

Editorial

Time for action on humanitarian parole

Immediately after the earthquake the White House granted eligible Haitians already living in the United States the chance to remain and work here legally for 18 months through Temporary Protected Status (TPS.) On May 17, 2011, more than 16 months after the first designation, DHS Secretary Janet Napolitano announced the extension of TPS for roughly 48,000 Haitian nationals who currently had the designation. The extension was made effective July 23, and allowed Haitian beneficiaries to remain in the United States an additional 18 months – through January 22, 2013.

On September 22, Governor Deval Patrick submitted a letter to Department of Homeland Security Secretary Janet Napolitano, urging DHS to promptly parole Haitian beneficiaries of approved family-based visa petitions into the United States. He joins a chorus of political leaders across the nation in this call to create a Haitian Family Reunification Parole Program (HFRPP) – which would finally give Haitians the same consideration as Cubans, who were granted a similar parole program under former President George W. Bush in 2007.

“An exercise of parole authority would allow Haitians with an already approved, legal method of entering the United States to be reunited with close family members in the United States while awaiting visa availability,” Gov. Patrick wrote. “Expediting family reunification through safe and orderly channels would bring families together safely without the risk of a dangerous maritime migration, and would allow for greater remittances to be sent to aid Haiti’s recovery.”

There are 105,000 Haitian beneficiaries – of which 16,000 are children and spouses – who are ready to come to the United States. Children and spouses of legal residents have to wait up to four years, while siblings of US citizens may wait up to 11 years. Given the dire circumstances in Haiti after the earthquake, asking these families to wait that long is wrong. What Gov. Patrick, along with scores of leaders and advocates, are asking for is simple: let these earthquake survivors in the United States now, so they can be with their families and work to support others back home.

This argument was recently bolstered by the Center for Global Development, which published a working paper in June “Migration as a Tool for Disaster Recovery: A Case Study on U.S. Policy Options for Post-Earthquake Haiti.” It strongly recommends paroling approved Haitian beneficiaries as a low-cost way to help Haiti recover.

It’s important to note that no congressional act is needed for the administration to expedite the handling of these immigration cases, though congressional quotas created the current backlog of approved visa recipients.

The US has taken a leadership role to aid Haiti’s recovery and promised to do all it could to help. The time has come for the Obama administration to stand firm behind that promise and finally end the double standard against Haitians.

- Manolia Charlotin

Commentary

100 days into presidency, Martelly’s 100-day housing plan does little for the displaced

BY NICOLE PHILLIPS
SPECIAL TO THE REPORTER

On the eve of the hundredth day of President Michel Martelly’s presidency, the government’s closure of displacement camps so far has resulted in unlawful, violent evictions of displaced communities – not the resettlement with better housing promised under his housing plan. A recent survey of 150 households in the six Internally Displaced Persons (IDP) camps targeted by President Martelly’s 100-day housing plan shows that no progress seems to have been made.

The survey results, which were released this week by the Center for Law and Global Justice at the University of San Francisco School of Law (USF), the Institute for Justice & Democracy in Haiti (IJDH) and the Bureau des Avocats Internationaux (BAI) in a briefing paper titled *Haiti’s Housing Crisis: Results of a Household Survey on the Progress of President Michel Martelly’s 100-Day Plan to Close Six IDP Camps*, documents peoples’ lack of access to information on their resettlement options available under the plan, a camp closure where families watched as armed law enforcement destroyed their tents and belongings with sticks and machetes, and small cash hand-outs that do not amount to sustainable housing assistance.

An estimated 595,000 Haitians are still living in approximately 900 Internal Displaced Persons (IDP) camps in and around Port-au-Prince after last year’s earthquake. President Martelly presented the camp closure plan as the pilot project for closing camps and moving victims of last year’s devastating earthquake into permanent housing. The plan pays displaced residents a fixed amount to move out of camps into their pre-earthquake homes, the majority of which are currently uninhabitable due to earthquake damage.

But 100 days into Martelly’s presidency, the only camp closure so far resulted in an unlawful, violent eviction. The families living at Stade Sylvio Cator were unlawfully evicted by the Mayor of Port-au-Prince and Haitian National Police without a court order, as required under Haitian law. The police destroyed residents’ tents and belongings, prompting condemnation from the United Nations Office of the High Commissioner for Human Rights.

According to the USF survey, thirty-five percent of former Stade Sylvio Cator residents surveyed reported having been physically harmed or threatened with physical harm during the government’s eviction, while 30 percent reported destruction of that their shelter or belongings. Most former stadium residents surveyed, though not all, were given US\$250 (10,000 gourdes) by the local mayor’s office to leave the camp, funded by the national treasury. All of the residents surveyed said that the money was not enough for them to pay rent or build a basic 12x10 foot shack with a concrete floor, plywood walls and corrugated metal roof, which costs an average of US\$300 – leaving many residents without shelter.

