti-update.html>

This website includes links to the U.S. Department of State, U.S. Citizenship and Immigration Services, documents about humanitarian parole, and more.
- U.S. Food and Nutrition Service, *SNAP humanitarian parole policy for certain Haitian orphans* (February 19, 2010), <http://www.nilc.org/immspbs/fnutr/haitian-orphan-humanitarian-parole-2010-02-19.pdf>

**Unaccompanied Refugee Minors Program (URM)**<sup>34</sup>

Haitian children who are present in the United States without a parent or legal guardian may be referred to the Unaccompanied Refugee Minors (URM) program, which is a network of specialized, federally funded foster care programs. There are 23 URM foster care programs located in the United States under the auspices of the U.S. Conference of Catholic Bishops – Migration and Refugee Services (MRS) or Lutheran Immigration and Refugee Service (LIRS). These programs are tailored to the needs of multi-national heritage children who

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<sup>32</sup> U.S. Citizenship and Immigration Services, *Secretary Napolitano announces humanitarian parole policy for certain Haitian orphans fact sheet* (January 18, 2010). Retrieved on June 29, 2010, from [http://www.dhs.gov/news/releases/pr\\_1263861907258.shtm](http://www.dhs.gov/news/releases/pr_1263861907258.shtm)

<sup>33</sup> U.S. Citizenship and Immigration Services, *Special humanitarian parole program for Haitian orphans – Final opportunity to request consideration fact sheet* (April 7, 2010). Retrieved on June 29, 2010, from <http://www.uscis.gov/portal/site/uscis/menuitem.5af9bb95919f35e66f614176543f6d1a/?vgnextoid=3e1cd474cb9d7210VgnVCM10000082ca60aRCRD&vgnnextchannel=68439c7755cb9010VgnVCM10000045f3d6a1RCRD>

<sup>34</sup> Information provided to author by MRS/USCCB staff on June 16, 2010.

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do not have available family caretakers. In addition to Haitian entrants, the URM programs serve refugees, asylees, victims of trafficking, Cuban entrants, and children with Special Immigrant Juvenile visas approved.

These URM foster care programs are licensed through their states. Foster parents and staff are culturally competent and familiar with the challenges youth face with separation from families, acculturation, adjustment, and legal hurdles of pursuing immigration relief. Children attend public schools and receive case management, legal, mental health, and recreational services in a safe environment. Family reunification continues to be a goal for these children, so staff members continue to work with the children to maintain and find safe family ties.

**For more information:**

- Lutheran Immigration and Refugee Service's Children's Services can be contacted at 410.230.2757.
- United States Conference of Catholic Bishops/Migration and Refugee Service's Children's Services can be contacted at 202.541.3081.
- Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services, <http://www.acf.hhs.gov/programs/orr/>

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## OTHER RESOURCES

### For Working with Haitian Children and Families

#### Publications

- Better Care Network. (2010, January 22). *Special edition listserv on care for children in Haiti, part 1*. Retrieved on June 12, 2010, from <http://www.crin.org/docs/Haiti%20Listservek.pdf>
- Better Care Network. (2010, February 5). *Special edition listserv on care for children in Haiti, part 2*. Retrieved on June 12, 2010, from [http://www.crin.org/docs/05%20February\\_CARE%20FOR%20CHILDREN%20IN%20HAITI.pdf](http://www.crin.org/docs/05%20February_CARE%20FOR%20CHILDREN%20IN%20HAITI.pdf)
- Cultural Consultation Services, Department of Psychiatry, Jewish General Hospital, Montreal and Division of Social and Transcultural Psychiatry, McGill University, *Mental health in Haiti: A literature review* (February 1, 2010). Retrieved on June 29, 2010, from [http://www.iawg.net/Mental%20Health%20in%20Haiti%20-%20A%20Literature%20Review%20\\_WHO\\_.pdf](http://www.iawg.net/Mental%20Health%20in%20Haiti%20-%20A%20Literature%20Review%20_WHO_.pdf)
- New York City Voluntary Organizations Active in Disaster, *New York City Haiti earthquake assistance guide* (March 3, 2010). Retrieved on June 12, 2010, from [http://www.hopeandhealingfund.org/hopeandhealingfund/nyc\\_haiti\\_earthquake\\_assistance\\_guide.pdf](http://www.hopeandhealingfund.org/hopeandhealingfund/nyc_haiti_earthquake_assistance_guide.pdf)
- U.S. Food and Nutrition Service, *SNAP humanitarian parole policy for certain Haitian orphans* (February 19, 2010), <http://www.nilc.org/immspbs/fnutr/haitian-orphan-humanitarian-parole-2010-02-19.pdf>

#### Websites and Online Resources

- Bridging Refugee Youth & Children's Services, *Highlighted resources: Haitians* (n.d.). Retrieved on June 12, 2010, from <http://brycs.org/highlighted-resources.cfm?refugeepopulations&list=13>
- Congressional Coalition on Adoption Institute, *Haiti update* (n.d.). Retrieved June 29, 2010, from <http://www.ccaoinstitute.org/for-members-of-congress/haiti-update/haiti-update.html>

This website includes links to U.S. Department of State, U.S. Citizenship and Immigration Service, documents about humanitarian parole, and other resources.
- Church World Service, *Haiti earthquake information and resources* (n.d.). Retrieved on June 12, 2010, from [http://www.churchworldservice.org/site/PageServer?pagename=action\\_what\\_emerg\\_examples\\_haiti](http://www.churchworldservice.org/site/PageServer?pagename=action_what_emerg_examples_haiti)
- Congressional Coalition on Adoption Institute, *Building a strong foundation for children and families of Haiti: A convening of the Congressional Coalition on Adoption Institute* (May 21, 2010). Retrieved on June 12, 2010, from <http://www.ccaoinstitute.org/for-members-of-congress/haiti-convening/haiti-convening.html>

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This website includes videos, resources, and PowerPoint decks from materials presented at the Institute's convening.

