



Center for Gender & Refugee Studies

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Submission to the Office of the High Commissioner for Human Rights

Elimination of Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Comprehensive Implementation of and Follow-Up to the Durban Declaration and Programme of Action

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The Center for Gender & Refugee Studies (CGRS) is grateful for the opportunity to contribute this input to inform the 2024 report of the UN Secretary-General on the implementation of UN General Assembly resolution A/RES/78/234 to be presented to the 79th session of the UN General Assembly.¹ Specifically, our submission addresses the question of racism, racial discrimination, xenophobia and related intolerance targeting migrants and refugees.

This submission draws upon the following resources prepared by CGRS in collaboration with the partners, which provide analyses and information relevant to the call for input. Copies of these resources are included in the Annex.

- University of California College of the Law, San Francisco Haiti Justice Partnership (HJP), CGRS and Haitian Bridge Alliance (HBA), [*Precluding Protection: Findings from Interviews with Haitian Asylum Seekers in Central and Southern Mexico*](#) (2024);
- CGRS, Instituto para las Mujeres en la Migración, and Haitian Bridge Alliance, [*A Journey of Hope: Haitian Women's Migration to Tapachula, Mexico*](#) (2021).

In March 2024 CGRS, together with Haitian Bridge Alliance and delegates from the University of California College of the Law, San Francisco Haiti Justice Partnership went to Tapachula and Mexico City to assess the current situation of Haitian asylum seekers seeking protection. The delegation conducted over 100 interviews that demonstrate that Haitian asylum seekers

¹ The Office of the High Commissioner for Human Rights, [*Call for input for the preparation of the report of the UN Secretary-General pursuant to the UN General Assembly resolution A/RES/78/234*](#) "A global call for concrete action for the elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (last accessed on May 29, 2024).

face xenophobia, racism, and insufficient language access in myriad ways, in multiple countries along their way. They are harmed throughout their journey without any accountability. Mexico denies them refugee protection in a biased and arbitrary decision-making process. The approval rate for Haitian asylum seekers is disproportionately low in comparison with other nationalities. Our report documents that in 2022, the rate was only 12%, and in 2023 – 13%. Interviewees reported experiencing racism xenophobia and inability to secure employment. Due to work limitations, they are forced to live in the streets, vulnerable to violence, extortion, kidnapping, and corruption.

This enduring hostility and dire circumstances have persisted for some time and in several countries of the region. During our previous visit to Tapachula, Mexico our researchers have documented continuous patterns of racist attitudes and discrimination-based harm to already vulnerable Haitian migrant communities. There were even several violent attacks against Haitians. For example, in Brazil in 2015, two groups of Haitian immigrants got shot in São Paulo, Brazil. Our report documents that both attacks seemed to be partially motivated by faulting Haitians for the economic downturn, as one person yelled, “Haitians, you steal our jobs!”

Haitian asylum seekers experience racism and discrimination in both their daily lives within society and in interactions with refugee authorities in the region. Chile is particularly known for its racist attitudes. One-third of Chileans consider themselves “whiter” and therefore superior to other Latin Americans.² In Mexico, discrimination is also wide-spread. The refugee authorities demonstrate racist and xenophobic attitudes by giving Haitians spoiled food, and water, limiting access to basic needs, and calling them “dogs” and “assholes”.³ Haitian asylum seekers experience discrimination in seeking employment, social, and cultural integration.

Of particular concern is the discrimination against Black migrant women, who have additional layers of marginalization. Afro-descendant migrant women often face sexualization and exoticization due to discriminatory stereotypes linking them to sex work. In Mexico it is harder for Haitian women to find employment and housing due to “language barriers, unfamiliarity with the city, cost of bus fare, xenophobia and hostility by Mexicans, and the need to take care of their children.”⁴ One woman reported that “people do not respect you” and “it is worse than Haiti”.⁵ These compounded difficulties highlight the urgent need to address the unique challenges faced by Black migrant women.

² Manifestaciones de Discriminación Racial en Chile: un Estudio de Percepciones [Manifestations of Racial Discrimination in Chile: A Study of Perceptions], [Informe Anual Situación de los Derechos Humanos en Chile 2017](#) [Annual Report on the Situation of Human Rights in Chile 2017], Santiago De Chile: Instituto Nacional De Derechos Humanos.

³ Gobierno de México, [Mexican government’s database on migrant apprehensions: Boletines Estadísticos](#) (July 30, 2020).

⁴ Interview with Woman Migrant “CME002,” in Tapachula, Mexico (March 1 – 7, 2020).

⁵ Interview with Woman Migrant “CAE003,” in Tapachula, Mexico (March 1 – 7, 2020).

Migrants experience great difficulty in their attempt to seek asylum in the United States as well. Immigration policies have historically undermined the protections for asylum seekers in general. But they are especially discriminatory against Haitian and other Black asylum seekers. A current rule – “Circumvention of Lawful Pathways” (known as the “Asylum Ban”) requires asylum seekers to create an appointment using a mobile app called CBP One or be presumed ineligible for asylum, subject to very limited exceptions.⁶ Nationals of African countries have repeatedly expressed concern that the app is not available in their languages. The first several pages of information and the consent form are available exclusively in English. Moreover, CBP One has facial recognition issues when taking photos of darker-skinned people. Often people try to use a flash or adjust backlighting and the app still fails to recognize and upload the picture. This frustrating issue is an addition to the already numerous technical glitches the app users experience.

The persistent racism and xenophobia against Black asylum seekers in receiving countries call for comprehensive changes in societal attitudes, legal frameworks, and treatment by authorities. Although our research primarily focuses on Haitian asylum seekers, the recommendations below can extend to other affected groups. To follow Durban Declaration efforts “[in] eliminating racial discrimination against migrants, including migrant workers, in relation to issues such as employment, social services, including education and health, as well as access to justice . . .”,⁷ we recommend States:

- Provide asylum authorities with anti-racism and anti-Blackness training.
- Commit to language access for all, for example by providing professional Haitian Kreyòl interpreters for every stage of the asylum process for Haitian asylum seekers.
- Grant work authorization expeditiously, without any discrimination.
- Extend protection for Haitians and others fleeing harm.
- For the United States to overhaul the CBP One app to guarantee language access for Haitian and other Black asylum seekers; fix discriminatory facial recognition issues; and resolve the myriad glitches riddling the app.

⁶ Center for Gender & Refugee Studies, [Far from Safety: Dangers and Limits to Protection for Asylum Seekers Transiting through Latin America](#) (April 2023) P. 2.

⁷ United Nations, [Durban Declaration and Programme of Action](#) (2001) ¶151.