

Congress of the United States

Washington, DC 20515

March 26, 2024

The Honorable Antony Blinken
Secretary
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

The Honorable Rena Bitter
Assistant Secretary
Bureau of Consular Affairs
U.S. Department of State
2201 C Street, NW
Washington, DC 20520

Dear Secretary Blinken and Assistant Secretary Bitter:

We write to express our increasing concern regarding consular operations at the U.S. Embassy in Port-au-Prince, Haiti. We urge the State Department (State) to expedite the processing of immigrant visas for Haitians, particularly for relatives of U.S. citizens and lawful permanent residents (LPRs).

In recent years, Haiti's security has rapidly deteriorated, leaving it in one of the most precarious situations of any country worldwide. Already, Haiti faced long-standing challenges, including difficulty recovering from one of the deadliest earthquakes in modern history, severe corruption, massive protests, and crippling debt that funneled resources out of Haiti to France for over a century in exchange for the former French colony's freedom.¹ Then in 2021, two massive natural disasters and the assassination of President Jovenel Moïse plunged the country into a state of unrest. As of 2023, the country has had no democratically elected government, and gangs now control an estimated 80 percent of the capital city.² The local population faces skyrocketing rates of homicides, kidnappings, internal displacement, cholera, and starvation, with at least 44% of the country experiencing food insecurity.³ This month, Haiti's crisis has reached new heights,

¹ The New York Times, "The Root of Haiti's Misery: Reparations to Enslavers," Catherine Porter, Constant Méheut, Matt Apuzzo and Selam Gebrekidan, May 20, 2022, <https://www.nytimes.com/2022/05/20/world/americas/haiti-history-colonized-france.html>; Transparency International, "Haiti Country Data," <https://www.transparency.org/en/countries/haiti>; The New York Times, "Haiti's Lost Billions," Lazaro Gamio, Constant Méheut, Catherine Porter, Selam Gebrekidan, Allison McCann and Matt Apuzzo, May 20, 2022, <https://www.nytimes.com/interactive/2022/05/20/world/americas/enslaved-haiti-debt-timeline.html>; Encyclopedia Britannica, "The 6 Deadliest Earthquakes Since 1950," John P. Rafferty, <https://www.britannica.com/list/6-deadliest-earthquakes>; Human Rights Watch, "Haiti: Events of 2021," <https://www.hrw.org/world-report/2022/country-chapters/haiti>; Congressional Research Service, "Haiti: Recent Developments and U.S. Policy," Karla I. Rios and Clare Ribando Seelke, February 1, 2024, p. 8, <https://crs.gov/Reports/R47394>.

² Carnegie Endowment for International Peace, "Haiti Only Has One Feasible Way Forward," Christopher Shell, October 5, 2023, <https://carnegieendowment.org/2023/10/05/haiti-only-has-one-feasible-way-forward-pub-90727>.

³ United Nations World Food Programme, "Severe hunger persists in Haiti as violence intensifies in the capital," Claire Pressoir and Tanya Birkbeck, September 19, 2023, <https://www.wfp.org/news/severe-hunger-persists-haiti-violence-intensifies-capital>; United Nations World Food Programme, "WFP calls for humanitarian access as violence and unrest wreak havoc in Haiti," Tanya Birkbeck, Maria Gallar, and James Belgrave, February 15, 2024, <https://www.wfp.org/news/wfp-calls-humanitarian-access-violence-and-unrest-wreak-havoc-haiti>; United Nations Security Council, "United Nations Integrated Office in Haiti Report of the Secretary-General," July 3, 2023, p. 3,

with gangs reportedly uniting, ousting the country's prime minister, and coordinating attacks that some warn could spark a civil war.⁴

These circumstances have led many Haitian-American citizens and LPRs to petition for their family members in Haiti to reunify with them in the United States. Many of those families are in our state; Massachusetts has the third largest Haitian diaspora in the United States,⁵ and “[o]ne would be hard pressed to find a person of Haitian descent in the Boston area who does not have family on the island.”⁶ Thousands of Haitian relatives of U.S. citizens and LPRs are in the processing queue for family-based immigrant visas.⁷ Several thousand have already submitted applications, paid the application fees, and completed all required documentation. They now await in-person interviews and biometric processing at the U.S. Embassy in Port-au-Prince.

However, since July 2023, the U.S. Embassy in Haiti has been operating on an emergency-only basis due to the security crisis. Last July, the State Department issued a departure order of non-emergency embassy personnel and elevated Haiti to the highest-level travel advisory reserved for the most dangerous countries.⁸ The embassy scaled down its staffing to a minimum and suspended all non-emergency immigrant visa services.⁹ Lately, the area surrounding the U.S.

