LAETITIA LESIEURE[1]

Earthquake-induced internal displacement and cross-border migration on Hispaniola in 2013

Since and earthquake hit the country on January 12, 2010, two important hurricanes and a tropical storm have affected Haiti. All caused material damages as well as human casualties. All added to the harsh toll of displaced people – particularly the ones living in so-called "tent cities" in and around Port-au-Prince, the capital city of Haiti. The first floods occurred in the south of the country less than two months after the earthquake (Carroll, 2010). Hurricane Thomas hit later that year, on November 4 and 5, killing 21 people, destroying and damaging 6,340 houses, and affecting 6,610 families. Tropical storm Isaac hit on August 24 and 25 of 2012, killing 24 people, injuring 42, destroying or damaging 1,005 houses. It affected 8,189 families. Hurricane Sandy, just two months later, at the end of October 2012 killed 54 people, injured 21, destroyed 6,274 houses, and damaged another 21,427 houses. It affected 39,058 families and caused extensive damages to crops (OCHA, 2013). This type of natural disasters regularly affects Haiti, due to its vulnerable position on the hurricane belt. Four similar storms hit Haiti in 2008, for example, each causing substantial damage and casualties (See Gütermann and Schneider, 2011). Moreover, other environmental issues may aggravate the impact of such natural catastrophes. That is particularly the case of extensive deforestation and soil erosion (CIA, 2014). This timeline of events (OCHA, 2013) that followed the 2010 earthquake aggravated the living conditions of people who had already been displaced; it caused additional forced displacement, and had a great role in some people's decision to leave the area of Port-au-Prince or the country entirely. Some people who were considering leaving the area of Port-au-Prince may also have seen the cholera outbreak, an indirect consequence of the earthquake, as the last straw and a critical factor in their decision to leave. The first case of cholera was confirmed on October 19, 2010 (OCHA, 2013). After the earthquake, urban planning and reconstruction efforts have strived to take these environmental risks into account.

Post-earthquake displacement and migration flows have been and still are complex. This is due partly to the fact that the earthquake epicentre was so close to the densely-populated urban area of Port-au-Prince, and partly to the history of Haitian migration patterns. 2010 flows did not only go out of Port-au-Prince, and 2013 flows are not limited to internally-displaced people leaving camps. Rather, post-earthquake displacement and migration flows on the island of Hispaniola are an intricate mix of forced and voluntary movement, internally or cross-border, alone or

1. The author would like to thank Alicia Sangro and Bridget Wooding.

with relatives, returning or leaving, rural or urban. In many situations, it is also difficult to know when and where the flows will end. The movements that have attracted most attention in 2013 have been a mix of positively and negatively perceived flows. On the one hand, people voluntary leaving camps or voluntary returning to Haiti – whatever the final outcome – have generally received extensive and positive media coverage. On the other hand, forced evictions and repatriations have received extensive and negative media coverage, for obvious reasons.

In the fall of 2013, a Dominican Constitutional Court ruling made international headlines and brought the challenges faced by Haitian migrants back to the forefront. Ruling 168 regards irregular migrants and their descendants in the Dominican Republic in general, and deprives them of nationality rights. This caused international outcry, although this very principle had existed in Dominican legislation and practice for several years. It also served as a reminder of the differences between internally displaced people within Haiti, and forced Haitian migrants in the Dominican Republic due to the earthquake. Bridget Wooding uses the concept of "invisibility" to describe the situation of migrants in the Dominican Republic (Wooding, 2014). They may have left their country as a result of the earthquake, but they do not benefit from a specific legal or social status; and due to the known hostility of the Dominican media towards Haitian migrants in general, most voluntarily choose to blend in with the other migrants and keep a low profile. On the other hand, internally displaced people following the earthquake in Haiti are visible, if not as individuals, at least as a group, even though this public image tends to leave aside internally displaced people who do not live in camps or in the Port-au-Prince area. Also, they benefit from international legal protection as internally displaced people. This is what Wooding calls the legal "protection gap" that separates internally displaced people in Haiti and forced Haitian migrants in the Dominican Republic (Wooding, 2014).

This discrepancy is also to be found in the data available on the topic, particularly in the case of quantitative data. The International Organization for Migration (IOM) has collected and made available a great deal of both quantitative and qualitative data about internally-displaced people (IDP) sites in and around Port-au-Prince, gathered through the Displacement Tracking Matrix (DTM) project set up in mid-2010. Camps and the people living in them or leaving them are rather closely monitored. However, as soon as we leave this urban locus, when displaced people become dispersed, as well as willingly or unwillingly invisible, collecting data is much more difficult. This is particularly the case when they cross the border, often illegally, and blend in the anonymity of large groups of Haitian migrants in cities such as Santiago de los Caballeros or Santo Domingo. Some cross-border flows that can be monitored or for which data can be obtained regards deportations by the Dominican authorities or people participating in the IOM or other Non-Governmental Organizations' return programs.

