



DOKIMAN ENFÒMASYON

Dat: 15 desanm 2021 Nimewo endèks: AMR 36/5101/2021

SISPANN DEPÒTASYON ETAZINI AP FÈ YO AVÈK ABI KONT AYISYEN AN DEPLASMAN YO: YON ETAP IJAN POU KREYE POLITIK JIS ANVÈ AYISYEN

Ant 19 Septanm ak 10 Novanm, gouvènman Etazini a voye preske 9.000¹ migran Ayisyen ak moun k ap mande azil ann Ayiti retounen, an gran majorite san yo pa bay yo aksè pou yo fè yon pwosesis demann azil la kòm sa endike nan sistèm ameriken an oswa ni fè tès depistaj pou jwenn pwoteksyon.² Ekspilsyon an mas gouvènman Etazini an ap deplwaye a te pwovoke yon ogmantasyon nan kantite Ayisyen ki depòte atravè Amerik yo,³ sa mete absè sou klou nan kriz ki deja ap ferye a epi nan yon jefò konsète ògàn Nasyon Zini yo mande pou eta yo bay pwoteksyon entènasyonal avèk pèmèt pakou altènatif legal pou regularizasyon⁴ fèt kòm sadwa epi rezolisyon Inter-American Commission on Human Rights (IACHR) adopte a pou trete bezwen ki genyen nan rejyon an pou mete plis mezi pwoteksyon pou Ayisyen an dep lasman yo.⁵

Anpil Ayisyen eskpise yo debake desann avyon depòtasyon Etazini yo tou malad, menote, grangou, twomatize, dezoryante⁶ pou retwouve yo ap viv yon “kochma imanité,”⁷ ak vyolans gang toupatou,⁸ kriz politik vitam etènem apre asasinay Prezidan Ayiti a, Jovenel Moïse,⁹ ensekirite alimantè,¹⁰ yon sistèm sante kwachòkò “adedwa pou l kapòte,”¹¹ devastasyon dènnye tranbleman an,¹² epi risk Covid-19 nan yon peyi kote to vaksen an rapòte a anviwon 0.4%.¹³

Etazini regilyèman aplike lwa Title 42¹⁴ a – yon lwa k ap pran pòz se pou sante piblik li la, yo aplike malman pou fè ekspilsyon an mas. Nasyon Zini,¹⁵ ekspè lasante,¹⁶ otorite ameriken yo,¹⁷ avèk òganizasyon sosyete sivil yo¹⁸ toupatou nan monn lan kondane ouvètmàn – k ap bloke Ayisyen ak lòt moun k ap mande azil pou yo pa jwenn azil. Epi pi resamman la, Etazini te anonse Ayisyen yo ap sibi Pwotokòl Pwoteksyon Migran yo (Migrant Protection Protocols - MPP)¹⁹, ki fòse Ayisyen yo pa eskpise voye Ayiti yo sou dekrè Title 42 a pou y al tann pwosedi imigrasyon yo Meksik kote Etazini te deja rekonèt migran yo ap fè fas ak gwo risk grav ki ka kòz male yo.²⁰

Jan depòtasyon sèjousi yo eskalade ansanm avèk move tretman inimen, sanginè ki chita sou vye diskriminasyon sou baz plizyè faktè ki kwaze ansanm, sou kesyon ras ak nasyonalite²¹ kont Ayisyen anvan ak pandan ekspilsyon an mas sa yo “kareman kontinye pratik istorik ki ekskli, sou baz rasyal, Ayisyen Nwa migran ak refijye k ap chache antre sou pò Etazini.”²² Etazini vyole obligasyon entènasyonal la ki mande radye pratik imigrasyon ki diskrimine²³ epi pèmèt pwosesis depistaj²⁴ fèt pou moun k ap chache azil yo rasire yo pap voye yo retounen nan pèsèkasyon ak tòti yo te ye a.

1. DWA ZIMEN AK KRIZ IMANITÈ ANN AYITI: VOYE RETOUNEN AL VIV NAN YON “KOCHMA IMANITÈ”

An Mas 2021, yon rapò te fwite soti nan Depatman Homeland Security a ki sanse fè konnen Etazini okouran moun yo depòte yo “ka fè fas ak malè yo lè yo retounen ann Ayiti” nan kad konjonkti jeneral enstabilite politik ak vyolans lan.²⁵ Epi tou, an Me 2021 a, otorite Etazini te anonse²⁶ yon nouvo deziyasyon 18-mwa pou Ayiti jwenn Estati Pwoteksyon Tanporè (Temporary Protected Status - TPS), ki bay Ayisyen ki sou plas Ozetazini yo yon soulajman pou yo pa sibi depòtasyon apati 29 Jiyè 2021²⁷ – ki te fè referans ak “kriz politik k ap ravaje Ayiti a, vyolans lan, epi vag monte san rete abi dwa zimèn” ki “anpeche resòtisan yo retounen jwenn sekirite”.²⁸ An Out, Depatman Deta Etazini (US State Department) te klasifye Ayiti tou nan kategori Nivo 4, zòn “Pou Moun Pa Vwayaje Ladan” – pi gwo kategori vwayaj arisk– akoz to elve kidnaping, krim, ak lòt enstabilite nan sosyete sivil la k ap ferye.²⁹

