

Strengthening Migration Management and Protection of Unaccompanied Haitian Children

Unaccompanied Haitian children face extreme dangers as they flee a country beset by political instability, gang violence, and natural disasters. Forced into perilous migration routes— by sea, through the Darién Gap, and overland through Central America and Mexico—these children encounter exploitation, abuse, and life-threatening conditions. This policy brief presents key recommendations for regional and international action to safeguard vulnerable children and provide them with viable, lawful alternatives to dangerous migration routes.

Background

Haitian immigration to the United States and elsewhere in the Americas has a long history, dating back to the Haitian Revolution of 1791–1804. During the 1960s and 1970s, large numbers of Haitians emigrated to the United States to escape the oppressive dictatorships of François and Jean-Claude Duvalier.¹ In 1991, the country once again faced turmoil following a military coup which ousted the government of Jean-Bertrand Aristide, the first popularly elected president in Haitian history.² Within six months of the coup, the number of Haitians fleeing by boat increased dramatically—with more than 38,000 Haitian refugees intercepted at sea by the U.S. Coast Guard and transported to Guantanamo Bay, which served as a refugee camp.³ In more recent decades, Haitian immigration has continued in response to persistent political instability, economic crises, and multiple natural disasters, including the 2010 earthquake, which killed an estimated 220,000 people.

The assassination of President Jovenel Moïse in 2021 once again left the country in a state of political turmoil, which has been further exacerbated by gang violence and insecurity. Prior to the assassination, Haiti was already in a dire economic situation, with widespread poverty, high unemployment, and limited access to essential services such as health care and education. On the heels of the assassination, on August 14, 2021, Haiti was hit by a 7.2 magnitude earthquake followed by Tropical Storm Grace only two days later.⁴ The impacts of these back-to-back disasters devastated the country causing massive internal displacement, destroying homes and infrastructure, and leaving many families without basic necessities.⁵

Since early 2024, the humanitarian crisis in Haiti has reached unprecedented levels with a surge in gang violence, critical food insecurity, and deepening poverty. The United Nations warns that some government institutions are on the verge of collapse.⁶ These compounding factors of insecurity have displaced hundreds of thousands of Haitians, including unaccompanied children, compelling many to embark on precarious cross-border journeys—whether by land, sea, or air—in search of safety and protection.

Maritime Interdictions

Since the summer of 2021, the U.S. Coast Guard has interdicted⁷ more than 27,000 people attempting to migrate by sea, the most of any similar period in nearly three decades.⁸ This includes women, men, and children mostly from Cuba and Haiti. The number of unaccompanied children travelling by sea is also on the rise.⁹

Numbers of unaccompanied children encountered by the U.S. Coast Guard have increased approximately tenfold over the past two years, yet between July 2021 and early September 2023, **of the nearly 500 unaccompanied children interdicted by the U.S. Coast Guard, only five were allowed to enter the United States to seek care and protection.** Last year, the U.S. government enacted rules disqualifying Haitians and Cubans interdicted at sea—including unaccompanied children—from accessing the dedicated Parole Process for Cubans, Haitians, Nicaraguans, and Venezuelans (CHVN Parole).¹⁰

As Haitian children continue to flee the country by sea, concerted efforts must be made to address their unique vulnerabilities and provide them with necessary care, support, and protection.

Crossing the Darién Gap

Historically, Haitian migration included routes to South American countries such as Brazil and Chile. Many Haitians initially moved to these countries for economic opportunities but faced increasing xenophobia and economic instability, prompting them to look for alternative migration options.¹¹ Notably, starting in 2021, countries in South America that had previously been a destination for Haitians began limiting visas and restricting asylum.¹² Due to the lack of safe and lawful pathways in the region, many Haitians resorted to crossing the Darién Gap, a dense jungle at the Colombia-Panama border, as they continued to move northwards in search of safety.

