A JOURNEY OF HOPE: HAITIAN WOMEN'S MIGRATION TO TAPACHULA, MEXICO

EXECUTIVE SUMMARY

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Instituto para las Mujeres en la Migración A.C.

HAITIAN BRIDGE ALLIANCE
The Bridge

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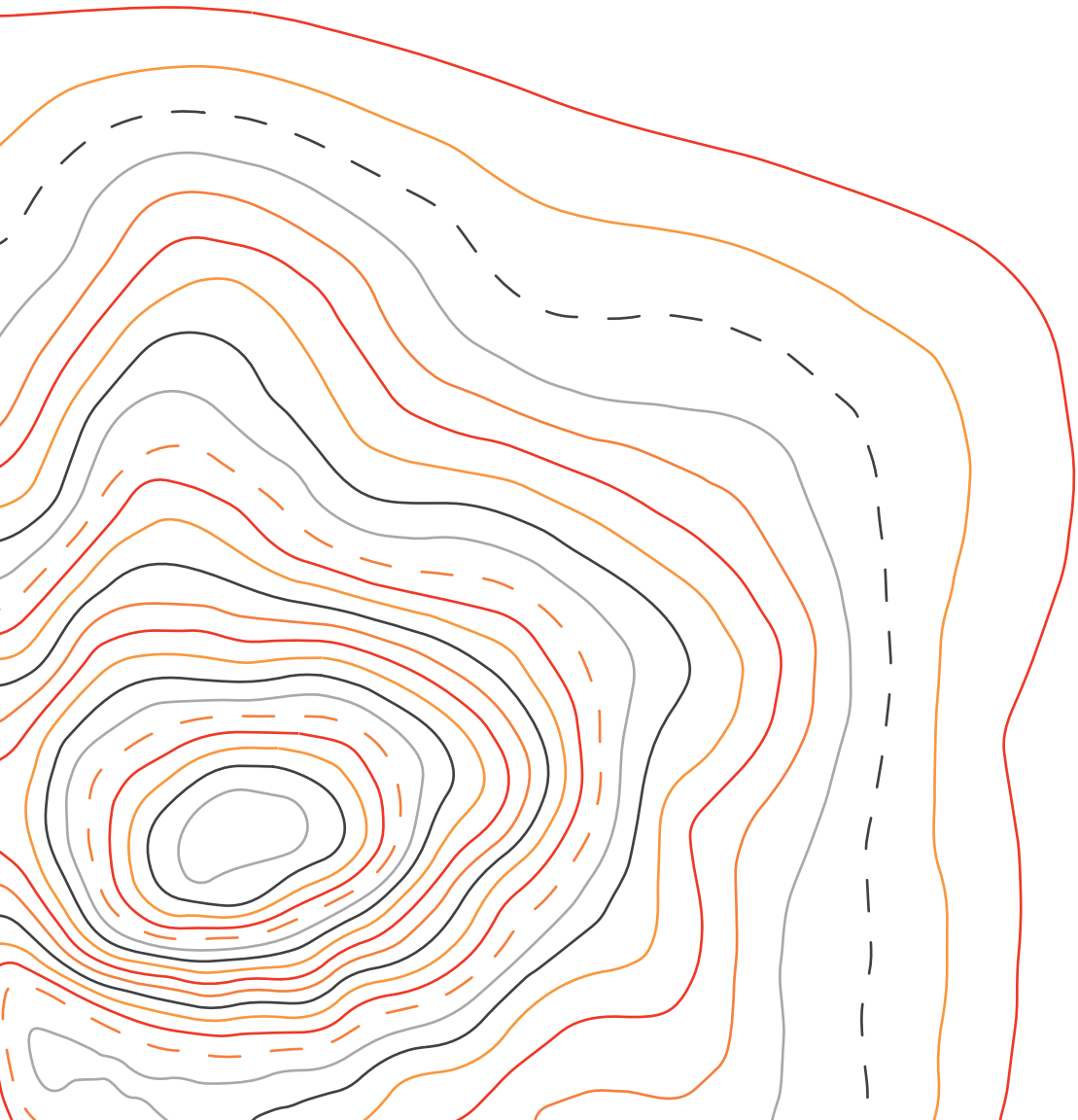
El Instituto para las Mujeres en la Migración, A.C. ("Institute for Women in Migration" or "IMUMI") is a Mexican NGO that advocates for women migrants and their families within the region of Mexico, the U.S., and Central America. IMUMI addresses issues important to migrant women through legal strategies, research, communication, and advocacy. IMUMI collaborates with other civil society organizations, academic institutions, and governments to advocate for gender-specific migration and human rights policies.