Nan dènnye si mwa sa yo, sitiyoasyon an ann Ayiti vin pi mal. Jou ki te 14 Out la, peyi a te frape pa yon tranbleman tè de mayitid 7.2, epi de jou apre, siklòn twopikal Grace ravaje zòn lan ki te deja afekte a pi plis toujou.³⁰ Selon Biwo Nasyon Zini (the United Nations Office for the Coordination of Humanitarian Affairs - OCHA) avèk UN Migration Agency (IOM), dezaz yo te afekte omwen

800.000 moun³¹ epi mete absè sou klou sou moun ki te deja an sitiyaasyon vilnerab,³² kòz plis pase 38.000 **moun sinistre anndan peyi a**,³³ epi 650.000 ki nan bezwen èd ijans imanitè.³⁴ Senaryo sa a patikilyèman enkyetan anndan yon peyi ki gen 4.3 milya moun (44% popilasyon an) ki deja ap fè fas ak **ensekirite alimantè** grav.³⁵ Ansanm ak depasman sa a, Nasyon Zini³⁶ ak sant sante lokal yo³⁷ rapòte yon monte rapid kantite ka vyolans seksyèl ak sa ki baze sou sèks moun lan, manm gang ame ap pèpetre toupatou nan kapital la.

Ensekirite sa a ki gaye tribò babò avèk **vyolans gang**³⁸ k ap ravaje peyi a, afekte 1.5 milya moun, sinistre 19.000 anplis anndan peyi a³⁹, epi kreye tou yon vag kidnaping malachong pi rèd pase sa k janm rive nan listwa peyi Dayiti,⁴⁰ avèk depase plis pase 750 ka viktim ki rapòte ane sa a nan mitan mwa Oktòb la.⁴¹ Gwo kokenn chenn **ratman gaz** kontinye ap vale teren an Oktòb la lè gang te bloke gwo pò yo, anpeche pwovizyon gaz pase ki te destine pou antre nan peyi a, lage nan atake chofè kamyon gaz yo,⁴² paralize tout peyi a⁴³ epi ogmante kriz la epsesyalman pou Ayisyen pi vilnerab yo.⁴⁴ Pwovizyon gaz yo te bloke a kòz blakawout pa gen kouran sistematikman, pri lamanjay, transpò ak lòt sèvis ogmante,⁴⁵ demantibile enfrastrikti telekomunikasyon yo,⁴⁶ epi kòz lopital yo fèmen.⁴⁷ An gwo, jounalis yo fè konnen gen yon gwo monte sèjousi sou kantite Ayisyen k ap kouri kite peyi a pase sou dlo paske yo pa kapab nourri fanmi yo epi yo pè pou lavi yo.⁴⁸ Jou ki te 10 Novanm lan, Depatman Deta (the State Department) te mete cho pou tout sitwayen ameriken kite Ayiti "nan kad sitiyaasyon ensekirite aktyèl la ak pwoblèm enfrastrikti yo."⁴⁹

Yo rapòte gang yo sible sèten kominote osnon gwoup ki afilye ak opozisyon politik yo, epi gen prèv alaman ki montre enplikasyon leta nan pratik sa yo.⁵⁰ Jan sa dokimante nan *Observatoire Haitien des Crimes contre l'humanité* (OHCCCH) avèk Klinik Entènasyonal Dwa Zimen Fakilte Dwa Harvard, masak gang ap pèpetre yo fèt nan konplisite avèk otorite leta ak lapolis nan peryòd ant 2018 ak 2020 ki kòz lanmò desantèn moun. Rapò a bay detay kouman masak yo te fèt nan yon britalite san vègòy, epi chimè yo vyole, tòtire moun yo selon afilyasyon politik yo. Selon rapò a, atak yo sanble swiv yon pratik jeneral, sistematik kote "plis politik leta ak òganizasyon yo met anplas pou sere boulon, reprime kominote ki vle mete yo an opozisyon ak gouvènman an."⁵¹ Depi asasinay prezidan an, gang yo trè klèman vin gen plis pouvwa ki kreye yon santiman ensekirite san pran souf nan mitan popilasyon an.⁵²

Apa aspè inimen⁵³ ki genyen nan voye moun yo retounen nan yon peyi pou y al fè fas ak kalte pwoblèm imanitè sa yo, anpil Ayisyen gen laperèz byen fonde akoz pèsekisyon ak tòti yo te sibi,⁵⁴ tankou yo pè pou gang pa sible yo, kidonk refize ba yo aksè jwenn azil, sa konsidere yon vyolasyon dirèk lwa Etazini avèk devwa trete a ki mande pou pa retounen moun an danje yo, *non-refoulman*.