1. INTERNAL DISPLACEMENTS IN 2013

1.1. Framework: international actors, NGOs and the Haitian State

The year 2013 has been marked by an increased involvement on the part of the Haitian government regarding the situation of internally displaced people. This represents a shift from the initial international response that received a lot of criticism partly because they did not include the government as much as they could have in the decision-making process as well as in the actual setting-up of solutions for displaced people. It is also a shift from the pre-earthquake situation in Haiti, marked by a lack of government accountability, weak institutions, and flawed or lacking public services. On the other hand, it should be acknowledged that it was difficult for the government to act and get involved right after the earthquake, as the disaster had destroyed many government buildings – including the Parliament and the presidential palace – as well

as schools and hospitals, and killed a quarter of all civil servants in Port-au-Prince (Sherwood, 2014). One of the major advances in the direction of increased government involvement has been the announcement, in October 2013, of a National Housing and Habitat Policy. The *Unité de Construction de Logements et de Bâtiments Publics* (UCLBP), created in 2011, is behind the project, in collaboration with international organizations and other State committees. The project looks at questions of funding, coordination of the different actors involved, and risk assessment, among other points. It aims at providing Haitian people with decent, affordable housing in urban settings (Joachim, 2013). This project goes to show the government's desire to extend its reach beyond Port-au-Prince on a national scale, and address the much criticized lack of urban planning, as urban population went from 40% of the total Haitian population in 2003 to 48% in 2013 (Joachim, 2013). The government's involvement in the issue of housing was also visible through the UCLBP participation in the World Urban Forum in Medellin, Colombia at the beginning of April 2014. Finally the government also took the initiative in other fields, such as a "Roadmap for earthquake risk reduction in Haiti" which includes awareness-raising among the population and professional training to prevent and respond to this type of disaster. The Haitian government also collaborated with the Dominican Republic on a "Green Border" project, through which 400 hectares of land have been reforested "in an effort to make the country more resilient to natural disasters" (UNDP, 2014). This shift is crucial in a context of decreasing international funding. Although it may seem reasonable that international funding should have diminished since 2011, what is more worrying is that the percentage of actual funding compared to required funding has also decreased. In 2010, 73.3% of the required funding was actually provided; this percentage fell to 56% in 2011, 46% in 2012, and 40% in 2013 (OCHA, 2013).

"Supporting Durable Solutions to Displacement" is an analysis of the work of international organizations, local NGOs, and the Haitian government. It compares their efforts to the Inter-Agency Standing Committee's (IASC) "Framework on durable solutions for internally displaced persons." Its authors draw a mixed balance of their successes and failures. One of the main challenges for any actor in Haiti is cooperation and coordination. Three reasons the authors give for this are the frequent rotation in staff, the lack of accountability mechanisms, and wariness between actors coming from different backgrounds and approaches, with varying skills, experience and capacity. More recently, international actors have strived to better include the Haitian government at a national level, as well as Haitian organizations and the internally displaced people themselves, for example in camp settings. They have set up discussion groups and have made an effort to better inform internally displaced people about their options.

These recent changes are limited, however. Bryant Harris for Al-Jazeera has said that "even though the United States offered USD3 billion in aid for Haiti after the earthquake, less than one percent of the USD1.3 billion in obligated USAID funds – money designated specifically for Haitian recovery efforts – has gone directly to local Haitian groups." According to Jake Johnson of the Centre for Economic and Policy Research (CEPR) "When so little of the funding reaches Haitians themselves, it takes them out of the decision-making process and ensures that aid programmes are not actually responsive to the needs of people on the ground." The lack of transparency and controversies about the use of international funding has been a source of disappointment (Harris, 2014). With that in mind, the US House of Representatives passed the "Assessing Progress in Haiti" Act on December 12, 2013. It has yet to be approved by Congress (Institute for Justice and Democracy in Haiti, 2013). Moreover, there is still progress to be made in terms of cooperation between international actors themselves. According to the authors of "Supporting Durable Solutions to Displacement," there is still a tension today between humanitarian and development actors, because of their different approaches to displacement and the needs of the country

following the earthquake. Development actors focus on reconstruction, more than on displacement itself. The authors argue that these approaches could actually be reconciled and would result in more efficient responses to the actual needs of the internally displaced. Another difficulty for the coordination of international actors has to do with a possible misunderstanding of the situation. While the situation in Haiti is complex, due to the fact that the actors have to deal with a "mega-disaster" in an urban location in a context of extreme levels of poverty, leaving the camps is not equivalent to the end of displacement. Moreover, displaced people face challenges that are specific to their situation and that are different from the challenges of other people who face poverty but have not been displaced, or who have returned to their home since 2010. Finally, these different types of organizations have different objectives that do not always match internally displaced people's view of their own needs. For instance, many people living in camps actually expressed the opinion that employment should be a priority, even higher up on the list than a solution to displacement. There is also a tension between those working on emergency response and the immediate needs of displaced people, and those working on long-term projects (Sherwood, 2014).

1.2. Internally displaced people in and around Port-au-Prince: the situation in 2013

January 2014 has been an opportunity for many to draw a balance four years after the earthquake. Journalists had mixed feelings about the slow decrease in the number of people living in internally displaced people sites in and around Port-au-Prince (Huffington Post, author unknown, 2014). Port-au-Prince and the surrounding communes have gone from as much as 1.5 million internally displaced persons (Sherwood, 2014) to 146,446 in December 2013, and from 1,555 internally displaced people sites at the highest to 271 sites in December 2013. This represents an 89% decrease in the number of internally displaced persons living in sites (CCCM, 2014). There is no consensus on these estimates. According to other sources, there were still between 170,000 and 200,000 internally displaced persons in January 2014 (Collectif haïtien pour le droit au logement, in RFI, 2014). Opinions on the progress of reconstruction are mixed too (Institute for Justice and Democracy in Haiti, 2013 / RFI). Some are pessimistic and criticize the lack of efficiency of the reconstruction process. However, Patricia Weiss Fagan in "Receiving Haitian migrants in the context of the 2010 earthquake," argues that "there is evidence that recovery is proceeding – at least insofar as the repair and replacement of damaged structures and roads." Moreover, it is difficult to assess this progress because of the pre-existing challenges in this field. For instance, according to the authors of "Supporting durable solutions..." Haiti lacked around 300,000 housing units before the earthquake. To that number has to be added around 105,000 houses destroyed and more than 188,000 houses severely damaged by the earthquake. They also note that the challenges of reconstruction were highly underestimated.