Haitian Bridge Alliance ("HBA") is a nonprofit community organization that advocates for fair and humane immigration policies and connects migrants with humanitarian, legal, and social services, with a particular focus on Black migrants, the Haitian community, women, LGBTQIA+ individuals, and survivors of torture and other human rights abuses. Since 2015, HBA has provided services to asylum seekers and other migrants at the U.S.-Mexico border, in U.S. detention, and during U.S. immigration proceedings. As HBA Co-Founder and Executive Director Guerline Jozef says, "We went to the U.S.-Mexico border to help our Haitian brothers and sisters, but we saw Africans and Central Americans in need as well. We stayed for everyone else."

The Center for Gender & Refugee Studies ("CGRS"), based at the University of California Hastings College of the Law, protects the fundamental human rights of refugee women, children, LGBTQ individuals and others who flee persecution in their home countries. The Center's core programs include training and technical assistance, litigation, and policy and advocacy. Since its founding in 1999, CGRS has participated in UC Hastings initiatives advancing human rights and the rule of law in Haiti through academic exchange, human rights fact-finding, and other advocacy.



A Journey of Hope: Haitian Women's Migration to Tapachula, Mexico

> *"When I try to go out, cars will not stop even though I'm pregnant. If I have to go to the health center, I walk. We do not have rights here."*

This is the experience of a Haitian woman living in Tapachula, Mexico, where she and thousands like her have voyaged through seven to eleven different countries, either via Brazil or Chile after fleeing Haiti, only to find themselves isolated, unsupported and marginalized in profound ways. A city near the border with Guatemala, Tapachula is an in-between place for Haitian migrants as they wait for their papers to travel elsewhere, some aiming to seek asylum in the United States.

This Report documents the daily indignities to which Haitian migrant and refugee women are subjected on their journeys in search of refuge, and also offers insight into their astounding resilience against all odds. Among the greatest strengths of the Report is its intersectional approach, highlighting the impact of overlapping structures of patriarchy and racial and xenophobic subordination on Haitian women. Not only must these women navigate the legal and social challenges of being foreign nationals in Mexico and the other countries through which they travel, but they must also navigate intolerance and exclusion based on racial and gender identity, which has been heightened by racist intolerance in the regions through which they move and attempt to settle. As the report highlights, among others, the racist and xenophobic politics of the United States are enforced even beyond the territories of that country because they are outsourced for enforcement by Mexican and other officials long before refugees and migrants even approach the U.S. border.

Although there is a large human rights and humanitarian literature on violations experienced by migrants and refugees in the Americas (and elsewhere), few do the work this Report does of highlighting the specific operation and effects of anti-Black racism as experienced by Haitians, and which they describe as resulting in treatment as though they were animals, rather than human beings. In order for advocacy on behalf of refugees and migrants to make a true difference, it must first name the structures of oppression they face, including anti-Blackness.

Interwoven with interviews and analysis, this Report not only situates migration from Haiti in the broader context of the Americas, but as already mentioned, also zooms in on the distinct, intersectional challenges Haitian migrant women face in Tapachula. Following the earthquake in 2010, persistent political and economic instability coupled with widespread human rights violations drove tens of thousands out of Haiti. Especially for women and girls, life was unsustainable under a dysfunctional government, longstanding patriarchy and vulnerability to violence. While many found initial haven in Brazil or Chile, since 2015 with tightening immigration policies, failing economies and rising discrimination there, Haitian women left, this time for Mexico with the hope of reaching the US border. This route, traumatic as it is expensive, involves traversing thousands of miles through Peru, Colombia, across the Darien Gap into Panama, then Costa Rica, Nicaragua, Honduras and Guatemala over the course of several months.