2. VYOLASYON DWA ZIMEN PEYI ETAZINI KONT AYISYEN AN DEPLASMAN YO

PASE PRENSIP NON REFOULMAN AN ANBA PYE

Ekspilasyon an mas Ayisyen yo sou baz Title 42 a vyole lwa azil yo⁵⁵ ak devwa Etazini genyen selon ni lwa domestic ak entènasyonal⁵⁶ ki entèdi voye moun k ap sibi pèsekisyon⁵⁷ ak tòti⁵⁸ retounen. An Septanm, Wo Komisarya Nasyon Zini pou Refijye (UN High Commissioner for Refugees) te deklare: "ekspilasyon an mas koulyea moun sou lòbèdyans Title 42, san pwosesis depistaj pou evalye bezwen pwoteksyon yo, enkonpatib avèk estanda entènasyonal yo epi ka konsidere kòm refoulman."⁵⁹

Lwa Ozetazini egzije moun ki sou fwontyè a ki ekspriye perèz yo genyen pou retounen lakay yo oswa entansyon yo genyen pou mande azil, dwe fè yo jwenn aksè pou fè pwosesis depistaj pou konnen fondman pè yo a anvan yo ekspilse yo.⁶⁰ Ansyen Konseye Jiridik Depatman Deta Etazini, Harold Koh, nan lèt demisyon l, te konkli politik Title 42 yo "vyole devwa legal [Etazini] genyen pou l respekte ki mande pou pa ekspilse oswa retounen ("refoule") moun yo" - "espesyalman migran k ap kouri sove kite Ayiti."⁶¹ Nan yon dokiman ki fwite nan jou ki te 31 Out 2021, Biwo Depatman Homeland Sekirite pou Dwa Sivil ak Libète Sosyete Sivil la (Department of Homeland Security's Office for Civil Rights and Civil Liberties - CRCL) te voye yon kominike bay US Immigration and Customs Enforcement (ICE) avèk US Customs and Border Protection pou fè yo konnen depòte Ayisyen yo arisk gwo danje "akoz opinyon politik yo pèsèwva yo ka genyen avèk/oswa poutèt sèten karakteristik demografik pèsònèl yo (e.g., yon gwo risk refoulman)."⁶²

Malgre obligasyon jiridik sa a, Ayisyen avèk lòt migran yo ekspilse dapre Title 42, yo pa janm mande yo si yo gen lentansyon mande azil, ni yo pa janm fè pwosesis depistaj avè yo pou konnen si yo pè retounen nan peyi yo.⁶³ Depistaj pou konnen si migran an pè retounen Meksik selon MPP defisyan menm jan an tou.⁶⁴ Gouvènman Etazini vyole dwa plizyè milye moun anpeche yo mande azil.⁶⁵

EKSPOZISYON RISK SANTE EPI RESTRIKSYON POU JWENN AKSÈ AK ASISTANS MEDIKAL

Ajans Refijye Nasyon Zini (UN Refugee Agency - UNHCR) te fè konprann byen aklè "mezi restriksyon pou anpeche moun jwenn aksè ak azil pa dwe vin enstale sou pretèks se yon koze sante piblik."⁶⁶ Ekspè Sante Piblik yo⁶⁷, òganizasyon sosyete sivil la⁶⁸ avèk menm ansyen otorite Sant Kontwòl Maladi ak pou fè Prevansyon (Centers for Disease Control and Prevention - CDC)⁶⁹ te ensiste pou fè konnen pa gen ankenn lojik lejitim ni rasyonnal sante piblik nan kad egzekisyon Title 42 ki mande ekspilse migran ak moun k ap chache azil. Gen lòt mezi atenyen pi efikas ki egziste tankou fè tès, distans sosyal avèk itilize mask, pami tan lòt ki kab enplemante pito.⁷⁰

Anplis move izaj Title 42 a k ap ekspilse plizyè milye⁷¹ migran epi vyole dwa yo genyen pou mande azil, enplemantasyon aktyèl dekrè sante piblik sa a kapab pwopaje Covid-19. Ekspilasyon an mas selon dekrè Title 42 a ekspoze migran ak moun k ap mande azil yo arisk sante lè yo refize yo asistans medikal sou fwontyè a⁷² epi kenbe demilye moun nan sant detansyon nan yon espas plen moun ansanm,⁷³ epi depòte yo nan avyon foul moun san pa fè yo fè tè.⁷⁴

Mezi sa yo pa sèlman afekte moun y ap depòte yo men selon UNCHR sa “ogmante risk pou moun atrape Covid-19 sou fwontyè nasyonal yo”⁷⁵ espesyalman nan peyi tankou Ayiti kote selon Pan American Health Organization “kriz sosyo politik k ap ogmante pi plis ann Ayiti a gen yon enpak negatif sou sante popilasyon Ayisyèn lan”⁷⁶ epi yon kote to vaksinasyon an pi piti nan Amerik yo.⁷⁷

SIBI MOVE TRETMAN AK DISKRIMINASYON

Nan asosye migran, moun k ap chache azil ansanm ak Covid-19, Etazini pran pozisyon pou l ankouraje rasis, zenofobi, estigma, ak diskriminasyon,⁷⁸ epi riske pèpetre enplemantasyon politik sante anplas la pou pouse mezi anti imigrasyon rasis.⁷⁹ Listwa montre mezi represif sa yo raman efikas pou reponn ak epidemi.⁸⁰ Anplis, selon lwa entènasyonal, eta yo gen responsablite pa sèlman pou mentyen lòd piblik ak lòt ògàn leta yo sispann diskriminasyon rasyal men gen yon obligasyon pou mete sou pye pogram ak fè kanpay pou fè prevansyon diskriminasyon nan sosyete nan yon nivo pi laj.⁸¹

