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Op-Ed - Eskinder Negash: It is Not Safe to Land a Plane in Haiti, and It is Not Safe to Deport Haitians.

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By Eskinder Negash

Three U.S. planes landing in Port-au-Prince came under gunfire by local gangs last month. In response to the incidents, the Federal Aviation Administration (FAA) prohibited U.S. airlines from landing in Haiti. Flights are now able to land in the north of Haiti, while ban remains in effect for the main airport in the capital.

Yet deportation flights have continued, the [most recent landing on December 3rd in Cap-Haïtien](#). Deplaned, its passengers now face deep insecurity in Haiti, a country that the United States has ordered its own citizens to leave. Over the course of the past several weeks, even humanitarian aid workers have been rapidly evacuated, [including](#) the famously intrepid staff at Médecins Sans Frontières.

In Haiti, the gang violence that attacked American planes is not uncommon: armed groups control most of the capital. About [5.5 million people](#) need humanitarian assistance. An [astounding](#) 3 million of them are children. Previously strained medical and economic systems are now on the brink of collapse. Alarming numbers of people are kidnapped. There is no effective rule of law and no legitimate state protection.

These are not the conditions of a nation where it is safe for people to return. But U.S. asylum and refugee policy has remained steadfast in its history of repeatedly sent fleeing Haitians back into danger.

In the late 1970s, increasing numbers of Haitians were forced to take to the seas to flee the authoritarian Duvalier regime. The United States intercepted these Haitian asylum seekers at sea under the Haitian Migrant Interdiction Operations program. Between the start of the program [in 1981 and 1991](#), approximately 24,600 Haitians were interdicted at sea by the U.S. Coast Guard. Only 28 had their asylum claims adjudicated.

The issuance of the Kennebunkport Order in 1992 ended even the mirage of processing asylum claims—interdicted Haitians were automatically repatriated with no ability to plea for asylum. Returned to Haiti, soldiers often greeted them at the docks. Some were shot in public; others were tortured and died in prison. In justifying this policy, the United States [claimed](#) that its non-refoulement obligations did not apply outside its territorial borders.

Non-refoulement is the right not to be returned to a country where one has a well-founded fear of persecution. As a cardinal principle of human rights, some say nonrefoulement is binding above the law; even states that have not signed relevant treaties like the 1951 Refugee Convention and the 1967 Protocol should abide by it as a moral principle. Contrary to the U.S.' stance, the Inter-American Commission of Human Rights [held](#) that the interdiction of Haitian asylum seekers without due process is a violation of non-refoulement.

The situation of Haitian asylum seekers is emblematic of the slow corrosion of non-refoulement, which harms all populations seeking refuge. But it is hard to ignore that Haitians have been subject to particularly flagrant treatment.

The [U.S. Committee for Refugees and Immigrants](#) (USCRI) has been advocating against the interdiction of Haitians since the policy's inception. In the 1987 issue of the World Refugees Survey, USCRI's then-director Roger Winter remarked on the disjuncture between the United States' favorable treatment of Soviet émigrés and its condemnation of Haitians, writing that:

"But how does our government make the moral leap from promoting refugee emigration from the Soviet Union to the United States to enforcing a prohibition on such emigration from Haiti? ... fundamental American fairness has been violently breached in the case of Haitian asylum seekers."

In the decades since, little has improved in the United States' treatment of Haitian asylum seekers. The U.S. Coast Guard continues to interdict and repatriate Haitians. Others are held in custody at Guantánamo. In 2022, only 24% of asylum claims [filed](#) by Haitians were granted, compared to 46% overall.

Halting deportations, maintaining [Temporary Protective Status](#), and ensuring the right to seek asylum are imperative first steps to upholding the rights of displaced Haitians. I would also urge the Administration to reconsider its decision not to allow Haitians on humanitarian parole to renew their status.

For decades, our country has refused to save Haitian lives, refused to acknowledge their humanity. It is not safe to land a plane in Haiti, and it is not safe to deport a person there.

***Eskinder Negash** is president and CEO of the U.S. Committee for Refugees and Immigrants, a nongovernmental international organization. He is the former director of the Office of [Refugee Resettlement](#).*

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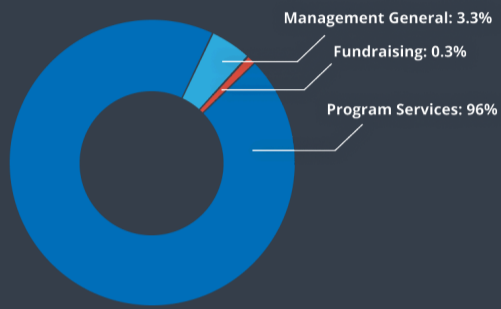
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