Once in Tapachula, Haitian women must navigate an immigration system that has neither received nor was prepared to process tens of thousands of non-Spanish-speaking migrants. The lack of Spanish-*Creyol* interpreters makes the asylum process more difficult for Haitian migrants to understand their rights, make their case and check the status of their application. Language difference is also a critical barrier to finding work, benefitting from social services, and accessing legal and humanitarian assistance. This lack of meaningful support is further intensified by anti-Black racism and xenophobia from Mexican authorities, resulting in delays and arbitrary decisions against Haitian claims. The Mexican populace also perceives that Haitian migrants are there for economic reasons, instead of recognizing them as *bona fide* refugees.

This Report highlights myriad legal and social challenges to integration for Haitian women, and racial and xenophobic discrimination including through structures, policies and practices that on their face seem neutral. Of equal importance, the Report also identifies concrete recommendations that government officials and non-governmental actors such as humanitarian and human rights organizations can take to address the conditions of suffering and injustice highlighted. The women represented in the pages of this Report deserve no less than the implementation of these recommendations.

E. Tendayi Achiume
UN Special Rapporteur on Contemporary Forms of Racism,
Racial Discrimination, Xenophobia and Related Intolerance
October 2020

EXECUTIVE SUMMARY

In the last two years, Mexico has experienced an extreme increase in migration from Haiti. The number of Haitian asylum claims increased from 76 in 2018 to 5,550 in 2019, after a surge in June 2019. In January 2020, 400 of the 462 asylum applications filed in Tapachula, Mexico, a small city near the Mexico-Guatemala border, involved Haitian claimants. Unlike in previous years, many migrants are unable to reach their intended destination – the U.S.-Mexico border. Mexican and U.S. politics, restrictive immigration policies, and the Mexican immigration system's lack of resources to process Haitian asylum claims or other official documentation in a timely way, have trapped thousands of Haitians in or near Tapachula. Anti-Blackness and xenophobia in Mexico, on-top of their collective trauma from the migrant journey, have left Haitian migrants feeling scared, isolated, and disrespected.

This Report investigates (1) the barriers that Haitian migrant women face in seeking humanitarian assistance and legal protection in Tapachula; and (2) what links exist between these barriers and discrimination, including on the bases of gender, anti-Black racism, and xenophobia. The Report outlines interviews conducted in March 2020 with 30 Haitian migrants (29 women and one 17-year old girl). Interviewees shared their stories of migration to Tapachula, their feelings of isolation and difficulties accessing humanitarian services, their fear of returning to Haiti, and lastly, the multiple barriers they face to legal protections, including language barriers, gender-based discrimination, anti-Black racism, and xenophobia. The Report also draws from interviews with migrant advocates and legal service providers in Mexico and Chile, as well as secondary sources such as Mexican, Brazilian, Chilean, U.S., and international human rights and immigration law for additional context.

While 30 interviews reflect a small sample size, based on their consistency and corroboration by the data received from advocates and service providers, these women's stories seem to reflect the experiences of Haitian women in Tapachula more broadly. Below is a summary of the Report's findings.

A. Fleeing Haiti and the Migration to Mexico

In the last ten years, tens of thousands of Haitians have fled their country because of political and economic instability, as well as increased political violence, gang criminal activity, and widespread impunity. Since Haiti's devastating January 2010 earthquake, which left more than 200,000 people dead and over a million people displaced, a prolonged period of political instability has contributed to the degradation of human rights. An underfunded and corrupt national police force and weak judicial system allow politicians at all levels of government to use violence to gain and keep power with impunity. At the same time, a series of natural disasters, which have heightened in intensity and frequency as a result of climate change, have decimated the food supply, infrastructure, and economy in Haiti. Political instability, natural disasters, widespread poverty, a lack of rights enforcement, and pervasive patriarchal attitudes and discrimination leave Haitian women vulnerable to sexual and gender-based violence ("SGBV"). (*see* Chapter 2, Section F and Chapter 4, Section B).