Malgre sa, Ayisyen yo sibi yon seri pratik kote otorite ameriken abize yo defason chokan sou fwontyè a epi pandan depòtasyon yo. An Septanm, sou fwontyè Del Rio, Texas, imaj kote otorite imigrasyon sou do cheval k ap fè izaj fòs brital kont Ayisyen migran ak moun k ap chache azil,⁸² gwo frèt kach nan men yo ap fè chas alòm, pou pouse voye yo retounen nan direksyon rivyè a⁸³ te pwovoke chòk global ki kondane sa k pase a paske l te raple rasis sistematik ki anjandre nan sistèm politik atravè tout peyi a.⁸⁴

Ayisyen yo te kenbe nan prizon apre yo te fin travèse fwontyè a te rete nan detansyon anndan selil prizon konjele san ase manje ni dlo,⁸⁵ epi san yo pa konnen poukisa ni pou konbyen tan yo la.⁸⁶ Yo souvan ekspilse yo palaswit san yo pa fè yo fè pwosesis depistaj pou konnen si yo gen pè ni ba yo aksè ak avoka, ni entèprèt lang yo pale a, swen medikal, ni menm sanitasyon debaz.⁸⁷ Yon seri Ayisyen yo depòte yo te anbake yo nan yon avyon depòtasyon, menote avèk menòt nan cheviy yo san yo pa fè yo konnen kibò yo ta pwale.⁸⁸

3. REKÒMANDASYON

- Sispann tout depòtasyon an destinasyon Ayiti imedyatman, ansanm ak vòl ekspilasyon Title 42 yo ki achak fwa mete moun yo nan pi gwo risk pou yo pran COVID-19.
- Founi aksè ak sistèm azil la avèk rasire gen entèprèt Kreyòl Ayisyen dewòt pòte ansanm ak fè pwosesis depistaj kòm sadwa pou tout Ayisyen ki arisk pou yo voye yo retounen pou gen sa kòm pwoteksyon kle pou yo pa refole.
- Evite mete moun k ap chache azil yo nan pwosedi rapid pou retire yo nan peyi a oswa mete imigran, moun k ap chache azil nan sant detansyon men de preferans enplemante etap pou trete demandè azil nan pò dantrè yo kòm sadwa epi lage yo rapid epi fè izaj pogram ankadreman kominotè yo pou sa ki bezwen sa.
- Kwape move tretman ki diskrimine kont Ayisyen migran, sa k ap mande azil, envestige abi epi rele moun ki responsab yo lajistis.
- Rasire règleman yo respekte onivo otorite ki sou fwontyè yo, ki enkli tou otorite mentyen lòd piblik yo, otorite imigrasyon ak otorite azil, entèdi monte dosye sou baz pwofil rasyal moun, epi rasire gen yon sistèm solid anplas pou fè swivi epi gen aksè efikas pou viktim yo jwenn solisyon.
- Pran mezi nesèsè pou trete atitid ak konpòtman rasis, zenofobi kont moun ki pa sitwayen yo oswa estigma ki baze sou ras, koulè po, desandans oswa orijin nasyonal onivo politisyen yo, laprès, avèk sosyete pi laj la, jan lalwa entènasyonal mande sa, pa ekzanp nan enplemante kanpay piblik anti diskriminasyon.
- Kreye politik alontèm ki sipòte solisyon Ayisyen ap mennen ki baze sou patisipasyon efikas sosyete sivil Ayisyen an nan pwosesis kreyasyon yon Ayiti pi ekitab kote Ayisyen ka santi yo pa sou presyon pou yo kouri kite peyi yo.

Siyatè yo:

Amnesty International
Center for Gender & Refugee Studies
Global Justice Clinic, NYU School of Law
Groupe d'Appui aux Rapatriés et Réfugiés (GARR)
Haitian Bridge Alliance
Refugees International
Rezo Fwotalye Jano Sikse
Service Jésuite aux Migrants Haiti

¹ Dapre Òganizasyon Mondyal Migrasyon an (IOM), soti 19 Septanm rive 26 Novanm , yo voye 12.015 Ayisyen, ki soti nan divès peyi, tounen lakay yo, 8.898 pami moun sa yo soti sèlman nan peyi Etazini. Verifye [IOM, "Returns of migrants and reception assistance in Haiti", 26 November 2021, reliefweb.int/sites/reliefweb.int/files/resources/iom_assistance_for_haitian_returnees_-_26_november_2021.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/iom_assistance_for_haitian_returnees_-_26_november_2021.pdf); Anplis, dapre IOM, soti Janvyè pou rive Oktòb 2021, plis pase 100,000 migran travèse Daryen Gap la, pami yo, 62 pousan se Ayisyen (soti nan 23 pousan an 2020) epitou, yo ka konte yon mwayèn 800 a 1000 migran k ap travèse chak jou, ale nan zòn nò pou al kontre ak prèske 20,000 a 25,000 Ayisyen ki ap pase pa Meksik (Mexico). Verifye IOM, Crisis Response Plan, Large Movements of highly vulnerable migrants in the Americas from the Caribbean, Latin America and other regions, 8 October 2021, Page 1, reliefweb.int/sites/reliefweb.int/files/resources/Large%20Movements%20of%20Highly%20Vulnerable%20Migrants%20in%20the%20Americas_IOM%20Response%20Plan.pdf