- Florida Department of Children and Families, *Special initiative: Haiti efforts and resources* (n.d.). Retrieved June 29, 2010, from <http://www.dcf.state.fl.us/initiatives/haiti/forms.shtml>
- New York City Department of Health and Mental Hygiene, *Mental health disaster preparedness* (n.d.). Retrieved on June 29, 2010, from <http://www.nyc.gov/html/doh/html/mhdpr/mhdpr-fact.shtml>
- NYC Haitian Community Hope and Healing Fund, *Resources* (n.d.). Retrieved on June 12, 2010, from <http://www.hopeandhealingfund.org/hopeandhealingfund/resources.php>
- U.S. Department of State, *Haiti news page* (n.d.). Retrieved on June 29, 2010, from <http://adoption.state.gov/news/Haiti.html>
- U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Agency, *Publications on mental health and disaster issues* (n.d.). Retrieved on June 29, 2010, from <http://mentalhealth.samhsa.gov/cmhs/Katrina/pubs.asp>

## For Working with Immigrants in Child Welfare

### Publications

- First Focus and the Migration and Child Welfare National Network, *Caught between systems: The intersection of immigration and child welfare policies* (May 21, 2010). Retrieved on June 12, 2010, from <http://www.firstfocus.net/library/reports/caught-between-systems-the-intersection-of-immigration-and-child-welfare-policies>

This series includes three policy briefs on the impact of immigration enforcement on child welfare; language, culture, and immigration relief options; and public benefits and child welfare financing. Additional resources include a fact sheet on the children of immigrants in the U.S. child welfare system.

- Migration and Child Welfare National Network/American Humane Association, *A social worker's toolkit for working with immigrant families: Immigration status and relief options* (June 2009). Retrieved on June 12, 2010, from <http://www.americanhumane.org/assets/docs/protecting-children/PC-migration-sw-toolkit-status-relief.pdf>
- Migration and Child Welfare National Network/American Humane Association, *A social worker's toolkit for working with immigrant families: A child welfare flowchart* (August 2009). Retrieved on June 12, 2010, from <http://www.americanhumane.org/assets/docs/protecting-children/PC-migration-sw-toolkit-flowchart.pdf>
- National Immigration Law Center, *Guide to immigrant eligibility for federal programs* (March 2010). Retrieved on June 12, 2010, from [http://www.nilc.org/pubs/Guide\\_promo.htm](http://www.nilc.org/pubs/Guide_promo.htm)

This guide includes information on medical assistance programs for immigrants in various states and major benefits available to immigrants in California.

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## Websites and Online Resources

- Bridging Refugee Youth & Children's Services,  
<http://www.brycs.org>

BRYCS is the Office of Refugee Resettlement's national technical assistance provider on refugee child welfare and provides individual consultations, trainings, and conference presentations on topics related to serving refugee children and families. The organization also maintains a clearinghouse of resources on immigration and child welfare issues.

- Immigrant Legal Resource Center,  
<http://www.ilrc.org>

This website includes resources on immigration legal relief options for court, judicial, child welfare, and other service providers, including webinars and a "lawyer of the day" service.

- International Social Service United States of America Branch, Inc.,  
<http://www.iss-usa.org/>

International Social Service United States of America Branch, Inc. (ISS-USA) is a member of a network of more than 150 social work providers around the world, with the ISS General Secretariat in Geneva. Contracted by the U.S. Department of Health and Human Services, Administration for Children and Families, Office of Refugee Resettlement (ORR), ISS-USA collaborates with both the U.S. Department of State and ORR in repatriating American citizens to the United States due to destitution, mental illness, and during times of crisis. In addition, ISS-USA searches for families, conducts home studies and post-placement reports, certifies adoptive home studies, mediates family conflicts across borders, and provides training and technical assistance to the U.S. child welfare system so that borders do not become barriers to children growing up in families.

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## CONCLUSION

In times of natural disaster, children's needs for shelter, basic resources and family connections escalate dramatically. "The earthquake wreaked havoc, leaving countless children traumatized and either orphaned or separated from parents and relatives," says Annie E. Casey Foundation President and CEO Patrick T. McCarthy. In the midst of crucial efforts to provide food, shelter, and water in Haiti, there is a concurrent need in the United States to help Haitian children, families and communities as they face complex issues of disconnection and dislocation. "It is our hope that this bulletin, with its up-to-date information, provides the technical help to public systems, advocates and service providers who are addressing the pressing needs of Haitian youth and families in the United States," says McCarthy.

## THE ANNIE E. CASEY FOUNDATION

The Annie E. Casey Foundation is a private charitable organization dedicated to helping build better futures for disadvantaged children in the United States. It was established in 1948 by Jim Casey, founder of UPS, and his siblings, who named the Foundation in honor of their mother. The primary mission of the Foundation is to foster public policies, human systems reforms, and community supports that more effectively meet the needs of today's vulnerable children and families.

The Annie E. Casey Foundation provides strategic consulting on child welfare issues through the Child Welfare Strategy Group (CWSG), a unit within the Foundation's Center for Effective Family Services and Systems.