Various factors have pushed women to leave Haiti in the years following the earthquake. Almost every woman interviewed expressed a fear of returning to Haiti be-

cause of increased violence, including rape and kidnappings. Many described their experiences of political persecution. As one woman said, "The Haitian government does not work together, it is destroyed. You cannot work, there is no security, our kids cannot go to school. They are burning schools, there are protests in the streets, it's misery. We cannot live there." Another woman explained, "I am very afraid...Even if I had to go back, I would leave again".

Of the 30 Haitian women interviewed for this Report, nine migrated directly from Brazil to Mexico, while 21 migrated from Chile. Of those travelling to Mexico from Chile, most had lived there for 18 months to two years before migrating to Mexico. (*see* Chapter 5, Section B and Chapter 6).

With permissive immigration policies, Haitians began migrating to Brazil by the thousands following Haiti's 2010 earthquake. Between 2010 to 2018, 128,968 Haitian nationals reportedly entered Brazil. But by 2017, Brazil's unemployment rate reached 13.1 percent, and nearly 30,000 Haitians had left in part due to lack of work (*see* Chapter 5, Section B). Unemployment, xenophobic, and anti-Black racist attitudes, as well as the new, stricter legal avenues to residency have forced many Haitians to either skip transiting through Brazil entirely, or move on and seek economic opportunities in Chile.

An influx of Haitians to Chile since 2014 was in part a result of the permissive immigration policies under former Chilean President Michelle Bachelet. As of December 2019, the Chilean government estimated that 185,865 Haitians (66,797 of which are women) resided in Chile. Haitians now represent the third highest foreign population residing in Chile, after Venezuelans and Peruvians. (*see* Chapter 6). However, Haitians residing in Chile experience discrimination and, relatedly, significant barriers to integration. In one study conducted in 2015, 48 percent of Haitians interviewed (33.8 percent of which were women) had experienced discrimination in Chile. The situation for Haitians in Chile has continued to deteriorate under current President Sebastián Piñera, who has adopted anti-immigrant rhetoric and policies. As a result, starting in late 2015, Haitians have been arriving in Mexico from Chile by the thousands on their way to the U.S.-Mexico border. (*see* Chapter 6).

The Herculean journey that Haitians and other migrants make from South America to Mexico traverses thousands of miles across 7 to 11 countries. According to the women interviewed for the Report, traveling through the Darien Gap from Colombia to Panama was the most difficult part of the trek, as this area consists of one hundred miles of tropical rainforest that they traversed on foot. Almost all of the interviewees shared similar stories about robberies in the Darien Gap. The thieves took everything they had: their luggage, clothing, shoes, food, cell phones, and money. A few of the interviewees had their passports stolen as well. All but one of the women interviewed said they went without any food for between 3 to 15 days and survived on salt and river water. Haitian migrants arrive in Tapachula desperate for clothes, food, medical attention, housing, and security. (*see* Chapter 6, Section D and Chapter 8).

B. New Anti-Immigrant Policies in Mexico and the United States

Once in Mexico, any foreign national may apply for refugee status with the *Comisión Mexicana de Ayuda a Refugiados* ("Mexican Commission for Refugee Assistance" or "COMAR"). While waiting for their status to be determined, migrants may request a *tarjeta de visitante por razones humanitarias* (known as a "humanitarian visa" or "TVRH") from the *Instituto Nacional de Migración* ("National Institute for Migration" or "INM"), which allows them to work and travel for up to a year. Until 2019, some Haitian migrants used these cards to travel to Tijuana, Mexico, in hopes of entering the United States. Others traveled through Mexico by claiming they were 'stateless,' or using an oficio de salida del país ("exit permit from the country"), which at the time authorized safe passage through Mexico for approximately 20 days. According to a 2017 study from *El Colegio de la Frontera Norte* ("COLEF"), as of 2016, Haitians made up 80 percent of migrants living in Tijuana, and most had taken four days or less to arrive there after first entering Mexico. (*see* Chapter 3, Section B and Chapter 5, Section A).

In summer 2019, the INM drastically changed course and began specifying on the exit permits that the recipient must leave the country from its southern border, which prohibited their passage north to the U.S.-Mexico border. According to practitioners in Tapachula, the INM stopped issuing *oficios de salida del país* in late 2019. Furthermore, while Mexican law says applicants should wait no longer than 30 days to get approval for a TVRH, it now takes at least six months, often longer, to be issued. Without these documents, Haitians and other migrants hoping to travel to the northern border risk being apprehended and possibly deported. (*see* Chapter 3, Section C).