² Human Rights First ak Haitian Bridge Alliance, "Estrateji danjere Administrasyon Biden lan k ap mete ayisyen yo deyò ogmante istwa move tretman ilegal ak diskriminasyon Ayisyen k al chache sekirite nan peyi Etazini sibi", Septanm 2021, humanrightsfirst.org/sites/default/files/BidenAdministrationDangerousHaitianExpulsionStrategy.pdf

³ Piblikasyon Twitter, IOM Ayiti ,10 novanm 2021 (gade anlà a) ; Biwo Nasyonzini pou Kowòdinasyon zafè Imanitè (OCHA), « Haiti : Earthquake : Situation report No. 7 », 7 oktòb 2021, reliefweb.int/sites/reliefweb.int/files/resources/2021-10-07_Haiti%20Earthquake%20SitRep%20No.%207.pdf: « Apre desizyon peyi Etazini fenk pran pou l voye migran ayisyen yo lakay yo pa lafòs, gouvènman peyi Meksik (Mexico) anonse li te jwenn yon akò fòmèl ak Ayiti pou relanse pwosedi ekspilasyon yo, pandan Bahamas ak Kiba (Cuba) anonse yo resevwa plizyè ayisyen ki vle rantre Etazini, y ap gen pou voye tounen Ayiti nan yon ti tan ankò. Y ap voye plizyè milye ayisyen tounen nan yon peyi k ap travèse yon kriz nan plizyè nivo, san konte fanm ak timoun ki pami moun sa yo, anpil nan yo pa fèt an Ayiti, fanmi ki tounen yo ap fè fas ak yon nivo vyolans ki pa sispann ogmante, lamizè ak depasman , menm bagay ki te lakoz moun sa yo kite peyi sa ».

⁴ Kòm repons, antite Nasyonzini (UN) yo pibliye yon deklarasyon kote yo mande yon apwòch rejyonal global pou reponn ak bezwen pwoteksyon migran ayisyen yo, yo mande eta yo pou sispann voye ayisyen yo tounen pa lafòs san yo pa fè yon evalyasyon nòmal sou nivo bezwen sekirite yo. Verifye IOM , « UN Agencies Call for Protection Measures and a Comprehensive Regional Approach for Haitians on the Move », 30 septanm 2021, iom.int/news/un-agencies-call-protection-measures-and-comprehensive-regional-approach-haitians-move

⁵ Komisyon Entèameriken Dwa Moun (IACHR), "Pwoteksyon pou ayisyen yo nan kad depasman imanitè: solidarite entèameriken", Rezolisyon NO. 2/2021, adopted on 24 October 2021, oas.org/en/iachr/decisions/pdf/2021/Res-2-21-en.pdf

⁶ Videyokonferans Amnesty International ak ONG (NGO) an Ayiti, 15 Oktòb 2021; Amnesty International ak Haitian Bridge Alliance, *Not Safe Anywhere: Haitians on the Move Need Urgent International Protection* (AMR 36/4920/2021), 2021, amnesty.org/en/wp-content/uploads/2021/10/AMR3649202021ENGLISH.pdf

⁷ Sa se pawòl ansyen konseye jiridik prensipal depatman leta ameriken an, ansyen dwayen fakilte dwa Yale, Harold Koh, ki demisyone nan depatman an nan mwa oktòb 2021 apre l fin deklare itilizasyon Tit 42 a pou ekspilasyon moun k ap chache pwoteksyon se yon bagay "ilegal epi inimen". Verifye politico.com/f/?id=0000017c-4c4a-dddc-a77e-4ddb3ae0000

⁸ Harvard Law School International Human Rights Clinic ak Observatoire Haïtien des Crimes Contre l'Humanité, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, 2021, hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing_With_Impunity-1.pdf; Jounal AP "Desperate Haitians suffocate under growing power of gangs" 21 October 2021, apnews.com/article/business-caribbean-port-au-prince-haiti-gangs-8793b917718e5f67f27317e765c410aa

⁹ Amnesty International, "Haiti: Investigation urged into killing of Haitian President and grave human rights violations under his watch", 7 July 2021, amnesty.org/en/latest/press-release/2021/07/haiti-investigation-urged-into-killing-of-haitian-president-and-grave-human-rights-violations-under-his-watch/

¹⁰ Òganizasyon Nasyonzini pou Alimantasyon ak Agrikilti (FAO), "Haiti: Response overview", July 2021, fao.org/emergencies/resources/documents/resources-detail/en/c/1415806/

¹¹ Medsen san Fwontyè, "Haiti: 10 years after earthquake, health system on brink of collapse", 10 January 2020, msf.org.uk/article/haiti-10-years-after-earthquake-health-system-brink-collapse

¹² Biwo Nasyonzini pou Kowòdinasyon zafè Imanitè (OCHA), "Haiti: Flash Appeal – Earthquake", August 2021, reliefweb.int/report/haiti/haiti-flash-appeal-earthquake-august-2021

¹³ Mond nou an an done (Our World in Data), Kowonaviris(COVID-19) Vaksinasyon Estatistik ak Rechèch (Vaccination Statistics and Research), ourworldindata.org/covid-vaccinations (vizite 19 Novanm 2021), "Share of people vaccinated against Covid-19".