Approximately 600 displaced families living in

Place St. Pierre were paid US\$500 (20,000 gourdes) by the local mayor’s office to leave the camp. Limited investigations following recipients have shown that given the desperate conditions in which IDPs are living, some camp residents spent the money offered on other urgent needs, and moved into other camps or pitched tents amongst the rubble of houses destroyed by the earthquake.

The small cash payments offered at Camps Place St. Pierre and Stade Sylvio Cator amount to economic coercion. According to several families from Sylvio Cator who received the offered compensation, US\$250 would not meet their families’ housing needs in the short term, but they accepted the payments because they saw no better option. They believed they had no choice but to leave because they would either be kicked out by force without any money or leave with the money.

The USF survey showed that the families in the six camps targeted are struggling to survive. Three-quarters of the families surveyed reported having at least one family member go one or more days without eating the week prior to the survey. Over one-half of families with children had at least one child go without eating. Fifty-nine percent of families did not have daily access to clean and safe drinking water – which is particularly troubling in light of Haiti’s cholera epidemic that has infected 438,000 Haitians and taken 6,200 lives.

Despite the desperate conditions in the camps, families are stuck there until the Martelly plan is implemented because without jobs, they cannot afford to rebuild their pre-earthquake home or rent a new place. This desperation makes families likely to accept small cash payments even though the payments fall short of the sustainable housing solution to which they are entitled as displaced earthquake victims under Haitian and international law.

The USF survey briefing paper recommends the following: (1) President Martelly’s housing plan should include protections against violent and unlawful evictions; (2) IDP camps should also remain open and supported until families are able to be rehoused to locations that meet minimum security and living standards and (3) Cash payments for resettlement should be tied to a comprehensive housing assistance program. The paper warns that absent community consultation, the government plan may face a gap between the money allocated and the needs of target beneficiaries, limiting the effectiveness of the government’s cash grant housing program.

Nicole Phillips, Esq. is a staff attorney at the Institute for Justice & Democracy in Haiti (IJDH) and Assistant Director for Haiti Programs at the University of San Francisco School of Law (USF). For more information, see Haiti’s Housing Crisis: Results of a Household Survey on the Progress of President Michel Martelly’s 100-Day Plan to Close Six IDP Camps, (October 3, 2011), available at: ijdh.org/archives/22018.

Helpful tools to save a foreclosed home

BY EMIE MICHAUD WEINSTOCK
SPECIAL TO THE REPORTER

Imagine buying a house, a place to call home. The mortgage is paid on time and the yard is maintained. Then suddenly the mortgage rate shoots up from 6% to 18% because it is a variable rate mortgage. Many calls are made to the lender and but go unreturned. Applications for a loan modification are filed but the bank says that because payments are still being made, it can’t approve the modification; and the only to approve one is if a payment is missed and the mortgage goes into default. The next month, the mortgage isn’t paid because the payment has become too expensive. Finally, a notice in the mail comes that the bank has foreclosed on the property. The bank also says that it wants you and your family out of the house. The bank is evicting you, and you have nowhere to go.

This was the case of Guy Lebrun, the Haitian radio host of *Verite Variete*. So he went to City Life/Vida Urbana. Through City Life, he was connected with legal assistance from Elizabeth Matos, a housing public interest attorney.

Through legal investigation, Ms. Matos discovered that the foreclosure process had not been completed properly. Legally if a bank misses any step in the process, it renders a foreclosure illegal. Attorney Matos knew that she had a solid case to help Mr. Lebrun win. And because it was important that the Lebrun family not simply stay in the home as tenants, the family worked with Boston Community Capital (BCC) and their attorney to buy back their home from the bank. Though it was a two-year

process, in the end the Lebrun family was successful in buying back their home from the bank after they were able to contest the basis of the original foreclosure.

This is only one example of how the foreclosure crisis plays out in many households across the United States and within Haitian communities in greater Boston and surrounding areas. The damage caused by foreclosures in neighborhoods is significant, undermining community cohesion and increasing family homelessness. Yet even with our proximity to this crisis, many of us are still unclear about what foreclosures are and how to avoid them.

You may think that without an attorney it is impossible to fight against a bank and its lawyers. However, it is possible to present a defense to either an eviction action or a foreclosure. Here are a couple of recommendations (more can be seen online at bostonhaitian.com):

Do Not Leave Your House: The first thing a bank will do is post a notice on the property, stating that the bank owns the property. The bank may then attempt to evict everyone that is living in the house. It is very important that you stay in the house. The only person that can evict you from the house is a judge. This is the law in Massachusetts.

Call or visit City Life, Greater Boston Legal Services or the legal aid organization in your area.

Attorneys and advocates at these organizations can help with strategies to fight against evictions and help direct you to legal advocates.

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Mary Casey Forry, President (1983-2004)
Edward W. Forry, Publisher
William P. Forry, Managing Editor
Manolia Charlotin, Business Manager/Editor
Steve Desrosiers, Contributing Editor
Yolette Ibohete, Contributing Editor
Patrick Sylvain, Contributing Editor

News Room Phone : (617) 436-1222 Advertising : (617) 436-2217
E-mail: news@dotnews.com

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