International organizations have focused most of their attention and funding on Port-au-Prince and on camps (Sherwood, 2014). The so-called "tent cities" are the first thing coming to mind when thinking about internal displacement following the earthquake. One the reason for this is that at the highest, almost half of the Port-au-Prince population lived in camps – most of them in the same neighbourhood or commune where they lived before the earthquake. However, it has had negative consequences on the Haitian countryside and on the people who initially decided to leave Port-au-Prince and move in with some extended family or host family outside of the Port-au-Prince area. The lack of resources in rural Haiti combined with the lack of attention on the part of international organizations meant that these areas were not able to cope with the arrival of the internally displaced, and could give them no employment opportunities or relief. Moreover, as the word spread quickly that all the help was to be found in Port-au-Prince, many decided to return to try and benefit

from it (Weiss, 2013). The issue then was that these "large numbers of residents who ... returned there" did so "not because the city was (or is) ready to receive them. Rather, it was because other options inside and outside of Haiti failed to resolve their plight," and this "added to the burdens of the aid givers" (Weiss, 2013, p.5).

Internally displaced people living in camps in Port-au-Prince have often not seen their living conditions improve in 2013. Journalists and human rights actors often emphasize the poor sanitary conditions in the camps. In the case of the 29 remaining camps in the administrative commune of Port-au-Prince in December 2013, the IOM, as part of the Displacement Tracking Matrix project, has noted that bathing is only present in 4 camps, water provision in 4, and waste management in 2 (CCCM, 2014). Security has also been a big topic for 2013, as displacement and the very fact of living in camps – lacking basics such as "proper lighting, or having to venture out alone to find clean water" (Chen, 2014) – has increased vulnerability. The authors of "Supporting durable solutions..." have mentioned that armed gangs have sometimes attacked camps or kidnapped administrators. Moreover, there have been many cases of rape and sexual violence in the camps. In November 2013, IOM announced that it had received USD 600,000 from the US State Department's Bureau for Population, Refugees and Migration "to provide immediate relief to victims of sexual and gender based violence" in camps. The IOM strategy includes urgent medical assistance, referrals, relocation support, awareness-raising, and working with local actors for prevention. Between January and November 2013, 325 such cases have been reported to the IOM Haiti Protection Unit (Sangro, 2013b). Part of this issue has to do with what has been called "survival sex" or "transactional sex," in cases when "women and teenage girls have no other options but to sell their bodies to make a little bit of money to provide for themselves and their families" (Legatis, 2012). KOFAVIV (Commission of Women Victims for Victims) is a local organization established in 2004 and working with rape survivors from camps (KOFAVIV).

There are two main ways of leaving a refugee camp in 2013: get a rental subsidy, and be evicted. The latter is an issue that has many worried. On 1,555 internally displaced people sites open in July of 2010, 178 have been closed since then due to forced evictions. Armed gangs or individuals claiming they own the land on which the camp has been set up carry out these evictions, sometimes with the help of the local police. The risk of eviction is higher in camps that have been set up spontaneously and/or on private land. IOM considers that on the 271 sites still open in February 2014, there are 102 camps, that is to say 38%, risking evictions. This represents 57,948 individuals that is 40% of all internally displaced people in the Port-au-Prince area. There are not many options available to internally displaced persons who have been evicted from the site where they used to live. Some move to another site, some try to get help from their community or relatives. To respond to that issue, IOM has targeted a few camps specifically through their return program, to help people leave before they are evicted. 41 camps are being specifically targeted for this program. The majority of the population of Port-au-Prince and its surrounding area were renters before the earthquake, and it was determined that more than 75% of the remaining internally displaced people in sites would be renters after leaving the camps. For that reason rental subsidy has become the second most used housing help after transit shelters. In 2013, 90.5% of families who have received some form of help to leave the camp they lived in have actually received rental subsidies (Sherwood, 2014). Several return programs exist, some completed with other forms of financial help such as microcredit to open a small business. Some have also been set up in coordination with development actors and their reconstruction efforts. Rental subsidies have been criticized, however, because many people could not afford their new housing once the subsidy – that generally lasts for a year – came to an end (Sherwood, 2014). Amnesty also noted that the USD500 per year that were given as part of the 16/6 government project were not sufficient to afford decent lodging for a whole family.

Moreover, the program does not include assistance to find said lodging. The 16/6 is an initiative launched in 2011, in collaboration with IOM, PNUD and the International Labour Organization, with the purpose of encouraging families to voluntarily leave camps. Six camps were targeted and the people were to find a place to rent in one of 16 neighbourhoods. Additional camps were targeted in the following years (Amnesty, author unknown, 2013). 2013 was an opportunity to draw a balance of such projects, and the outcome was often mixed, as the aid had run out by then and the solution proved unsustainable in the long run. Some also fear that a uniform subsidy does not take into account individual needs and vulnerability. The authors of "Supporting durable solutions…" argue that closing the camps should not be considered as a long-term objective or an accomplishment in and of itself.

1.3. Internally displaced persons agency in Haiti

An early criticism against the way most international organizations worked in Haiti regarded the lack of mechanisms to try and include internally displaced people themselves in the decision-making process and use their opinions for needs assessment. This has changed a little. In many cases, the establishment of a rental subsidy program also meant that the organization in charge took the responsibility of clearly informing and consulting with the targeted population of their options. The authors of "Supporting durable solutions…" mention that this was often done in person, which gave internally displaced people the opportunity to discuss or ask for clarifications. These existing processes have an important role during the transition, when people decide to leave the camp they live in voluntarily.