That year, Haitians made up 61 percent of those crossing through this route.¹³ The rapid increase of Haitians traversing the Darién Gap led to a bottleneck of roughly 20,000 Haitians at the start of the route in Necocli, Colombia, where they remained stranded in the small border town without shelter as they awaited an opportunity to cross.¹⁴

The Darién Gap crossing is extremely perilous, involving treacherous terrain, wildlife threats, and encounters with criminal elements. Children are particularly vulnerable to physical harm, extreme environmental conditions, and exploitation, including human trafficking, during the journey.¹⁵ In 2023, more than 520,000 people crossed the Darién Gap—over double the amount reported the year before.¹⁶ According to recent UNICEF reporting, **in the first four months of 2024 more than 30,000 children passed through—of which 2,000 were unaccompanied.**¹⁷

Despite the dangers posed by this route, families and children are likely to continue migrating through the Darién Gap unless they are provided with viable lawful alternatives to protection and safety in the region.

Movement Through Central America and Mexico

Many Haitian children and their families travel overland through Central America and Mexico, aiming to reach the U.S. southern border. As a means of bypassing the Darién Gap, as many as 30,000 Haitians arrived in Nicaragua on charter flights prior to the flights being halted in 2023.¹⁸

While Haitian migrants often intend to reach the United States, many remain in Mexico either waiting to present at the U.S.-Mexico border with CBP One appointments¹⁹ or settling into communities permanently, particularly in Tijuana.²⁰ Mexico's (salvoconductos) in 2019, have forced many Haitian migrants to remain in southern Mexico, without the ability to transit the country, effectively trapped with limited access to legal or social support.²¹ Immigration policies in Mexico have often left Haitians with three options: 1) apply for asylum in Mexico, where success rates are limited; 2) wait indefinitely in southern Mexico; or 3) follow what are often unsafe routes to the United States in pursuit of safety.²²

Haitian asylum seekers in Mexico lack adequate shelter, food, and access to health care.²³ In addition to a lack of basic needs, many Haitians waiting in Mexico are targeted with physical violence, kidnapping, and extortion, as well as abuse from Mexican law enforcement officials.²⁴ Language barriers pose significant issues for Haitian children in the custody of the Mexican child protection agency (DIF). As a result, these children often do not receive information about their rights or protection options in Mexico and may be returned to their countries of origin without an individualized and comprehensive evaluation and determination of their best interests, as required by Mexican law.

The precarious situation faced by Haitian migrants in Mexico underscores the urgent need for more effective and humane immigration policies that address their basic needs, protect their rights, and provide viable pathways to safety and stability that promote orderly migration.

U.S.-Mexico Border

By and large, Haitians who have sought protection at the U.S.-Mexico border in recent months have done so through lawful pathways, in particular through obtaining CBP One appointments to present at U.S. Ports of Entry (POEs). In the first six months of 2024, more than 126,000 Haitians entered the United States through the southwestern border; fewer than 800 did so between Ports of Entry.²⁵ These trends hold true for Haitian unaccompanied children: in each month from January 2024 through May 2024, fewer than 10 Haitian unaccompanied children were encountered by CBP.

Certain Haitian nationals are also eligible for consideration to travel to the United States with parole status through the Cuban, Haitian, Nicaraguan, Venezuelan parole processes (CHNV) announced in January 2023. Through CHNV processes, more than 205,000 Haitians outside the United States have been vetted and granted parole, allowing them to book travel and enter the United States.²⁶ **Unaccompanied children are not eligible for consideration under the CHNV parole process.** However, if their parent or legal guardian is in the United States and has lawful status, including as a parolee through the CHNV process, that parent may be eligible to travel outside the country to accompany their child to the United States if the child is otherwise eligible for parole consideration under CHNV.²⁷

Haitian nationals have demonstrated a strong uptake of lawful pathways and processes, when available. Their robust use of these methods underscores the critical importance of creating such pathways as an avenue to reduce dangerous, irregular border crossings, including at the U.S.-Mexico border.