The INM's policy shifts coincided with threats from the U.S. President Donald Trump in May 2019 to impose tariffs on imported Mexican goods until undocumented migrants stopped entering the United States through Mexico. A week later, the U.S. and Mexican governments issued a joint declaration on migration "to take unprecedented steps to curb irregular migration," including sending the National Guard – a civilian-led security force – to Mexico's borders. (*see* Chapter 3, Section C).

Mexico's increased crackdown on migrants in 2019 was felt by Haitian migrants entering the country through its southern border. In Chiapas, the state in which Tapachula is located, the INM apprehended 66 percent more migrants between January and September 2019 than over the same period in 2018 (*see* Chapter 3, Section C). Advocates and migrants alike complain that the INM's determination of which migrants to detain, when to release them, or whether to deport them are arbitrary and influenced by the government's approach to immigration at the relevant time. The number of migrants returned or deported from Mexico rose 22 percent in 2019 (141,223 in 2019 compared with 115,686 in 2018). (*see* Chapter 8, Section C).

In the United States, other draconian policies, rooted in anti-Black racism, have resulted in a failure of protection, prolonged family separation, and myriad human rights violations of Haitian asylum seekers. Nevertheless, most of the women interviewed in Tapachula for this Report intended to reach the United States, not realizing that Mexican and U.S. anti-immigrant policies have effectively closed the U.S.-Mexico border to Haitian migrants. (*see* Chapter 7).

C. Barriers to Asylum and Other Forms of Legal Protection

While the exact number of Haitians living in Tapachula in 2020 is unknown, given the fluid nature of their migration, the estimate is in the thousands. Haitian migrants have significant needs, but legal and humanitarian organizations, as well as government agencies, lack the resources to effectively assist them. Most Haitians who arrive in Tapachula do not speak Spanish, except for maybe a few words. Meanwhile, few to none of the immigration officials or non-governmental service providers in Tapachula speak Haitian *Creyol* ("Creole"), and as a result, Haitian migrants have difficulty understanding the immigration system and how to access the networks of legal and humanitarian services available to them. (*see* Chapter 8, Section C).

Haitians' difficulties with the immigration system are evident in the abysmal asylum and complementary protection approval rates with COMAR. (Complementary protection authorizes work permits, but does not offer a path to regularization or family visa petitions.) Approval rates per country in January 2013 – May 2020 are as follows:

- Haiti: 20% approval (13% asylum, 7% complementary protection)
- Venezuela: 98% approval (97% asylum, 1% complementary protection)
- Honduras: 67% approval (54% asylum, 13% complementary protection)
- El Salvador: 71% approval (51% asylum, 20% complementary protection)

According to legal service providers, a combination of procedural violations, COMAR's lack of knowledge of country conditions in Haiti, and Haitians' marginalization and language barriers account for the arbitrarily low rates of granting asylum to Haitians. By law, COMAR must process asylum claims within 45 business days, which may be extended to 90 days in exceptional circumstances. In practice, COMAR takes months or a year to process claims. COMAR often takes advantage of Haitians' lack of language access and comprehension of their rights to extend deadlines or knowingly violate legal procedures. Indeed, one can see how their rights could easily be violated; only a few women interviewed for this Report (those who spoke Spanish) understood the meaning of asylum, the status of their claim, or whether they were in danger of being deported. (*see* Chapter 8, Section C).

In addition to a lack of qualified interpreters, other common barriers identified by the women interviewed included: COMAR's long delays in rendering decisions, the women's inability to speak with someone or ask for help at the COMAR office, a lack of transparency about the asylum process, and the seemingly arbitrary nature of COMAR's decisions. When asked about discrimination in the process, one woman said, "When we go to the immigration office, they take better care of the other migrants than Haitians". (*see* Chapter 8, Section C).

