

Beyond Aid: Migration as a Tool for Disaster Recovery (Haiti Case Study)

Michael Clemens and Kaci Farrell

CGD Brief

Natural disasters such as earthquakes, floods, and hurricanes can devastate people's lives and a country's economy, particularly in the developing world. More than 200,000 people perished when a catastrophic earthquake struck Haiti in January 2010, and Americans responded with an outpouring of private and public assistance. Those relief efforts, as they nearly always do, focused primarily on delivering aid. The United States barely used another tool for disaster relief: migration policy. This policy brief explores the various legal channels through which the U.S. government could, after future overseas disasters, leverage the power of migration to help limited numbers of people. We describe what could have been done for Haiti, but the lessons apply to future scenarios.

The Case for Migration

International migration—simply having the chance to leave Haiti—has lifted more Haitians out of extreme poverty than all of the billions of dollars in aid, all of the foreign investment, and all of the trade preferences that Haiti has received from the United States during the past 30 years.¹ There are also substantial benefits for those still in Haiti: Annual remittances from the United States to Haiti are estimated at over \$2 billion, nearly double the \$1.15 billion pledge made by the United States at the 2010 Haiti Donor Conference.² Remittances rise more quickly after disasters than aid,³ and remittances—unlike much foreign aid—go directly into the pockets of needy families. While Haitians have benefited from the delivery of international aid, leveraging the power of human mobility can complement traditional forms of assistance.

But poverty reduction does not factor into decisions about which Haitians are allowed to enter the United States. The U.S. immigration system is based on two main pillars: family reunification and employment-based migration. The vast majority of Haitians lawfully immigrating to the United States enter through family ties because other options are scarce. Of the 24,280 Haitians who became legal permanent residents of the United States in fiscal year 2009, nearly 75 percent were close relatives of U.S. citizens and legal permanent residents. Nearly all of the remaining entrants were refugees or asylum seekers fleeing persecution (figure 1).

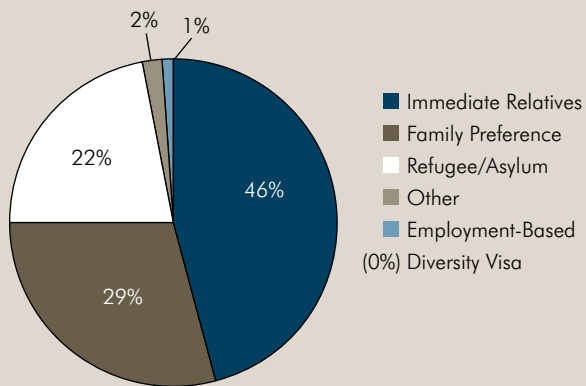
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1. For more information, see Michael Clemens, "A Labor Mobility Agenda for Development," CGD Working Paper 201 (Washington: Center for Global Development, 2010), www.cgdev.org/content/publications/detail/1423717.

2. Hillary Clinton, "Remarks at the International Donors' Conference on March 31, 2010," accessed March 30, 2011, at www.haiticonference.org/pledges-statements.html.

3. Antonio David, "How Do International Financial Flows to Developing Countries Respond to Natural Disasters?" IMF Working Paper 10/166 (Washington: IMF, 2010), www.imf.org/external/pubs/cat/longres.cfm?sk=24050.0.

Figure 1: Most Haitians Legally Immigrate to the United States through Family Reunification Channels (2009)



Source: DHS Office of Immigration Statistics, 2009 Yearbook of Immigration Statistics.

Not one person fleeing Haiti because of the effects of the earthquake qualifies as a refugee. While the 1952 Immigration and Nationality Act included victims of natural disasters in the legal definition of “refugees,” the Refugee Act of 1980 reformed U.S. refugee law and excluded the natural calamity language.⁴ Consequently, the U.S. government has very limited flexibility over migration policy in compelling post-disaster situations. The principal U.S. migration policy initiative toward Haiti after the earthquake temporarily suspended deporting most Haitians who were already in the United States in January 2010 (that is, it excluded anyone who fled the earthquake).⁵ With extremely few exceptions, the United States did not use migration policy to help any Haitians whose lives were destroyed by the quake.

What Now? Examining the Options

Despite the transformative power of migration, Haitians without close family in the United States have few options to enter legally. An extremely limited number of visas and stringent eligibility requirements render some existing migration mechanisms all but unavailable to the most disadvantaged and vulnerable Haitians. But the U.S. administration

4. The current definition of refugees incorporates people fleeing “because of persecution or a well-founded fear of persecution on account of race, religion, nationality, membership in a particular social group, or political opinion” (INA sec. 101(a)(42)(A)).