<https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S-2023-492.pdf>; The Hill, “US Embassy in Haiti closes amid ‘rapid gunfire,’” Nick Robertson, August 8, 2023, <https://thehill.com/policy/international/4143640-us-embassy-in-haiti-closes-amid-rapid-gunfire/>; Centers for Disease Control and Prevention, “Cholera Outbreak — Haiti, September 2022–January 2023,” January 13, 2023, <https://www.cdc.gov/mmwr/volumes/72/wr/mm7202a1.htm>.

⁴ The New York Times, “Why Everything Changed in Haiti; The Gangs United,” Maria Abi-Habib, Natalie Kitroeff and Frances Robles, March 14, 2024, <https://www.nytimes.com/2024/03/14/world/americas/haiti-gangs-ariel-henry.html>; The Washington Post, Opinion, “In Haiti, the toxic effects of apathy and naiveté,” Lee Hockstader, March 13, 2024, <https://www.washingtonpost.com/opinions/2024/03/13/haiti-anarchy-international-intervention-ariel-henry/>.

⁵ CBS News, “What's behind the migrant surge in Massachusetts? Here's one family's terrifying journey from Haiti to Boston,” Louisa Moller, February 2, 2024, <https://www.cbsnews.com/boston/news/massachusetts-new-england-migrant-surge/>. One Boston-based organization that serves new arrivals from Haiti has assisted over 14,000 Haitian immigrants over just the past two years. See WBUR, “Tracing the path to Massachusetts for thousands of new Haitian immigrants,” Gabrielle Emanuel, February 9, 2024, <https://www.wbur.org/news/2024/02/09/migration-haiti-chile-darien-gap-massachusetts>.

⁶ GBH News, “Fear extends to Boston area Haitian communities as violence grows on the island,” Phillip Martin, March 13, 2024 <https://www.wgbh.org/news/local/2024-03-13/fear-extends-to-boston-area-haitian-communities-as-violence-grows-on-the-island>.

⁷ The State Department does not release country-by-country data on the number of documentarily complete immigrant visa applicants. Worldwide, there were 338,256 applicants awaiting interviews and 42,151 applicants scheduled for an interview as of February 2024. See U.S. Department of State, Bureau of Consular Affairs, “Immigrant Visa Interview-Ready Backlog Report,” March 2024, <https://travel.state.gov/content/travel/en/us-visas/visa-information-resources/visas-backlog.html>.

⁸ U.S. Department of State, Bureau of Consular Affairs, “Ordered Departure for Personnel of U.S. Embassy Port-au-Prince,” July 28, 2023, <https://travel.state.gov/content/travel/en/News/Intercountry-Adoption-News/ordered-departure-for-personnel-of-u-s-embassy-port-au-prince.html>; U.S. Department of State, Bureau of Consular Affairs, “Haiti Travel Advisory,” July 27, 2023, <https://travel.state.gov/content/travel/en/traveladvisories/traveladvisories/haiti-travel-advisory.html>.

⁹ American Immigration Lawyers Association, “AILA DOS Liaison Committee Meeting with the Department of State,” October 5, 2023, <https://travel.state.gov/content/dam/visas/AILA/AILA-Agenda-10-5-2023.pdf>.

Embassy has faced heavy gunfire and gang activity,¹⁰ and this month, the United States airlifted some of the remaining American personnel out of Haiti.¹¹

Today, scarcely few visa interview appointments are made available each month. Even when in-person appointments are available, the U.S. Embassy building is sometimes nearly impossible to reach due to restrictions on movement in Port-au-Prince. Gangs regularly fight with Haitian police for control of neighborhoods and major roads,¹² leaving civilians unable to leave their homes¹³ and blocking trade and aid routes.¹⁴

As a result, the State Department's processing of immigrant visa applications has stalled for the vast majority of Haitian relatives of Americans, leaving individuals desperate with nowhere else to turn. The country's only land border is shared with the Dominican Republic, which has suspended issuing travel visas to Haitians, closed its border with Haiti, and ramped up summary deportations of Haitians.¹⁵ Meanwhile, Haitians cannot travel to virtually any other country without a visa.¹⁶

This situation is unlikely to improve in the near term, particularly as the future of a potential multinational security force remains uncertain.¹⁷ The State Department must implement stop-gap solutions to more quickly process visas for Haitians in need of urgent protection, even as the

¹⁰ U.S. Embassy in Haiti, "Security Alert – Port-au-Prince," January 30, 2024, <https://ht.usembassy.gov/security-alert-port-au-prince/>.