Additionally, the INM's delay in issuing TVRHs caused a period of limbo and hardship for the women interviewed for the Report, who were desperate to obtain authorization to leave Tapachula, find work and/or travel to the U.S.-Mexico border. Substantial corruption within the INM is another barrier to Haitian migrants' access to immigration documents. According to service providers, INM officials often extort migrants for 10,000-15,000 Mexican pesos (US$458-$688) to process or expedite TVRHs. (*see* Chapter 8, Section C).

D. Xenophobia and Anti-Black Racism in Mexico

Black migrants from Haiti and other nations not only face rights violations as the result of their migrant status, but also experience racism in Mexico. Many of the women interviewed complained of facing xenophobia and anti-black racism on the street in Tapachula and at public agencies such as COMAR. One interviewee stated, "Outside, people do not respect you. You are not in your own country and people are mad at you. If anything happens to you, you cannot talk to anyone about it". (*see* Chapter 8, Sections B and C).

The women's narratives are corroborated by multiple reports in the media of Black migrants and asylum seekers being treated worse than their Central American counterparts, some stating they are being "treated like animals." Haitian migrants have complained of racist and xenophobic attitudes by INM agents in immigration detention centers in Tapachula, including calling Haitian detainees "dogs" and "assholes." Other forms of discrimination included giving spoiled food and water to Haitian detainees, or deliberately limiting their access to toilets and showers. One Haitian man and a Haitian pregnant woman died in August 2019 as a result of poor treatment in migrant detention centers in Tapachula. (*see* Chapter 8, Section C).

In addition to racism, Haitians in Tapachula have a difficult time integrating into society because Mexicans and the authorities are unfamiliar with Haitian history and culture, and they stereotype Haitians as burdensome economic refugees.

E. Life of Isolation and Misery

Migrants are forced to make the most of their living situations while they wait for COMAR to process their cases, but this can be extremely difficult for Haitians. The United Nations gives US$140 per month to each migrant who has applied for asylum, including children, for up to three months. As women's immigration cases drag beyond this period, this limited support is inadequate. Most of the women interviewed and their families lived in sparse, rundown two-room cinder-block homes or two-story apartment buildings. The homes lacked kitchens and furniture, except for a few thin sleep pads or broken chairs. Most people slept on the concrete floors without any bedding. (*see* Chapter 8, Section B).

Some social services are available. Basic medical assistance was available and free. However, several of the interviewees stated that they did not trust the care and could not afford the medicines prescribed, or could not read the dosage in Spanish. None of the interviewees' children attended school, despite the majority of them being of school-age. Where services were available, for example at organizations like *Servicio Jesuita a Migrantes* ("Jesuit Refugee Services" or "JRS"), interviewees did not understand or trust the services offered, or had difficulty with language access. The women interviewed gave a myriad of reasons for their discomfort in leaving their homes in Tapachula, including language barriers, unfamiliarity with the city, cost of bus fare, xenophobia and hostility by Mexicans, and the need to take care of their children. As a result, most of the women interviewed reported feeling stuck and isolated at home. (*see* Chapter 8, Section B).

The most common problem identified by interviewees was that they/their partner lacked work or work authorization. One woman reported that her husband slept in front of a mechanic every night for four days because he heard they were hiring. Interviewees felt that the lack of job opportunities was due at least in part to discrimination against them as Haitian and Black. Unable to work, most women interviewed survived on small amounts of money sent by family members in Haiti or elsewhere. An interviewee shared her husband's words about their situation, "It's almost like you are dead, but have not been buried yet". (*see* Chapter 8, Section B).

F. COVID-19

Conditions for migrants have worsened as a result of the COVID-19 pandemic. Border closures, the closure of migrant shelters and COMAR offices, the loss of jobs due to the pandemic and the subsequent economic downturn, and the increased difficulty in accessing healthcare have all further deteriorated the quality of life for migrants living or transiting through Mexico. (*see* Chapter 8, Section D).

Due to the pandemic, COMAR has suspended its review of applications and the enforcement of procedural timelines indefinitely. In some urgent cases, COMAR is conducting eligibility interviews over the phone, but advocates note that a number of the applicants' rights are being routinely violated during these interviews, including the right to language access. Many migrants who are desperate to leave Tapachula have left without legal papers, taking advantage of a decrease in checkpoints during the COVID-19 outbreak. It is likely that conditions of violence and desperation will continue to push people to migrate to the United States, without reaching their intended destination.