Returns to Haiti

Given the dire situation in Haiti, safe returns are not currently possible. Despite this, countries within the region have continued to return Haitians, including unaccompanied children, to Haiti where the circumstances that caused them to flee remain unchanged or have worsened. Since 2021, **more than 300,000 people have been returned to Haiti—of which 35,000 were children.**²⁸ Children returned to Haiti are received by the local child protection agency, Institute of Social Welfare and Research (IBESR), which is tasked with reunifying them with family in country.²⁹ However, reports indicate that IBESR has allowed some children to be released to adults who have not been verified and limited resources and capacity has not allowed IBESR to follow up with children.³⁰

Further complicating returns is the growing number of mixed-nationality families. Children born to Haitian migrants in Brazil, Chile, or elsewhere along their journeys often do not hold Haitian nationality which has increasingly caused challenges for children of Haitian descent when applying for immigration documents, for determinations of where to return the child, and even when proving familial relationships for reunifications.³¹ The Migration Policy Institute reported that the United States returned at least 41 children without Haitian citizenship to Haiti—resulting in the Haitian government eventually returning the children and their families to the country where the child was born.³²

The protection of Haitian children should be a top priority for countries in the region, which should ensure that no child be returned to Haiti until their rights and well-being can be guaranteed.

Recommendations for Improving Protections for Haitian Children

The situation of Haitian child migrants is dire and requires immediate and comprehensive action to protect their rights and well-being. By implementing protective measures, enhancing regional cooperation, and addressing the root causes of migration, the international community can help mitigate the crisis and provide Haitian children with the opportunities they deserve for a safer and more secure future. Given the severe risks faced by Haitian child migrants, regional governments and the international community must take action to:

- **Halt returns to Haiti.** Echoing the calls of the UN Human Rights Office,³³ the UN Refugee Agency,³⁴ and other international experts,³⁵ countries should suspend all returns of unaccompanied children and other individuals to Haiti until the security, rule of law, and human rights situation is significantly improved to allow for safe returns. Returns of children should not occur unless systems are in place to receive children with holistic support services to ensure they can reintegrate successfully in a safe and secure environment. If conditions in Haiti improve such that returns can happen in a safe and dignified manner, the U.S. government must ensure that children's full due process rights are honored prior to repatriation. Any repatriation of a child should be led by those in the Department of Homeland Security (DHS) with expertise in child protection, handed off to a functioning child welfare system in Haiti, and not occur until a child's safety can be guaranteed.
- **Governments in the region should adopt a fundamentally rights-based approach that recognizes children's need for protection and ensures appropriate screening and care while in federal custody.** All children encountered at sea by the U.S. Coast Guard should be entitled to both procedural and substantive legal protections wherever the government exercises jurisdiction or effective control of a child. In line with the Trafficking Victims Protection Reauthorization Act of 2008 (TVPRA),³⁶ which requires DHS to conduct screenings of certain unaccompanied children for human trafficking and other protection concerns, the protection needs of the child should be assessed by a child welfare professional trained in child-sensitive interviewing techniques with special attention paid to the child's psychological, physical, and emotional needs. Access to legal counsel should be available when necessary.
- **Promote regional and cross-border cooperation on child protection.** Enhanced regional cooperation is necessary to establish safe and regular pathways for Haitian children. This includes creating humanitarian corridors and strengthening child protection systems in transit countries where children on the move may spend extended time waiting. Cross-border collaboration on migration management must prioritize and promote family unity and stability of families. By working together, countries can ensure that children migrating alone receive the protection and support they need throughout their journey.
- **Expand safe and regular pathways for Haitian children in the region.** Creating and expanding programs such as the Central American Minors (CAM) program to include Haitian children can provide them with a safe, lawful alternative to a dangerous journey while promoting secure, orderly migration management.
- **Increase humanitarian aid to support child protection systems in Haiti.** Dedicated U.S. assistance is crucial to building the capacity of local systems and institutions in Haiti to protect vulnerable children and address the root causes of migration. This aid should enhance child welfare services, improve political stability, economic conditions, and disaster resilience, and provide essential support such as shelter, food, health care, and psychosocial services to children and families. Child welfare and child protection agencies should provide essential services to vulnerable children and their families so children in danger will not be forced to migrate to secure protection. By creating a more stable and secure environment, we can offer children meaningful alternatives to migration and ensure their protection both at home and upon return.

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