

U.S. Should Grant More Generous Humanitarian Parole to Haitians Immediately

Save lives. Reunite Families. Ensure Orderly Outflow. Act Now.

What is Humanitarian Parole?

The Department of Homeland Security (DHS), under Section 212(d)(5)(A) of the Immigration and Nationality Act (INA), can use its humanitarian parole power to allow otherwise inadmissible foreign nationals to temporarily enter the U.S. in a compelling emergency. This power can be exercised immediately, without Congressional approval.

Does the Situation in Haiti Constitute a Compelling Emergency?

The DHS has recognized the extraordinary devastation in Haiti by using the parole power to bring Haitian orphans in process of adoption to the U.S. Analysts agree that the January 12 earthquake is the most destructive natural disaster in modern times in terms of loss of life (over 300,000 and counting); numbers injured, homeless, maimed, and internally displaced; the capital's destruction; percentage devastation of educational facilities and infrastructure; and cost of rebuilding, estimated at U.S. \$14 billion over ten years and probably much higher.

Who Would Benefit from Broadened Humanitarian Parole?

The DHS should extend this power to the injured in need of medical care or rehabilitation in the U.S., and those who are the beneficiaries of pending or approved immigrant visa petitions. Uncounted numbers are dying daily for lack of basic medical care readily available in hospitals throughout the U.S. that have expressed their willingness to help. 55,000 Haitians with approved immigrant visa petitions are on the waiting list to rejoin family members in the U.S.; another 19,000 have applications pending that will likely be approved.

Why Should the U.S. Take This Action?

Broadly expanding the use of humanitarian parole for medical and family reunification purposes will save lives in the short- and long-terms, reduce the number of destitute in Haiti requiring international and Haitian government assistance, insure a more orderly and safe outflow from Haiti, and facilitate the significantly increased flow of remittances to needy loved ones in Haiti, speeding the country's recovery and easing the burden on Haiti's government.

The immediate and broad use of humanitarian parole for these purposes is consistent with U.S. obligations under international human rights law and past experience. It will protect, save the lives of, and rehabilitate Haitians whose government is currently unable to do so; protect and reunite families; and insure immigration regulations are applied nondiscriminatorily. There is ample precedent: the U.S. has paroled hundreds of thousands of Cubans, Indochinese, and Kosovars, for example. If we could parole well over 350,000 Cuban citizens from Camarioca and Mariel who were uninjured, and who did not necessarily have any family members in the U.S., should we in fairness not also parole Haitian earthquake victims who are ill or who have family here?

The U.S. need not bear this burden alone; both Canada and France have announced programs allowing some form of expedited entry for critically injured earthquake victims or for family members of lawful residents.

Prepared by Columbia Law School's Human Rights Clinic, <http://www.law.columbia.edu>, and the Institute for Justice & Democracy in Haiti, www.HaitiJustice.org.