¹⁴ Just Security, "Coronavirus border expulsions: CDC's assault on asylum seekers and unaccompanied minors", 12 Avril 2020, justsecurity.org/69640/coronavirus-border-expulsions-cdcs-assault-on-asylum-seekers-and-unaccompanied-minors/

¹⁵ Ekspè Nasyonzini yo, "USA: UN experts condemn collective expulsion of Haitian migrants and refugees", 25 Oktòb 2021, ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=27694&LangID=E

¹⁶ Ekspè Sante Piblik, lèt pou direktè CDC a Walensky, sekretè HHS la Becerra, ak sekretè DHS la Mayorkas sou òdonans Tit 42 mwa dawou 2021 an , 1 Septanm 2021, publichealth.columbia.edu/research/program-forced-migration-and-health/letter-cdc-director-walensky-hhs-secretary-becerra-and-dhs-secretary-mayorkas-august-2021-title-42-0

¹⁷Lèt demisyon Daniel Foote, ansyen anvwave espesyal an Ayiti, bay Antony Blinken, Sekretè deta, 22 Septanm 2021, drive.google.com/file/d/14LVnU91yCVAb305ujd39h-jhBuXN3FA2/view; Harold Hongju Koh, ansyen konseye jiridik prensipal Depatman Deta a, ansyen dwayen lekòl dwa Yale, memo, politico.com/f/?id=0000017c-4c4a-dddc-a77e-4ddbf3ae0000

¹⁸ Amnesty International, “Over a hundred national and international groups call on the Biden Administration to welcome Haitians seeking safety in the US”, 13 July 2021, amnestyusa.org/press-releases/over-a-hundred-national-and-international-groups-call-on-the-biden-administration-to-welcome-haitians-seeking-safety-in-the-u-s/

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²⁰ Nan yon dokiman Depatman Sekirite Enterye a esplike rezon ki fè yo mete fen nan Pwotokòl sekirite migran yo, li di; “[an] janvyè 2019, ministè a mete MPP a sou pye ak objektif pou popilasyon ki vilnerab yo ka jwenn pwoteksyon yo bezwen pandan y ap tann pwosedi ekspilsyon yo nan peyi Meksik. Poutan, an reyalye, anpil rapò te fè konnen divès nan moun ki enskri nan MPP yo te fè fas ak vyolans ak enskirite ekstrèm nan menm òganizasyon kriminel transnasyonal k ap atake migran ki vilnerab yo pandan y ap tann nan peyi Meksik anvan odyans yo devan tribinal imigrasyon nan peyi Etazini. Pwoblèm sekirite sa yo, ansanm ak lòt obstak anpil lòt moun rankontre pou yo jwenn yon kote fiks epi konfòtab pou yo rete, swen sante ak lòt sèvis, ase manje, te vin rann li difisil pou kèk moun rete Meksik pandan pwosedi a”. Verifeye Department of Homeland Security, 29 oktòb 2021, « Explanation of the Decision to Terminate the Migrant Protection Protocols » , dhs.gov/sites/default/files/publications/21_1029_mpp-termination-justification-memo-508.pdf, p. 12-14.

²¹ Human Rights First and Haitian Bridge Alliance, “Estrateji danjere Administrasyon Biden lan k ap mete ayisyon yo deyò ogmante istwa move tretman ilegal ak diskriminasyon Ayisyon k al chache sekirite nan peyi Etazini sibi” (site anlè a); Human Rights Watch, “US; Treatment of Haitian Migrants Discriminatory”, 21 Septanm 2021, hrw.org/news/2021/09/21/us-treatment-haitian-migrants-discriminatory Dapre rechèch Amnesty International ak Haitian Bridge Alliance, ki baze sou antretyen ak plis pase 60 ayisyon nan sid peyi Meksik, yo deklare: “plizyè peyi (nan Amerik yo) pran mezi ki pa sifi pou lite kont rasis moun po nwa ap sibi nan men fonksyonè yo, soyete a an jeneral kont ayisyon ki bezwen sekirite ak refij. Verifeye Amnesty International et Haitian Bridge Alliance, Not Safe Anywhere : Haitians on the Move Need Urgent International Protection (AMR 36/4920/2021), 2021, amnesty.org/en/wp-content/uploads/2021/10/AMR3649202021ENGLISH.pdf