Using the COVID-19 pandemic as a pretext, the U.S. government has indefinitely limited the entry of asylum seekers into the United States. Most of the Haitian migrants who try to enter the United States are being detained and deported without being screened for fear of persecution or torture that would ground an asylum claim. Even migrants who make it through Mexico and enter the United States, therefore, often meet an abrupt and devastating end to the long journeys they have made to reach security and stability. (*see* Chapter 8, Section D).

G. Recommendations

A. Ensure access to professional Haitian *Creyol* interpreters in all meetings with COMAR.

Given that 80 percent of asylum applications were filed by Haitians in March 2020, at least one or more full-time *Creyol* interpreter/s must be available at COMAR, and all written notices must be translated into *Creyol*.

B. Provide COMAR agents with trainings and other resources on country conditions in Haiti.

More knowledge of country conditions in Haiti could greatly assist COMAR's case managers in asking relevant questions of asylum applicants and understanding asylum claims, which in turn could improve the asylum success rate. Regular trainings and credible written resources must be provided to case managers.

C. Increase COMAR's capacity to receive and process asylum claims in a timely manner pursuant to their guidelines.

Recent U.S. policies that are keeping asylum seekers in Mexico have multiplied asylum claims and overwhelmed an already understaffed and under-resourced COMAR. COMAR still needs to receive an increase in funding, which may need to come through the UNHCR, which works closely to support COMAR.

D. Extend the Cartagena Definition of Refugee to Claims Filed by Haitian Asylum Seekers.

Since the 2010 earthquake, increased political instability and violence, gang criminal activity, and widespread impunity and human rights violations have forced thousands to flee Haiti. Given this situation of generalized violence and massive human rights violations, Haitian refugee claims should be eligible for recognition under the Cartagena Declaration in Mexico.

E. Provide COMAR and INM with anti-racism and anti-Blackness training.

Haitian migrant women interviewed for this Report believed they experienced discrimination at COMAR and INM because they were Haitian and Black. Anti-racism sensitivity training must be provided at all levels within COMAR and INM, with a focus on anti-Blackness training to uncover deep-rooted practices and patterns of racism within the immigration system and by individual immigration agents.

F. Issue Haitians TVRH cards on humanitarian/public interest grounds, on an expedited basis.

While applicants should wait no longer than 30 days to get approval for a TVRH card for those with pending asylum applications, applicants are waiting upwards of six months to be issued the TVRH card. The INM must reduce processing time for

TVRH cards, which in practice often facilitates access to employment, school and healthcare.

G. Implement a moratorium on deportations during the COVID-19 pandemic.

There is simply no safe way to deport people; deportations risk the consequent spread of this highly contagious and deadly disease in receiving nations, both among COVID-19 negative passengers traveling with COVID-19 positive ones, as well as people on the ground in Haiti.

