



MONIQUE AND ROLAND WEYL  
**PEOPLE'S ACADEMY<sup>OF</sup>**  
**INTERNATIONAL LAW**

Seminar: Rights of Refugees, Asylum Seekers and Other Migrants

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*Decolonization Instead of Deportation: Discriminatory Immigration  
Policies against Haitian Refugees in the Americas and the Root Causes of  
Haitian Migration*

# HAITIAN MIGRANT JOURNEY



Decolonization Instead of Deportation





Decolonization Instead of Deportation

## Conditions throughout the Americas

- Anti-Black discrimination
- Violence and exploitation from cartels
- Lack of housing
- Lack of medical care
- Lack of legal status
- Extension of US Haitian deterrence

### A Journey of Hope: Haitian Women's Migration to Tapachula, Mexico



# International Human Rights of Migrants

- 1951 Refugee Convention recognizes a fundamental canon of *pro persona* and principle of human dignity, which includes the right to health, food and nutritional security, drinking water, housing, environmental sanitation, education, work, clothing, and other necessary social services.
- States are prohibited from refusing to provide these resources to refugees at the border and indirectly returning any person seeking asylum.
- Access to judicial remedies for victims of crime.
- Non-discrimination of protection for migrants.

# What happens to those who attempt to enter the US by land?

## **Previous policies to block asylum seekers**

- Metering (“queue management”)
- Remain in Mexico (Migrant Protection Protocols/MPP)
- Title 42 (COVID expulsion policy)
- Haiti Deterrence Policy: Del Rio
- “Asylum ban”: reliance on CBP One and use of expedited removal
- Deterrence based cruelty: e.g. open-air detention sites and summary processing

## **Current policies**

- Trump Executive Orders

# Impact of U.S. Border Policy on Migrants in Mexico

- Compromises/takes away people right to asylum
  - Non-refoulement: Refugee Convention, jus cogens, ACHR, Convention Against Torture (prohibits the government from returning a noncitizen to a country where she is likely to face torture), U.S. Refugee Act, “any alien who is physically present in the United States or who arrives in the United States (whether or not it is at a port of arrival), irrespective of the alien’s status may apply for asylum.”
- Border restrictions have disparate impact on vulnerable populations women, children, and other vulnerable groups such as Black, Indigenous, LGBTQ+, and elderly migrants, and people with disabilities as they wait to seek asylum at the border.
  - 1951 Refugee Convention recognizes a fundamental canon of *pro persona* and principle of human dignity, which includes the right to health, food and nutritional security, drinking water, housing, environmental sanitation, education, work, clothing, and other necessary social services.
  - States are prohibited from refusing to provide these resources to refugees at the border and indirectly returning any person seeking asylum.



A photograph of a mangrove forest. The foreground is filled with a dense, intricate network of light-colored, exposed mangrove roots (likely Rhizophora species) that branch out from the water. In the background, a dense forest of tall, slender trees with green foliage is visible. The water is calm, reflecting the roots and the sky. The overall scene is a natural, undisturbed mangrove environment.

# **Root Causes of Haitian Migration**



# Haitian History

- 1804 Independence from slave revolt
- 1829 Independence debt from France
- Sequence of dictators with 32 *coup d'états*
- 1915 – 1929 U.S. Occupation
- 1957-1971 Francois “Papa Doc” Duvalier
- 1971 – 1986 Jean-Claude “Baby Doc” Duvalier
- 1991 (7 mos) 1st democratic president Jean-Bertrand Aristide
- 1991 – 1994 Coup d'état government
- 1995 – 2004 Democracy
- 2004 – 2006 Coup d'état government
- 2006 – “Democracy”

When Haiti became independent in 1804, no other government recognized it.

France threatened to re-conquer Haiti and re-establish slavery unless Haiti agreed to pay France **150 Million francs** for the loss of "property", including **slaves**.

Haiti could only pay the debt by borrowing from French banks at unconscionable interest rates.

The repayments were equivalent to **10 times the annual revenue** of the Haitian government at the time.

The amount Haiti paid, with interest, is equivalent to **\$21 billion** today.





Decolonization Instead of Deportation

A senator from Missouri argued that welcoming a Haitian diplomat would be seen as “a reward for the murder of masters and mistresses by black slaves.” A colleague from South Carolina agreed that “We never can acknowledge [Haitian] independence . . . the peace and safety of a large portion of our Union forbids us to even discuss it.”

“Haiti is black, and we have Not Yet Forgiven Haiti For Being Black”

– Frederick Douglass

# Francois Duvalier and NY Mayor Nelson Rockefeller in 1969



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# **Haiti's poverty is linked to policies of U.S. and International Financial Institutions.**

Four main links:

1. Debt
2. Trade policies
3. "Aid"
4. Government destabilization



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# Decolonialization Instead of Deportation

“But I'm interested in thinking about race as a border and tying it back again to the way we think about territorial and political borders. ***So, what is a national border? What is a territorial border?***”

We can think of borders as sites among whose purpose is to enforce an exclusion, right. And we can think of race as doing similar work. It either enforces exclusion or inclusion, and that inclusion can be on an equal basis or on a subordinate basis. And I see Blackness in particular functioning as a site of exclusion, right, for Black migrants.”

-Tendayi Achiume



# Use a Human Rights-Based Approach to Development

- **Participation** – everyone is entitled to active participation in decision-making processes which affect the enjoyment of their rights.
- **Accountability** – duty-bearers are held accountable for failing to fulfil their obligations towards rights-holders. There should be effective remedies in place when human rights breaches occur.
- **Non-discrimination and equality** – all individuals are entitled to their rights without discrimination of any kind. All types of discrimination should be prohibited, prevented and eliminated.
- **Empowerment** – everyone is entitled to claim and exercise their rights. Individuals and communities need to understand their rights and participate in the development of policies which affect their lives.
- **Legality** – approaches should be in line with the legal rights set out in domestic and international laws.

# Treat Haitian Migrants Legally and with Respect

- Countries in the Americas must come together to welcome Haitians and protect them from crime, rather than criminalizing them and leaving them vulnerable to violence.
- Halt all deportations to Haiti where individuals are not being screened for their fears of return to the country.
- Coordinate with humanitarian and legal groups on the border to establish a fair and humane system for receiving asylum seekers.
- Address the root causes of migration, implement foreign and economic policies that promote autonomy and stability so that migrants do not have to flee.