The majority of displaced people have looked for their own solutions to displacement. According to the Displacement Tracking Matrix data, 246,000 families have leaved the camps spontaneously since 2010. 795 camps have closed after their inhabitants have left by their own means. This often equates to relying on one's own economic resources, but also on kinship and social networks, as well as on one's community, for the people who remained in the same commune and/or neighbourhood after the displacement. The earthquake has sometimes been the source of a renewed sense of solidarity within displaced and non-displaced groups. Some communities have organized themselves after the earthquake and taken on a new and bigger role (Sherwood, 2014). The authors of "Supporting durable solutions…" mention, for instance, collective strategies for the guarantee of security: such as community patrols, interrogation of newly arrived people, denunciation of sexual violence, and creation of community ID cards. Communities have also helped internally displaced people financially to get back on their feet.

Solutions to displacement do not always involve return or further displacement. Recently, international workers and local NGOs have been more inclined to consider the possibility of camp regularization and integration. This refers to the transition of an IDP site from camp to regular neighbourhood, integrated in the host community, thanks to the government granting public land. This, however, is a whole process including assessing environmental risks of the location, deciding how to divide the land between the inhabitants, installing sanitary facilities and other basic services such as electricity and water. However, in a context where available urban land is more and more difficult to find, international organizations are increasingly open to this solution.

The main challenge for anyone trying to make sense of the situation of internally displaced people in Haiti in 2013 is to understand that closing the camps cannot be a long-term goal, and that further movements have to be monitored, as the situation outside camps brings new challenges. Moreover, coordination between international organizations, local NGOs, the government and the people themselves, is crucial to better assess the needs of the displaced and provide an optimal solution.

2. CROSS-BORDER MOVEMENTS IN 2013

2.1. Traditional migration patterns in Hispaniola

The lack of quantitative, if not qualitative data, on Haitian people who crossed the border following and as a result of the earthquake is due to two elements. On the one hand, there is no legal framework protecting forced displaced people outside of their country of origin due to environmental disasters. On the other, because of the tense relationship between Haiti and the Dominican Republic, particularly on the topic of migration, many of the people who left Haiti to cross the border have chosen to cross illegally and remain invisible. They would rather "be treated as any other migrant," despite the fact that the context of their departure has been very different (Wooding, 2014). This is also due to fears of expulsion, particularly for people who have crossed the border illegally. To better understand the position that these displaced people find themselves in, in 2013, it would be interesting to take a look at the traditional patterns of migration towards the Dominican Republic previous to the earthquake, as this history now frames the perception as well as the daily lives of the migrants.

The 1970s and 1980s have seen the development of an extensive literature on Haitian sugar-cane cutters in the Dominican Republic. This research, which continued into the 2000s, focused on the violations of the migrants' fundamental rights, mostly by sugar companies. It also denounced the social isolation as well as the discrimination that these communities suffered from, because they were poor and uneducated, and because of the colour of their skin. Migration was mainly seen as a result of the economic hardships that plagued Haiti, and many authors underlined the irony of the situation of these migrants who had left poverty only to find themselves in a similar economic situation again on the other side of the border (Ferguson, 2003). However, migration flows from Haiti have not always been caused by economic challenges. Haitians have also left their country for political reasons and as a result of political violence throughout the 20th century, as the government underwent a series of coups and dictatorships. The 1991 coup d'état, for instance, is often cited as having caused the forced migration of tens of thousands of Haitians across the border. This move may be temporary or not. According to Bridget Wooding, "beyond the labour migration which has been known for a century, the Dominican Republic serves as a temporary and informal refuge at times of political crisis or important natural disasters" (Wooding, 2011). This is crucial to understand the movements that followed the earthquake. However, the usual response of the Dominican government – as well as other receiving States – should also be taken into account: these forced migrants often remain unrecognized by the authorities, and expulsions have continued to take place regardless of the personal history of the migrants (Wooding, 2011).

There are no reliable census Figure ures on the number of Haitian migrants living in the Dominican Republic, as most Haitian migrants in the Dominican Republic are undocumented and cross the border *anbal fil* (literally "under the wire," that is illegally) (Wooding, 2013). According to the Dominican *Oficina Nacional de Estadísticas* (ONE), there were a little over 450,000 Haitians in the country in 2012, (Centro Bonó, author unknown, 2013) but other estimates have gone as high as 1.5 million (Ferguson, 2003). The Haitian community in the Dominican Republic is far from homogenous. It is a mix of involuntary and voluntary, long term and short term, documented and undocumented, rural and urban migrants and their descendants born in the Dominican Republic. They work in tourism, agriculture, construction, manufacturing, and domestic work. They are often perceived as poor, and it is true that a great part of Haitian intellectuals and elite have chosen to leave the island altogether (Ferguson, 2003). Some but not all of these migrants also maintain links with Haiti. These cross-border kinship and social networks have become all the more crucial after the earthquake. John Salt considers the border an economic rather than a legal obstacle, as many people – from smugglers to Dominican officials – have helped or closed their

eyes on Haitians crossing the border undocumented, reflecting the many vested economic interests in illegal Haitian migration. These economic interests in undocumented immigration have not stopped the Dominican authorities from organizing day-to-day individual and group expulsions as well as occasional mass expulsions. One such instance of large-scale forced expulsion took place under Balaguer in 1991. Behind this type of operation is often the perception that Haitians are a threat to Dominican culture and identity. An extreme example of that prejudice took place during the Trujillo era: in 1937, the Dominican authorities perpetrated a massacre on the Dominican side of the border, killing around 15,000 Haitians. These events are still present in the Dominican collective imaginary and are part of the history of Haitian presence in the Dominican Republic. This history has framed all cross-border movement to the Dominican Republic, including that of people displaced by the 2010 earthquake. According to the IOM, 200, 000 Haitian people have crossed the border following the earthquake. The Dominican government had a positive reaction to the immediate emergency and gravity of the situation, but this changed after a few months.