H. Ensure access to improved medical care for Haitian migrants, with access to Creyol translation.

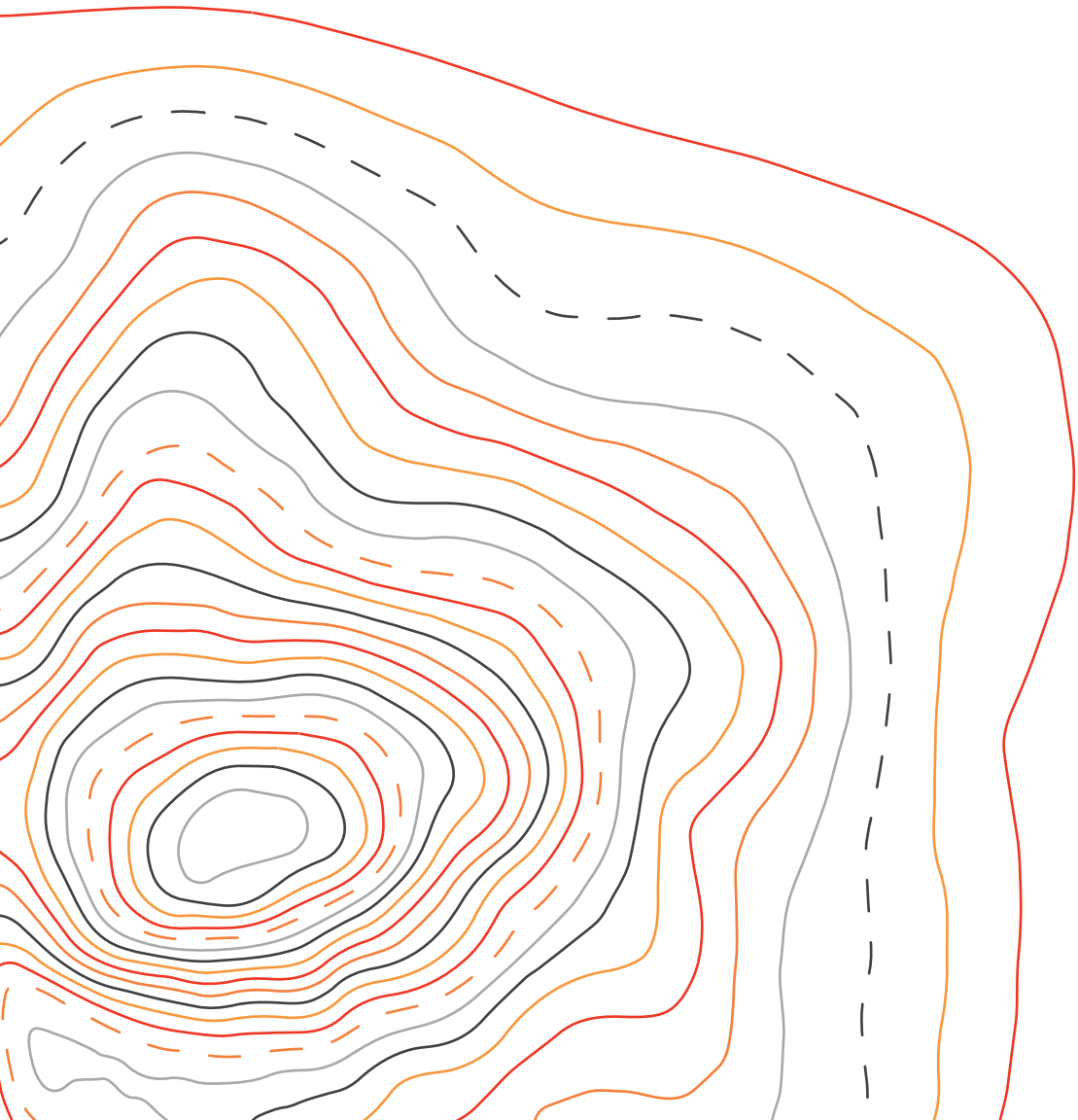
The *Secretaría de Salud* ("Secretary of Health" or "SSA") should make more efforts to ensure Haitian migrants' right to health, including providing meaningful access to free pre- and post-natal, neo-natal, and pediatric medical services with *Creyo*l interpretation. The INM, in collaboration with the SSA, should also make more efforts to ensure that migrants in detention have access to medical services.

I. Ensure that COMAR and INM agents apply a gender specific lens in processing claims.

COMAR and the INM should train their agents about women's experiences in the migration process, which frequently differ substantially from those of men. Gender must also be an element that is considered in the evaluation of asylum applications, as provided in Mexican law.

J. Humanitarian and human rights organizations and legal service providers working with Haitian migrants in Tapachula are encouraged to hire *Creyol*-speaking interpreters and/or staff members, when feasible, and provide anti-racism and anti-Blackness training for their staff.

As with COMAR, humanitarian and human rights organizations and legal service providers in Tapachula have been inundated with a surge of Haitian clients in 2019 and 2020. Service providers working with Haitian migrants are encouraged to hire *Creyol*-speaking interpreters or staff members to work directly with this population, and to visit the communities where Haitian migrants live and advertise their services in *Creyol*. Anti-racism and anti-Blackness staff trainings are also recommended to identify and eliminate organizational and individual biases and discrimination.

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