²² Eskpè Nasyonzi, “USA: Ekspè Nasyonzi yo kondane ekspilsyon an mas migran ak refijye ayisyon yo” (verifeye anlè a): “Ekspè yo deklare ekspilsyon an mas sila yo kontinye istwa eksklizyon rasyal migran ak refijye po nwa ayisyon yo sou fwontye Etazini”; gade tou Human Rights First and Haitian Bridge Alliance, “Estrateji danjere Administrasyon Biden lan k ap mete ayisyon yo deyò ogmante istwa move tretman ilegal ak diskriminasyon Ayisyon k al chache sekirite nan peyi Etazini sibi” (verifeye anlè a); Fitzgerald, D. S., & Cook-Martin, D. Culling the masses: The democratic origins of racist immigration policy in the Americas, 2014; lèt ouvè kèk òganizasyon ayisyon pou Prezidan Biden, 27 oktòb 2021, haitiwatch.org/home/cslettertobiden

²³ Komintè pou elimine Diskriminasyon Rasyal (CEDR), Obsèvasyon final: Etazini Damerik, 25 septanm 2014, UN Doc. CERD/C/USA/CO/7-9, par 8.

²⁴ Pwosedi aplikab pou moun ki sibi elwayman akselere (pwosedi elwayman) ki montre entansyon l pou mande azil oswa esplike li pè pou l pa sibi pèsekisyon ak/oswa maltretans. Nan ka sa, ajan imigrasyon an dwe refere moun sa a pou yon “entèvyou pè kredib” ak yon ajan azil ki antrene nan sèvis sitwayen Etazini (USCIS). Verifeye Human Rights First, “Credible fear: A screening mechanism in expedited removal”, February 2018, humanrightsfirst.org/sites/default/files/Credible_Fear_Feb_2018.pdf

²⁵ BuzzFeed News, “US officials are deporting Haitian immigrants despite knowing they may face danger”, 2 Mas 2021, buzzfeednews.com/article/hamedaleaziz/us-deporting-haitian-immigrants-despite-dangers

²⁶ U.S. Department of Homeland Security, “Secretary Mayorkas Designates Haiti for Temporary Protected Status for 18 Months”, 22 Me 2021, dhs.gov/news/2021/05/22/secretary-mayorkas-designates-haiti-temporary-protected-status-18-months

²⁷ Sèvis sitwayen ak imigrasyon Etazini, Eitati Pwoteksyon Tanporè, U.S. Citizenship and Immigration Services, uscis.gov/humanitarian/temporary-protected-status (vizite 1 Desanm 2021).

²⁸ Federal Register, Designation of Haiti for Temporary Protected Status, federalregister.gov/documents/2021/08/03/2021-16481/designation-of-haiti-for-temporary-protected-status (vizite 19 Novanm 2021).

²⁹ Depatman Deta Ameriken – Biwo zafè Konsilè, Konsèy sou vwayaj an Ayiti, travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html (vizite 19 Novanm 2021).

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⁵⁷ Prensip non refoulman an rantrè nan Konvansyon 1951 an, Konvansyon sou estati Refijye nan Pwotokòl 1967 la. Konvansyon 1951 sou refijye yo defini entèdiksyon refoulman an nan atik 33 (1), ki di okenn “ Eta ki siyen konvansyon sila a pa dwe ekspilse oswa ranvwaye yon refijye nan nenpòt ki fason sou fwontyè yon teritwa kote lavi l oswa libète l menase akòz ras li, relijyon l, nasyonalite l, ni paske l fè yon gwoup sosyal patikilye oswa akòz opinyon politik li”. Pwotokòl la elaji Konvansyon an epi pwoteje tout refijye yo kèlkeswa kote yo soti ak dat depasman yo, epi li egzije 146 eta pati yo (sa valab pou Etazini tou) pou konfòme yo ak Konvansyon an, ke yo te siyen l separe ou non. Obligasyon non refoulman Konvansyon 1951 sou refijye yo otorize eksepsyon nan ka kote yon refijye reprezante yon menas pou peyi k ap resewva l la men eksepsyon sa dwe detèmine sou baz endividyèl. An plis, selon Ajans Nasyonzi pou refijye yo (UNHCR), eta yo pa ka refole moun k ap mande azil yo “an mas” sou fwontyè yo. Gade UNHCR, “Advisory Opinion on the Extraterritorial Application of Non-Refoulement Obligations under the 1951 Convention relating to the Status of Refugees and its 1967 Protocol”, 2007, [unhcr.org/4d9486929.pdf](https://www.unhcr.org/4d9486929.pdf)