2.2. Haitian earthquake migrants in the Dominican Republic in 2013

In several papers, Bridget Wooding, director of the OBMICA think tank, has underlined her concern about the lack of protection for displaced people who cross the border as a result of a natural disaster in the context of the 2010 earthquake in Haiti. After the first flow of people seeking emergency health care crossed the border, benefiting from the Dominican "open borders" policy, cross-border movements went back to what they used to be: on the one hand, people relying on their kinship and social networks to cross and get back on their feet on the other side of the border, or relying on smugglers; on the other, expulsions organized by the Dominican authorities. Thus, these people, who faced specific challenges due to the earthquake, not only could not benefit from any international law or guidelines or framework to protect them, but became undistinguishable from "regular" migrants. They became the latest wave of migration in the history of Haitian migration to the Dominican Republic, with no special status. No national legislation was put in place in the Dominican Republic to create a protected status for this specific type of migrants, perhaps partly because they were so difficult to distinguish from other migrants. This was, to a certain extent, voluntary. Aware of the hostility that Haitians migrants can be met with in the Dominican Republic, many "prefer being treated as any other migrant" and keep a low profile (Wooding, 2014). They were also difficult to identify because they blended in among other migrant communities in urban settings, for example in Santiago de los Caballeros or Santo Domingo, the two biggest cities of the Dominican Republic, home to important Haitian communities.

It would be a mistake to think that the movement of people displaced because of the earthquake has come to a halt or has decreased in 2013. Expulsions and returns account for a very important part of the flows, but displaced people also move for other reasons, mainly in search of more economic opportunities. For that reason, they leave the countryside or the small towns along the Dominican side of the border that they had first settled in, and move Santo Domingo. Others have decided to leave the island entirely, often in hope of reaching Puerto Rico or, more recently, Brazil, where it is said that one can get a work visa for up to five years rather easily (Wooding 2014). Unfortunately, there is little to no data available on the status and situation of Haitians who are being forcibly deported back to Haiti. For that reason, it is particularly difficult to evaluate the possible number of earthquake migrants that have been affected. The phenomenon of expulsion existed before the earthquake and after an approximately six-month break directly following the earthquake, expulsions started again, possibly at an even higher rate than before January 2010. According to the Dominican *Dirección General de Migración* (DGM), which organizes and supervises

the deportations, 8,553 deportations took place in 2009, 3,005 in 2010, and 40,071 in 2011 (Centro Bonó, author unknown, 2013). The Dominican army has also declared it had deported 47,700 Haitians between August 2012 and September 2013. The Jesuit Refugee Service as well as the *Centro Bonó* have reported and denounced several collective deportations that took place in 2013. They have pointed to the fundamental rights abuses that occur during transport and in detention centres. In its *"Observatorio de Derechos Humanos"* publication concerning January to September 2013, the Centro Bonó asserted that the migratory status of the migrants was not taken into account during arbitrary round-ups by the DGM. This means that some people with valid documents and even people of Dominican nationality have sometimes been taken for deportation. This underlines the racist and discriminatory practice of the DGM and the army or police that cooperate with them. Often, the migrants are arrested while going to work and do not get the opportunity to take their belongings with them, to contact anybody to tell them of their whereabouts, or to ask for legal advice and defence. The necessity for due process and the respect of the migrants' fundamental rights during the process of deportation is inscribed in the Dominican constitution and migration law. Moreover, in October 2012, the Inter-American Court of Human Rights, in the case Nedege Dorzema et al. vs. the Dominican Republic declared the prohibition of collective expulsions and acknowledged the existence of a context of discrimination against Haitian people within the Dominican Republic. In March 2013, the United Nations Committee on the Elimination of Racial Discrimination expressed its concern about mass deportations and their racist motivation in the Dominican Republic (Centro Bonó, author unknown, 2013).

The irony here is that the DGM not only has a big role in deportations, but also works in coordination with the IOM in the context of their Assisted Voluntary Return and Reintegration (AVRR) program, funded by the US Department of State Bureau of Population, Refugees and Migration (PRM) (Sangro, 2013b). This program was launched in September 2010. With the support of several local NGOs, the IOM identifies and registers people who wish to enter the program in various locations of the Dominican Republic. They describe as follows the later stages of their work through the program:

"On the scheduled day for return, IOM ensures that the returnees are accompanied by Creole-speaking staff on every stage of the process, which includes escort and assistance in clearing customs and border controls, and transport to their final destination in Haiti.

IOM also issues beneficiary identification cards to be used in accessing reintegration services in Haiti; a stipend of USD 50 per beneficiary for initial costs; a stipend of USD 65 per child given to every mother to help with child maintenance; and hygiene items including soap and chlorine for prevention of cholera and other waterborne diseases.

Once back home, during the reintegration stage, returnees receive access to business training and capital of USD 200 per adult to start a micro-enterprise. (Sums vary according to the number of adults and/or children in each household.) They can also access an income generation scheme supported by IOM and operated by IOM counterparts. Follow-up is carried out by IOM partner NGOs and/or IOM staff.

