

The logo for the New York City Bar Association, featuring the text "NEW YORK CITY BAR" in a serif font, centered between two horizontal blue bars.

NEW YORK
CITY BAR

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**Statement on Haiti and Haitian Migrants
by New York City Bar Association President Sheila S. Boston**

Our hearts are breaking in New York. We look south and bear witness to the despair and suffering of our Haitian neighbors, who have endured a history of intergenerational trauma and whose land and country are once again wracked by overlapping political and ecological turmoil. We look south to our own border, where thousands of Haitian persons, families and children migrating from Haiti to the United States despair of fair and just treatment by our government. We look south to our nation’s capital, where our leaders continue to offer us only words as they set policies that deny basic human dignity to those who need it the most. We are outraged that, in our names, Haitian migrants are herded into squalid detention camps, forcibly pursued by agents on horseback, and summarily deported to an already-devastated Haiti.

For years we watched with similar frustration, anger and incredulity as our government created policies and undertook actions that curtailed our immigration system and dehumanized the people at the border who came to us for help. The City Bar has always spoken out,¹ and, along with so many others, has urged that new and humane policies would chart a better course. But with Haitian migrants now at our border, we are failing once again. So today we say to our government what we have said before and what we have long known to be true.

¹ Letter to President Obama regarding denials of due process for immigrant mothers and children detained in New Mexico, New York City Bar Association, (August 20, 2014) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-to-president-obama-regarding-denials-of-due-process-for-immigrant-mothers-and-children-detained-in-new-mexico>; Statement regarding US policy on removal/deportation of immigrant women and children, New York City Bar Association, (January 29, 2016) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/statement-regarding-us-policy-on-removal-deportation-of-immigrant-women-and-children>; Letter to Homeland Security Secretary John Kelly Regarding Temporary Protected Status for Haitians Living in the United States, New York City Bar Association, (May 11, 2017) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/letter-to-homeland-security-secretary-john-kelly-regarding-temporary-protected-status-for-haitians-living-in-the-united-states>; Criminal Prosecution, Separation, and Detention of Families Seeking Asylum, New York City Bar Association, (July 06, 2018) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/criminal-prosecution-separation-and-detention-of-families-seeking-asylum>.

Consistent with international law, U.S. law expressly provides for the right to apply for asylum upon reaching U.S. soil and expressing a credible fear of persecution, irrespective of whether entry to the U.S. was “at a designated port of arrival.”² The Biden-Harris administration has denied this right to thousands of Haitian migrants who are not being permitted a hearing or even a chance to declare their reasons for coming to the U.S.³ Perhaps just as galling, the administration is deporting thousands of these migrants to Haiti a mere month after it extended Haiti’s Temporary Protected Status with a notice that thoroughly detailed the unstable, dangerous conditions in that country.⁴

A country’s sovereign right to regulate its borders must be exercised in compliance with treaty obligations and international standards on human rights.⁵ The world is watching us treat migrants with dehumanizing cruelty. How can we ask, in good conscience and with even a shred of credibility, other nations to honor their promises to be compassionate towards refugees from Afghanistan, from Myanmar, from Syria and South Sudan? Many will use the U.S. policy towards migrants as explicit reason to turn desperate people away at their own borders, and humanitarian crises the world over will multiply and grow.

Even if an obligation to help migrants were not enshrined in domestic and international law, we would still be failing to uphold basic values of dignity. Without regard to an analysis of these migrants’ eligibility for asylum, we believe that a nation has a moral obligation to offer safe treatment and due process to anyone who appeals to it for assistance and comes into its custody. Whatever legality has been contrived to legitimize our policy, we have seen fit to ignore this fundamental obligation. Perhaps some feel a sense of encroachment; perhaps it is too easy to overlook the humanity of dark-skinned people and to permit entrenched discrimination to endure; or perhaps we have willfully forgotten the hardship that our recent ancestors endured at borders here and throughout the world. Whatever the reason that motivates the government’s current policy at the southern border, that policy is unjust. It demands urgent attention and action.

I do take some hope from the reaction of Vice President Kamala Harris who said that “as a member of the western hemisphere we’ve got to support some very basic needs that the people of Haiti have.”⁶ This is a step, one step, in the right direction. It must be followed with action. The

² 8 USC § 1158(a)(1).

³ *Biden administration appeals judge’s order to stop expelling migrants under Trump-era pandemic policy*, CNBC, (September 17, 2021) <https://www.cnbc.com/2021/09/17/biden-administration-appeals-order-to-stop-expelling-migrants-under-trump-era-covid-policy.html>.

⁴ Designation of Haiti for Temporary Protected Status, Federal Register, (August, 3, 2021) <https://www.federalregister.gov/documents/2021/08/03/2021-16481/designation-of-haiti-for-temporary-protected-status>.

⁵ Criminal Prosecution, Separation, and Detention of Families Seeking Asylum, New York City Bar Association, (July 06, 2018) <https://www.nycbar.org/member-and-career-services/committees/reports-listing/reports/detail/criminal-prosecution-separation-and-detention-of-families-seeking-asylum>.

⁶ *Kamala Harris on expulsions at US border: ‘Human beings should never be treated that way’*, The Guardian, (September, 21, 2021) <https://www.theguardian.com/world/2021/sep/21/haitian-migrants-texas-del-rio-bridge-expelled-us-mexico>.

Biden-Harris administration must end its reliance on Title 42 as legal cover for its border policies, and it must end its practice of removing migrants without granting them the opportunity to assert a claim which may entitle them to remain.

The City Bar joins the call of so many others and urges our elected officials to center and uphold the values of dignity and justice in its treatment of Haitian migrants.

A handwritten signature in blue ink that reads "Sheila S. Boston". The signature is fluid and cursive, with the first name being the most prominent.

Sheila S. Boston
President, New York City Bar Association

About the Association

The mission of the New York City Bar Association, which was founded in 1870 and has 25,000 members, is to equip and mobilize a diverse legal profession to practice with excellence, promote reform of the law, and uphold the rule of law and access to justice in support of a fair society and the public interest in our community, our nation, and throughout the world. www.nycbar.org