5. That policy was amended in May of this year to include people who arrived during the year after the earthquake, a time when extremely few Haitians were able to leave the country anyway because of the economic disarray and stepped-up efforts at sea patrol.

and Congress have several options to amend current policy to provide disaster-affected Haitians entry into the United States and life-altering opportunities:

Administrative Options

- Add Haitians to the list of nationalities eligible for temporary low-skilled worker (H-2A/H-2B) visas.
- Establish a Haitian Family Reunification Parole program.
- Expand the use of humanitarian parole under new “disaster-affected” criteria.

Legislative Options

- Amend the nonimmigrant visa classification to allow for Haitian family reunification.
- Allow Haitians to participate in the Diversity Visa Lottery program or establish a Haitian Visa Lottery.
- Establish a humanitarian track in the U.S. refugee resettlement program for those in compelling circumstances who do not meet the refugee definition.

Many of these options can be implemented without major upheavals in existing procedure or legislation. Updating certain visa categories would only require the approval of the Secretary of Homeland Security or the Secretary of State (or both), while implementing other options would require legislative action and more comprehensive political support (table 1).

The United States could also negotiate a bilateral agreement with the new Haitian government to regularize migration, reflecting ongoing negotiations with Mexico and previous efforts with Cuba to discourage people from taking to the high seas. Such an agreement would serve the interests of both the United States and Haiti by fostering economic development and expediting disaster recovery, but it would require leadership within both governments.

Questions and Challenges

These options create flexibility to act in the U.S. interest by helping limited numbers of people in compelling future post-disaster situations. They do not intend to help all victims of overseas disasters, any more than the current U.S. refugee program attempts to help all victims of persecution. This means doing what the United States can, for whom it can.

Table 1: Options for Extending Migration Opportunities to Disaster-Affected Haitians

Administrative Options	Key Actor(s)
Add Haitians to the list of nationalities eligible for temporary low-skilled worker (H-2A and H-2B) visas	Secretary of Homeland Security, in consultation with Secretary of State
Establish a Haitian Family Reunification Parole program	Secretary of Homeland Security
Expand the use of humanitarian parole under new "disaster-affected" criteria	Secretary of State; Secretary of Homeland Security; Congress
Legislative Options*	Key Actor(s)
Amend the nonimmigrant visa classification to allow for Haitian family reunification	Congress
Allow Haitians to participate in the Diversity Visa Lottery program or establish a Haitian Visa Lottery	Congress; Department of Homeland Security
Establish a humanitarian track in the U.S. refugee resettlement program for those in compelling circumstances who do not meet the refugee definition	Congress; President of the United States; Secretary of State

*Congress would likely consult the State Department and the Department of Homeland Security in drafting legislation; both agencies would be integral partners in implementation.

Table 1 outlines multiple options for providing disaster-affected Haitians legal entry into the United States, but there are no quick fixes. Some avenues, such as extending eligibility for low-skilled worker visas and establishing a visa lottery, would not provide arriving Haitians any integration benefits to ensure their success in the United States. Other options, such as expanding the use of parole or establishing a humanitarian track in the refugee program, would grant new arrivals substantial benefits, but could spark contentious political debates and face budgetary challenges, particularly in a tight fiscal environment.

The same economic circumstances that make vulnerable Haitians a compelling group to admit to the United States also complicate their efforts to migrate. Even before the earthquake, many Haitians were on the edge of material survival—half the population was living on a dollar per day or less (at U.S. prices). Most Haitians who seek to visit or work temporarily in the United States must demonstrate they have the means to support themselves, and that they intend to return home. As a result, the United States is predominantly accessible to the Haitian elite who have resources

and family ties in America. Waiving fees and this visa eligibility criterion would enable those who truly need relief to come to the United States.

Implementing real policy change will require strong leadership within the executive branch, the U.S. Congress, or both. Given the current fiscal environment, the impending election cycle, and the traditionally partisan nature of immigration policy debates, successfully passing any legislation through the legislative branch would likely require a concerted strategy with multiple agencies behind the proposal.

Conclusion

The United States should consider the full range of policy options available to best reflect American generosity and compassion in the face of natural disasters. While migration is not a panacea for post-disaster assistance, it can be one of many powerful and cost-effective development tools. Small changes to existing migration policies could make U.S. dollars go even further and have a lasting impact on Haitians' lives and their country's economy.

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