On behalf of IOM, NGO partners also deliver education grants of up to USD 150 per school-age child, which is paid directly to schools" (Sangro, b2013).

The idea for this program predates the earthquake. However, it is only after the earthquake, when the international community turned its attention toward the island, that the program was given sufficient funding and was launched. At first, it was specifically aimed at Haitian people who had been displaced by the earthquake. After a few months, though, the IOM opened the program to other Haitian migrants wishing to return. The migrants have to show that they are in a vulnerable situation, and that they have relatives ready to welcome them back in Haiti, so as to avoid

fraud – mainly people who take the money and go to Haiti but then come back to the Dominican Republic. Migrants also receive a professional training in order to help them set up a small business in Haiti. A high percentage of people having benefitted from the program have said they were satisfied with the help they had received and their new situation (Sangro, 2014).

Women and children are two categories of Haitian displaced people and migrants that are considered as particularly at risk. Children and women more and more, receive international as well as national attention (Wooding, 2013). Some children became orphans with the earthquake. Bridget Wooding and Allison J. Petrozziello focused on the topic of women displaced by the earthquake in an article entitled "New Challenges for the Realisation of Migrants' Rights Following the Haiti 2010 Earthquake: Haitian Women on the Borderlands." The 2010 earthquake motivated some Haitian women to cross the border in hope of better employment and education opportunities, as well as improved quality of life. However, it also increased their vulnerability. Many of these women became heads of households following the earthquake, and as a result felt increasing pressure to provide and care for their family. On the other hand, the situation for Haitian migrants quickly worsened after the initial positive reaction on the part of the Dominican authorities. The cholera outbreak increased Dominicans' wariness of newly arrived Haitian migrants. Moreover, the hostility of the Dominican authorities and the rise in repatriation caused these women to choose to enter the country *anba fil*. That choice often implies an increased risk of trafficking, physical violence and/or humiliation, as the women and girls resort to *buscones* (informal scouts) and sometimes smugglers to help them cross. They also face military and police checkpoints on the other side of the border where they often have to bribe the agents to let them go. Their first destination is generally a Dominican town close to the border, where they become – forcibly or not – domestic workers, vendors or sex workers. This work is always informal and unregulated and may lead to abuses by employers. They often rely on social and kinship networks and stay in host or foster houses, with friends or extended family. These networks are crucial to ease the migration, and help provide information, financial aid, and housing. The Population Council's "Girls on the Move" also reminds us that many of the women and girls who have chosen or been constrained to cross the border following the earthquake had a history of migration within Haiti, particularly from rural to urban centres, and to the Dominican Republic before 2010: "Mobility was a way of life" for them. (Temin, 2013 p.38) The ultimate goal for most of these migrants, however, is often to reach Santo Domingo, where they believe they will have access to better opportunities. Children face similar challenges when crossing the border, and there have been several cases of children trafficking across the border in 2013. Between 2010 and 2013, IOM has helped more than 20 children return to Haiti. In May 2013, the Dominican authorities rescued a group of 54 children who had been victims of trafficking and were being forced to beg on the streets of Santo Domingo (Sangro, 2013a). IOM cooperates with several other agencies, including the Dominican CONANI (*Consejo Nacional para la Niñez y la Adolescencia*), to Figure ht trafficking.

The experiences of women and children crossing the border, whether it is forced or voluntary, is also a symptom of a very frequent phenomenon among displaced families: separation. Some parents cannot take care of their children anymore and send them to live on their own or with relatives. Some families decide to send the breadwinner somewhere he may have access to better economic opportunities and send money back home. This strategy is not new among Haitian migrants and should be taken into account when considering the displacement and migration flows.

2.3. The new visibility of Haitians in the Dominican Republic

In January 2010, just a few weeks after the earthquake, the new Dominican Constitution was formally adopted. In it, article 18 limits the right to Dominican

nationality. This had two consequences: it prevented any child of illegal immigrant born in the country after 2010 from being automatically granted Dominican nationality according to the principle of *jus soli*; it effectively stripped descendants of illegal immigrants born in the Dominican Republic between 1929 and 2010 from their Dominican nationality, according to the retroactive dimension of the article. This was not a novelty. It followed a 2004 migration law (285-04) that denied Dominican nationality to children born in the country of "non-resident" parents. People without proper documentation, that is to say hundreds of thousands of Haitian migrants in the Dominican Republic, were considered "non-resident." Also, since 2007, the *junta central electoral* has begun to apply the law retroactively and refused to issue or renew identity documents to people who could not prove the legal residency of their parents, even though they had been born in the Dominican Republic and some were in possession of their birth certificates. As people displaced by the earthquake do not benefit from a special status, it will affect them too – or at least those who plan to remain permanently in the Dominican Republic (OBMICA, author unknown, 2013). In September 2013, the Constitutional Court adopted the infamous sentence 168, according to which article 18 of the new Constitution was valid. This caused an international outcry among NGOs, the diaspora and foreign governments such as the United States (Wooding, 2014). The ruling attracted international attention on the situation of Haitian migrants in the Dominican Republic once more. Several actors – mainly the US and CARICOM – have since then put pressure on the Dominican government to set up the regularization and naturalization plan that they have announced. The government, however, has yet to present this regularization and naturalization project. It was announced for February 2014, but has been postponed to June 2014 (Wooding, 2014).

