

The Miami Herald

Posted on Sun, Jul. 11, 2010

Refugees live uncertain existence in a maze of immigration laws

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Haiti's epic earthquake shattered lives, toppled much of the capital and, in an aftershock felt 700 miles away, created new classes of Haitians in South Florida living in immigration uncertainty.

Some are in the United States on humanitarian paroles, some on short-term visas. Others are undocumented but no longer facing deportation under new post-quake rules. Collectively, they magnify the fault lines of the nation's immigration policies and could redefine what it means to be a refugee in America.

Since the earthquake, federal officials have tried to address how best to assist earthquake survivors whose homeland, in many ways, remains broken. For now, thousands are here, living with relatives and friends and sometimes strangers, with little or no money, no social services and no legal way to support themselves and their families.

Monday, on the quake's six-month anniversary, U.S. Citizenship and Immigration Services Director Alejandro Mayorkas plans to visit Miami to offer some clarity on the immigration relief benefits available to Haitian nationals. The town hall meeting is part of the agency's broader outreach effort.

"We have been on the radio, at meetings, partnered with churches and community leaders to make the options as clear as possible," said Ana Santiago, USCIS spokesperson in Miami. "Our message is come to our offices to find out what is available to you, come to get answers, come in as many times as you want."

Ira Kurzban, past president of the American Immigration Lawyers Association, is hoping the government will do three things: extend the filing deadline and parameters of Temporary Protected Status -- a legal designation that allows foreign nationals to stay in the U.S. -- speed up the humanitarian parole process for Haitians who have already been accepted into the U.S., and provide clear guidelines for Haitians already living in the U.S.

'ALL ABOUT POLITICS'

"All the obstacles are political; they are not logistical," said Kurzban, a partner at Miami's Kurzban, Kurzban, Weinger, Tezeli and Pratt. "It's all about politics, not about anything else."

La Rhonda Odom, deputy director of Haitian Women of Miami, said she hopes the administration will allow Haitians expedited visas to join their families in the U.S., similar to the 2007 Cuban Family Reunification Parole Program. There are currently 55,000 Haitians whose petitions to immigrate to the U.S. have been accepted but they are languishing on waiting lists dating back as far as 10 years.

U.S. Rep. Kendrick Meek, who has long championed Haitian issues, has met with state department officials on both the TPS and visa deferment programs.

"The earthquake has financially complicated the lives of a population already hard hit," said Meek, who is

running for a U.S. Senate seat. "The people here are trying to support their families, still grieving the loss of relatives and trying to figure out their status here. No other population is carrying that on their shoulders."

In the rush to evacuate the wounded and homeless in the wake of the earthquake that killed an estimated 300,000, many entered the U.S. on short-term business and tourism visas. Now some of those permits are on the verge of expiring, but many of 1,300 visa holders living in South Florida have little or nothing to return to in their homeland. In many ways, it was a mess created by mercy. "This was a devastating situation. People were hurt. In some cases, the Department of State issued B2 [visitor] visas as a way to help people get here," Santiago said. "With everything going on, this was the fastest way. From the onset, we have worked to help so they can recover."

The wave of Haitians on business and tourist visas who fled after the earthquake turned to Haitian community agencies for social services.

Gepsie Metellus, director of Sant La Haitian Neighborhood Center in Miami, said her agency has collected money from private donors to assist those who do not qualify for federal aid.

On paper, Haitian tourist visa holders are considered visitors and "all that entitles you to is going to see Parrot Jungle," she said.

Regine, 29, a former Haitian television personality, arrived in Miami two weeks after the quake on a tourist visa, believing she would find a loving home and opportunities that were lost in Haiti.

"I thought I could go to school and get a job here," said Regine, who asked to be identified only by her first name for fear of deportation.

JUST ONE SUITCASE

She fled Port-au-Prince with one suitcase stuffed with four dresses and three pairs of shoes she salvaged from her crumbled home and moved into an aunt's North Miami apartment. Regine said her arrival was both a blessing and a burden to an already struggling household.

"Only one person had a job. They couldn't support me," she said. She returned to Haiti a month later, but conditions were still terrible. "I slept under a tent. Sometimes there was food. Sometimes there wasn't."

Her friends in the U.S. pitched in to purchase a \$300 ticket for her to return to Miami in March. She now lives in a stranger's efficiency in North Miami, with space just enough for a twin bed, mini-refrigerator, microwave and two hot plates. A close friend pays her modest rent each month. Another brings her groceries.

"This is not the life I want to live," she said. "I have always been independent. Now I have to wait for handouts."

Three days after the quake, as the full scale and horror began to emerge, the Obama administration granted TPS to undocumented Haitians for 18 months if they were already here on Jan. 12. That allows them to work legally and send urgently needed money home without fear of deportation.

With a July 20 deadline to file for TPS looming, Santiago said about 55,000 have filed nationally, with most of those in South Florida. Community advocates and immigration attorneys say that number is lower than the actual number of undocumented Haitians because of the \$470 application fee and the long-standing fear of deportation.

U.S. officials can also grant Deferred Action Status to Haitians holding tourist and business visas on a

case-by-case basis -- a status that can lead to a work permit. That's different from an extension to a visitor visa, which merely stretches the time the foreign national can stay in the country without a work permit.

Chantale Prosper, who fled Haiti two weeks after the earthquake, returned to Port-au-Prince Saturday rather than overstay her visa. "I can't have a good life in Haiti, but I can't be illegal here," Prosper said, before she left.

She will leave behind her three school-age children who were in Miami on vacation before Jan. 12 and have filed for TPS. "It's hard to leave them like this," she said. "My children will have a better chance at life in Miami. Me, I will return to the tents and dust."

This humanitarian crisis unfolds as the nation continues the dialogue on the prickly issue of immigration reform. Mostly, it has been a debate cast in terms of Hispanics -- with the interests of Haitians fading outside South Florida.

"I wonder outside of Miami if the immigration issues related to Haiti have dropped off the radar screen," said Michael A. Clemens, a senior fellow at the Center for Global Development in Washington, D.C. "It was part of the conversation in January and February but it's going to be up to Florida leaders to keep reminding people that this is an issue that is not going away."

BEFORE THE QUAKE

Long before the earthquake, Clemens suggested allowing more Haitian immigrants into the United States to work and send back remittances as a way to boost the country's economy. A total of 21,000 Haitians are allowed in annually. He also supports broadening the definition of a refugee to accommodate earthquake survivors.

"I do not see a moral distinction between a person fleeing their country because of war, a man-made disaster, and a person fleeing their country because of an earthquake, a natural disaster," said Clemens, who studies the effects of international migration on developing nations. "Haiti is a case where a small change in policy could have a huge impact in real people's lives."

For now, earthquake survivors and those they left behind are dependent on the U.S. government's humanitarian efforts.

At the urging of people who heard rumors that earthquake survivors on tourist visas were eligible to stay and seek work permits, Regine went to an immigration office seeking details.

"The attendant said he didn't know what I was talking about," she said.

If, for some reason, she is ineligible for a deferred action, Regine said she will return to Haiti in September rather than become illegal by overstaying her six-month visa.

"I am traumatized. I have nothing to go back to, but I will not become a criminal," she said. "I'll go back to my country and sleep under the stars."

Miami Herald staff writer Jim Wyss contributed to this report.