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⁶³ Lè yo t ap kondane ekspilasyon an gwoup migran ak refijye ayisyen yo, ekspè ONI yo deklare “dapre enfòmasyon nou resewva, politik ameriken yo dekouraje ayisyen yo mande yon pwoteksyon, ni mande azil, epi fòse yo tounen nan lòt peyi”. See UN experts, “USA: UN experts condemn collective expulsion of Haitian migrants and refugees” (gade anlè a); Human Rights First kesyon anviwon 150 moun k ap mande azil soti mwa mas pou rive avril 2021 epi li deklare okenn nan yo “pa resewva yon kontwòl pwoteksyon nan men ajan imigrasyon ameriken yo anvan yo retounen yo Meksik”. Gade Human Rights First and others, *Failure to Protect: Biden Administration Continues Illegal Trump Policy to Block and Expel Asylum Seekers to Danger*, Avril 2021, [humanrightsfirst.org/sites/default/files/FailuretoProtect.4.20.21.pdf](https://www.humanrightsfirst.org/sites/default/files/FailuretoProtect.4.20.21.pdf)
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⁷³ Dapre Haitian Bridge Alliance ak lòt, "lòt, pi fò se migran ayisyen detni pandan plizyè jou oubyen semèn anvan yo mete yo nan yon avyon, pratik sa yo demanti agiman ki di politik yo minimize kontak ak responsab CBP yo epi evite kote ki gen foul". Gade Haitian Bridge Alliance and others, *The Invisible Wall: Title 42 and its Impact on Haitian Migrants* (previously cited), p. 8. Anplis, selon rechèch Human Rights First, "DHS kenbe anpil nan moun yo voye Ayiti yo pandan plizyè jou nan peyi Etazini anvan yo ekspilse yo--- sa ki demanti pawòl administrasyon an ki di ekspilasyon yo se pou koz sante piblik". Gade Human Rights First, "*Illegal and Inhumane*": *Biden Administration Continues Embrace of Trump Title 42 Policy as Attacks on People Seeking Refuge Mount*, Oktòb 2021, humanrightsfirst.org/sites/default/files/IllegalandInhumane.pdf, p. 7.

⁷⁴ Selon rechèch Human Rights First's research, "lè ekspilasyon yo, vòl ki ale nan sid peyi Meksik yo, epi vòl dirèk nan peyi kote y ap pèsekite yo, DHS souvan kenbe moun yo nan detansyon kolektif pandan plizyè jou epi fòse yo monte nan avyon ki chaje moun san yo pa fè tès COVID-19". Gade Human Rights First, "*Illegal and Inhumane*" (previously cited), p. 5.

⁷⁵ UNHCR, "UNHCR concerned over U.S. expulsion flights under COVID-19 asylum restrictions", 11 August 2021, [unhcr.org/news/press/2021/8/6113dfc14/unhcr-concerned-expulsion-flights-under-covid-19-asylum-restrictions.html](https://www.unhcr.org/news/press/2021/8/6113dfc14/unhcr-concerned-expulsion-flights-under-covid-19-asylum-restrictions.html)

⁷⁶ Pan American Health Organization, *The Haiti Crisis: Health Risks*, paho.org/disasters/dmdocuments/SituationHaiti2004-healthrisks.pdf; PAHO, "direktè PAHO rapòte enstalasyon medikal yo debòde an Ayiti epi mande èd entènasyonal pou ka reponn ak bezwen yo ki "Anpil", 18 dawou 2021, paho.org/en/news/18-8-2021-paho-director-reports-overwhelmed-medical-facilities-haiti-and-calls-international

⁷⁷ Our World in Data, *Coronavirus (COVID-19) Vaccinations Statistics and Research*, ourworldindata.org/covid-vaccinations (vizite 19 Novanm 2021), "Share of people vaccinated against Covid-19".

⁷⁸ Ekspè Sante Piblik, lèt pou direktè CDC Walensky, sekretè HHS Becerra, ak sekretè DHS Mayorkas sou òdonans Tit 42 dawou 2021 (Gade anlè a); See Human Rights Watch, "Q&A: US Title 42 Policy to Expel Migrants at the Border" (gade anlè a).

⁷⁹ Howard Markel and Alexandra Minna Stern, "The Foreignness of Germs: The Persistent Association of Immigrants and Disease in American Society", 2002, ncbi.nlm.nih.gov/pmc/articles/PMC2690128/; Southern Poverty Law Center, "Anti-Immigrant Movement Has History of Politicizing Disease", 21 April 2020, splcenter.org/hatewatch/2020/04/21/anti-immigrant-movement-has-history-politicizing-disease; Also see: Business Insider Mexico, "Trump baselessly claims Haitian immigrants entering the US 'probably have AIDS' and letting them come in 'is like a death wish'", 8 October 2021, businessinsider.mx/trump-haitian-immigrants-entering-us-probably-have-aids-death-wish-2021-10/?r=US&IR=T

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⁸⁵ Human Rights First, *“Illegal and Inhumane”* (previously cited); avoka dwa sivil, plent dwa sivil kont abi sou 48 imigran po nwa k ap sove kite Ayiti, diskriminasyon rasyal , privasyon medikal, kondisyon detansyon inimen , pwosedè legal kont vyolasyon, ak vyolasyon kont aksè ak lang, plent, 18 Oktòb 2021, lawyersforcivilrights.org/wp-content/uploads/2021/10/DHS-Complaint-FINAL-10.18.2021.pdf

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⁸⁷ Haitian Bridge Alliance and others, *The Invisible Wall: Title 42 and its Impact on Haitian Migrants* (previously cited); Human Rights First, *“Illegal and Inhumane”* (previously cited); The Boston Globe, “Haitians file civil complaint, demand investigation into ‘inhumane detention conditions’ at US border” (previously cited).

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