Finally, 2013 has also seen a rise in the visibility and numbers of civil society organizations claiming fundamental rights for migrants and their descendants. There have been several protests in the year 2013 against the ruling, inside the Dominican Republic and out. The younger generation seems to have mobilized, particularly descendants of Haitian migrants born in the Dominican Republic (Giaconda, 2014).

3. CONCLUSION

January 2014 marked the fourth anniversary of the earthquake in Haiti. As was the case each year since 2010, the month of January also prompted both the media, civil society and human rights actors to draw a balance of the situation of internally displaced people and migrants that have been forced to leave their home after the earthquake. This issue is still relevant in 2014. Last year has been marked by several events that have brought the situation of Haitian migrants to the front page once again. Sentence 168 should serve to remind the international community of the discrepancy between internally-displaced inside Haiti and the people who crossed the border as a result of the earthquake, and the legal "protection gap" that separates them. (Wooding, 2011). ♦

BIBLIOGRAPHY

- Author Unknown. 2013. 'Nulle Part Où Aller': Expulsions Forcées Dans les Camps pour Personnes Déplacées d'Haïti. London: Amnesty International. Found under:
- http://www.amnesty.org/fr/library/asset/AMR36/001/2013/fr/399c4069-61d1-4106-b3eb-1ac7aec3aca4/amr360012013fr.pdf
- Author Unknown. 2013. "Assessing Progress in Haiti Act Passes the House." Institute for Justice & Democracy in Haiti, http://www.ijdh.org/2013/12/topics/law-justice/assessing-progress-in-haiti-act-passes-the-house/#.U2ezuaUuOw0 (consulted on July 24, 2014)
- Author Unknown. 2013. "Haïti: l'Immense Gâchis de la Reconstruction." Radio France Internationale (RFI), http://www.rfi.fr/ameriques/20140112-haiti-reconstruction-seisme-secousse-gachis-economie pauvrete/ (consulted on July 24, 2014)
- Author Unknown. 2013. "Dominican Republic Forced Repatriation to Haiti." Jesuit Refugee Service, http://jrsusa.org/campaign_detail?PTN=PROMO-20100903091822&TN=PROJECT-20130517011112 (consulted on July 24, 2014)
- Author Unknown. 2013. *Qué Es El Centro de Detencion de Haina?* Santo Domingo: Observatorio de Derechos Humanos - Centro Bonó. http://bono.org.do/wp-content/uploads/2014/02/ODDHH-No-15-VERSION-FINAL-.pdf (consulted on July 24, 2014)
- Author Unknown. 2013. *Submission to the Committee on the Elimination of Discrimination against Women: Review of the Dominican Republic*. Observatorio Migrantes del Caribe (OBMICA) and Open Society Justice Initiative. http://www.obmica.org/images/Publicaciones/Informes/DR%20CEDAW%20submission%20OSJI%20OBMICA%20June%202013%20final.pdf (consulted on July 24, 2014)
- Author Unknown. 2014. "Quatre Ans Après le Tremblement de Terre, Haïti Panse Encore ses Blessures." In *Huffington Post – Québec*, http://quebec.huffingtonpost.ca/ 2014/01/12/tremblement-de-terre-haiti-quatrieme-anniversaire_n_4583435.html (consulted on July 24, 2014)
- Author Unknown. 2014. "Reconstruction's Housing Projects Still Plagued with Problems Four Years after the Earthquake." Center for Research on Globalization, http://www.globalresearch.ca/haiti-reconstructions-housing-projects-still-plagued-with-problems-four-years-after-the-earthquake/5364749 (consulted on July 24, 2014)
- Carroll, Rory. 2010. "Quake-Torn Haiti Hit by Floods." In *Guardian*,
- http://www.theguardian.com/world/2010/mar/01/quake-haiti-floods (consulted on July 24, 2014)
- Chen, Michelle. 2014. "Haiti's Women Need More Than a Trickle of Aid Money." In *Nation*,
- http://www.thenation.com/article/177867/haitis-women-need-more-trickle-aid-money# (consulted on July 24, 2014)
- Central Intelligence Agency [CIA]. 2014. "Haiti." The World Factbook,
- https://www.cia.gov/library/publications/the-world-factbook/geos/ha.html (consulted on July 24, 2014)
- CCCM. 2014. Displacement Tracking Matrix (DTM) v2.0. Reports (from January 2011 to December 2013), http://iomhaitidataportal.info/dtm/index2.aspx (consulted on July 24, 2014)
- Ferguson, James. 2003. *Migration in the Caribbean: Haiti, the Dominican Republic and Beyond*. London: Minority Rights Group International.
- http://www.oas.org/atip/regional%20reports/migrationinthecaribbean.pdf (consulted on July 24, 2014)
- Fumagalli, Maria Cristina. 2013. Hispaniola after the Earthquake: Confronting the Fault Lines. *Bulletin of Latin American Research* 32 (No.4): 391-393.
- Gioconda, Pamela. 2014. "Descendientes de Haitianos Afectados por Sentencia del TC Protestan Frente al Palacio Nacional." In *Listin Diario*. http://listindiario.com/la-republica/2014/4/8/317573/Descendientes-de-haitianos-afectados-por-sentencia-del-TC-protestan-frente (consulted on July 24, 2014)
- Gonsalves, Ralph. 2014. "Caricom Pide a Medina el Proyecto de Ley Prometido Sobre Hijos de Haitianos." In *Listin Diario*. http://www.listindiario.com/las-mundiales/2014/3/12/314050/Caricom-pide-a-Medina-el-proyecto-de-ley-prometido-sobre-hijos-de-haitianos (consulted on July 24, 2014)
- Gütermann, Nikola and Eve Schneider. 2011. The Earthquake in Haiti. *The State of Environmental Migration* 07/11: 39-48.
- Harris, Bryant. 2014. "Aid Funds Still Unaccounted for in Haiti." In *Al Jazeera*. http://www.aljazeera.com/indepth/features/2014/01/aid-funds-still-unaccounted-haiti-201411194795916 50.html (consulted on July 24, 2014)
- Institute for Justice and Democracy in Haiti, http://www.ijdh.org/ (consulted on July 24, 2014).
- Joachim, Dieudonné. 2013. "Une Politique Nationale Pour Dynamiser le Logement et l'Habitat." In *Nouvelliste*. Found under: http://www.lenouvelliste.com/lenouvelliste/article/122533
- Kristensen, Kare and Bridget Wooding. 2013. *Haiti/Dominican Republic: Upholding the rights of Immigrants and Their Descendants*. Oslo: NOREF Norwegian Peacebuilding Resource Center. http://www.peacebuilding.no/var/ezflow_site/storage/original/application/273b4770daf48a18c60d724a641f0470.pdf (consulted on July 24, 2014)
- Lall, Rashmee Roshan. 2014. "Plans for Reconstruction in Haiti are Succeeding." In *Guardian*. http://www.ijdh.org/2014/01/topics/housing/port-au-prince-collision-of-ideals-and-aid-have-yoked-progress/ (consulted on July 24, 2014)
- Lanzoni, Ilaria. 2013. "US Fund Aid to Victims of Sexual Violence in Haiti Camps." International Organization

