

INFORMATION PACKET SERIES

HAITI:

COUNTRY CONDITIONS DOCUMENTS FOR ADJUDICATING

HAITIAN ASYLUM/REFUGEE CLAIMS

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All the sources of information contained in this document are identified and are publicly available

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DISCLAIMER

The July 27, 1990 Regulations, "Aliens and Nationality: Asylum and Withholding of Deportation Procedures," mandated the creation of a new corps of Asylum Officers to provide an initial, nonadversarial adjudication of asylum claims. Asylum Officers use asylum law, interviews with asylum applicants, and relevant information on country conditions to determine the merits of individual claims for asylum.

The Resource Information Center was created to assist Asylum Officers domestically, and Immigration Officers determining refugee status overseas, by collecting and disseminating credible and objective information on human rights conditions. As specified in the Regulations (8 CFR 208.12), such information may be obtained from the Department of Justice, the Department of State, or "other credible sources, such as international organizations, private voluntary organizations, or academic institutions."

Resource Information Center Information Packets are one of the means by which information reflecting a wide range of credible sources is presented to Asylum and Immigration Officers. The views expressed in Resource Information Center Information Packets do not necessarily represent official U.S. Government opinion, nor do they reflect U.S. foreign policy concerns. This Information Packet was compiled on the basis of publicly available information, analyses, and comment. All sources are cited. This Information Packet cannot be, and does not purport to be, either exhaustive with regard to the country surveyed, or conclusive as to the merits of any claim to refugee status or asylum. Updates to this Information Packet may be made from time to time.

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Amnesty International, *United States of America/Haiti: The Price of Rejection - Human Rights Consequences for Rejected Haitian Asylum-Seekers* (Washington, D.C.: May 1994), 7 p.

Human Rights Watch/Americas & National Coalition for Haitian Refugees, *Terror Prevails in Haiti: Human Rights Violations and Failed Diplomacy* (Washington, D.C.: April 1994), 46 p.

National Coalition for Haitian Refugees, *Persecution of Refugee Applicants in Haiti*, Draft Memorandum (New York: 21 April 1994), 3 p.

National Coalition for Haitian Refugees, *Persecution of Haitian Refugees Forcibly Returned to Haiti*, Draft Memorandum (New York: 21 April 1994), 3p.

News Articles

Farah, Douglas, "Democracy Movement Snuffed at Birth," *Washington Post* (Washington, D.C.: 9 May 1994), p. A1 & A3.

Devroy, Ann, "Clinton Appoints Former Rep. Gray as Envoy to Haiti," *Washington Post* (Washington, D.C.: 9 May 1994), p. A1 & A3.

Ifill, Gwen, "Clinton Grants Haitian Exiles Hearings at Sea," *New York Times* (New York: 8 May 1994), p. 1 & 4.

OAS Inter-American Commission on Human Rights, *Report on the Situation of Human Rights in Haiti*, Excerpts (Washington, D.C.: 11 February 1994), p. 1-3, 56-65, 67-119, 135-148.

St. Thomas Law Review - Margulies, Peter, "Difference and Distrust in Asylum Law: Haitian and Holocaust Refugee Narratives," *St. Thomas Law Review* (Miami, FL: St. Thomas University School of Law, Volume 6, Fall 1993) p. 135-152.

This article describes similarities between the behavior of Haitians who seek refugee status and that of Jewish refugees during the Holocaust. In both cases, officials with the power to provide protection to potential refugees have responded with disbelief upon hearing their stories. The point of these comparisons is to demonstrate the plausibility of stories which have been deemed incredible by immigration authorities.

UN Commission on Human Rights, *Situation of Human Rights in Haiti: Report Submitted by Mr. Marco Tulio Bruni Celli, Special Rapporteur...* (Geneva: 7 February 1994), 52 p.

UN Department of Public Information, *International Mission in Haiti Denounces Reported Incidents of Rape as 'Part and Parcel of Political Violence and Terror'* (New York: 23 March 1994), 2 p.

UN General Assembly, *The Situation of Human Rights in Haiti - Addendum* (Geneva: A/48/532/Add.1, 18 November 1993), 13 p.

UN General Assembly, *The Situation of Human Rights in Haiti* (Geneva: A/48/532, 25 October

1993), 30 p.

UN/OAS International Civilian Mission in Haiti, Press Releases (Port-au-Prince: 9 February - 5 May 1994), translated from French by the Washington Office on Latin America.

U.S. Committee for Refugees, "Dominican Republic," *World Refugee Survey*, (Washington, D.C.: 1994), p. 160.

This chapter on the Dominican Republic is included to provide documentation that Haitians are fleeing into that country and are being forcibly repatriated by the DR government. Among those Haitians who have not been repatriated, more than 1300 have been recognized as refugees by the UNHCR office in the DR.

U.S. Committee for Refugees, "Haiti," *World Refugee Survey* (Washington, D.C.: 1994), p. 162-164.

U.S. Department of State, *Country Reports on Human Rights Practices for 1993* (Washington, D.C.: U.S. Government Printing Office, February 1994), p. 467-474.

U.S. Immigration & Naturalization Service, Office of International Affairs, *Considerations When Adjudicating Haitian Refugee/Asylum Applications* (Washington, D.C.: 9 March 1993), 8 p.

U.S. Immigration & Naturalization Service, Resource Information Center, *Haiti*, Profile Series (Washington, D.C.: August 1993), 105 p.

U.S. Senate, Committee on Foreign Relations Subcommittee on Western Hemisphere and Peace Corps Affairs, Letter from Ian Martin, former Director of Human Rights, UN/OAS International Civilian Mission in Haiti to John Shattuck, Assistant Secretary of State for Human Rights and Humanitarian Affairs, U.S. Department of State and text indicating that it will be included in the Congressional Record, *Hearing on U.S. Policy Toward Haiti* (Washington, D.C.: 8 March 1994), 7 p.

This letter points out discrepancies between the actual reporting of the UN/OAS International Civilian Mission (ICM) and the U.S. Department of State's account of ICM reporting in *Country Reports on Human Rights Practices for 1993*.