for Migration. http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/us-funds-aid-to-victims-of-sexua.html (consulted on July 24, 2014)

- Leak, Andrew. 2013. A Vain Fascination: Writing from and About Haiti After the Earthquake. *Bulletin of Latin American Research* 32 (No. 4): 394-406.
- Legatis, Rousbeh. 2012. "Q&A: Group Founded by Rape Survivors Lifts Up Haitian Women." In InterPress Service. http://www.ipsnews.net/2012/03/qa-group-founded-by-rape-survivors-lifts-up-haitian-women/ (consulted on July 24, 2014)
- Office for the Coordination of Humanitarian Affairs (OCHA). 2013. "HAITI: Humanitarian Funding (as of 04 September 2013)." http://reliefweb.int/sites/reliefweb.int/files/resources/ Haiti%20humanitarian%20funding%20EN.pdf (consulted on July 24, 2014)
- Sangro, Alicia. 2013a. "Haitian Child Victims of Trafficking in Dominican Republic Receive Assistance." International Organization for Migration (IOM). http://www.iom.int/cms/en/sites/ iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/haitian-child-victims-of-traffic.html (consulted on July 24, 2014)
- Sangro, Alicia. 2013b. "Haitians in the Dominican Republic Helped to Return Home Voluntarily From Environmentally At Risk Areas." International Organization for Migration (IOM). http://www.iom.int/cms/en/sites/iom/home/news-and-views/press-briefing-notes/pbn-2013/pbn-listing/haitians-in-the-dominican-republ.html (consulted on July 24, 2014)
- Interview with Alicia Sangro, International Organization for Migration technical cooperation programme coordinator in Santo Domingo (Dominican Republic), conducted on 15 April 2014.
- Schüler, Stefanie. 2014. "Haïti, Quatre Après le Séisme." In Radio France Internationale (RFI). http://www.rfi.fr/ameriques/20140110-haiti-quatre-ans-apres-le-seisme-port-au-prince/ (consulted on July 24, 2014)
- Sherwood, Angela et al. 2014. "Supporting Durable Solutions to Urban, Post-Disaster Displacement: Challenges and Opportunities in Haiti." Brookings and IOM. http://www.brookings.edu/~/media/ Research/Files/Reports/2014/02/07%20haiti%20displacement/Supporting%20Durable%20Solutions%20to%20DisplacementHaiti%20French.pdf (consulted on July 24, 2014)
- Temin, Miriam et al. 2013. *Girls on the Move: Adolescent Girls & Migration in the Developing World*. New York: Population Council. http://www.popcouncil.org/uploads/pdfs/2013PGY_GirlsOnTheMove.pdf (consulted on July 24, 2014)
- UCLBP, E-Shelter and CCCM Cluster. Factsheets (from 2013 and 2014), http://www.eshelter-cccmhaiti.info/jl/index.php (consulted on July 24, 2014)
- United Nations Development Programme [UNDP]. 2014. "Rebuilding Haiti." http://www.undp.org/content/undp/en/home/ourwork/crisispreventionandrecovery/projects_initiatives/crisis_in_haiti/ (consulted on July 24, 2014)
- Weiss Fagen, Patricia. 2013. *Receiving Haitian Migrants in the Context of the 2010 Earthquake*. The Nansen Initiative. http://www.nanseninitiative.org/sites/default/files/Fagan%20Haiti%20Case%20Study%203%20December%202013.pdf (consulted on July 24, 2014)
- Wooding, Bridget and Allison J. Petrozziello. 2013. New Challenges for the Realisation of Migrants' Rights Following the Haiti 2010 Earthquake: Haitian Women on the Borderlands. *Bulletin of Latin American Research* 32 (No.4): 407-420.
- Wooding, Bridget. 2011. *Forced Displacement, Humanitarian Action and International Migration: Fresh Challenges Following the Haiti Earthquake*. (unpublished) United Nations Refugee Agency (UNHCR).
- Interview with Bridget Wooding, Director at Observatorio Migrantes del Caribe (OBMICA), conducted on 9 April 2014.