¹¹ CBS News, "U.S. military airlifts embassy staff from Port-au-Prince amid Haiti's escalating gang violence," Emily Mae Czachor, March 11, 2024, <https://www.cbsnews.com/news/us-military-airlifts-evacuation-staff-embassy-port-au-prince-haiti-gang-violence/>.

¹² The Guardian, "Haiti crisis: how did it get so bad, what is the role of gangs, and is there a way out?" Archie Bland, January 12, 2023, <https://www.theguardian.com/world/2023/jan/12/haiti-crisis-jovenel-moise-gangs-water-way-out>.

¹³ United Nations Security Council, "United Nations Integrated Office in Haiti Report of the Secretary-General," July 3, 2023, p. 7, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S-2023-492.pdf>.

¹⁴ U.S. Department of State, "Remarks by Secretary Anthony Blinken on Rising to the Challenge on Haiti: Multinational Security Support Mission Ministerial Meeting," February 22, 2024, <https://www.state.gov/rising-to-the-challenge-on-haiti-multinational-security-support-mission-ministerial-meeting/>; United Nations World Food Programme, "WFP calls for humanitarian access as violence and unrest wreak havoc in Haiti," Tanya Birkbeck, Maria Gallar, and James Belgrave, February 15, 2024, <https://www.wfp.org/news/wfp-calls-humanitarian-access-violence-and-unrest-wreak-havoc-haiti>.

¹⁵ Congressional Research Service, "Haiti: Recent Developments and U.S. Policy," Karla I. Rios and Clare Ribando Seelke, February 1, 2024, p. 8, <https://crs.gov/Reports/R47394>; Relief Web, "ACAPS Anticipatory note: Haiti - Returns from the Dominican Republic," November 3, 2023, <https://reliefweb.int/report/haiti/acaps-anticipatory-note-haiti-returns-dominican-republic-03-november-2023>; PBS News Hour, "Dominican president suspends visas for Haitians and threatens to close border," Martín Adames Alcántara, September 11, 2023, <https://www.pbs.org/newshour/world/dominican-president-suspends-visas-for-haitians-and-threatens-to-close-border>; United Nations Security Council, "United Nations Integrated Office in Haiti Report of the Secretary-General," July 3, 2023, p. 7, <https://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/S-2023-492.pdf>.

¹⁶ Guide Consultants, "Haiti Passport Visa Free Countries List 2024," <https://www.guideconsultants.com/all-passports/haiti-passport-visa-free-countries-list/>.

¹⁷ The New York Times, "Kenyan Court Blocks Deployment of Police Force to Haiti," Declan Walsh and Frances Robles, January 26, 2024, <https://www.nytimes.com/2024/01/26/world/africa/kenya-haiti-peacekeeping-force.html>. Barron's, "Blinken Pushes to Finalize lagging Haiti Force at G20," Agence France Presse, February 22, 2024, <https://www.barrons.com/news/blinken-pushes-to-finalize-lagging-haiti-force-at-g20-4c379d9b>.

U.S. Embassy maintains minimal operations in Haiti. We appreciate the scale and complexity of this issue and applaud the work the State Department has already done to explore creative solutions to address the backlog. Still, we urge the State Department to ensure that solutions are implemented with the urgency that this issue demands.

While the situation in Haiti is unique, some of the challenges for U.S. consular operations are not without precedent. The State Department can draw lessons from other locations where the Department has employed temporary consular solutions while normal embassy operations remain infeasible, such as in Ukraine, Syria, and Afghanistan.¹⁸ We ask you to consider the following policy and operational changes to visa processing in Haiti, at least for immediate relatives of U.S. persons:

1. **Waive the personal appearance requirement, at least for Haitian immediate relatives of U.S. persons.** The in-person requirement and minimal embassy staffing have created a severe bottleneck for immigrant visa applications. Given the security situation in Port-au-Prince, travel to the U.S. Embassy is unsafe and, at times, virtually impossible. Thus, at least for Haitian immediate relatives of U.S. citizens and LPRs, the State Department should permit consular officers to waive the in-person interview and appearance requirements. Under current regulations, immigrant visa applicants “shall be required to appear personally before a consular officer for the execution of the application,” including to affirm and sign their applications.¹⁹ However, the State Department has created flexibility to eliminate that requirement under some circumstances. For example, during the COVID-19 pandemic, State issued a Temporary Final Rule (TFR) giving consular officers the discretion to waive the in-person interview requirement for certain repeat immigrant visa applicants.²⁰ Similarly, the in-person interview requirement has been eliminated for Haitian immigrant visa applicants who are invited to apply for the Haitian Family Reunification Parole (HFRP) program,²¹ and the U.S. government increasingly relies on remote interviews in other immigration contexts.²²

¹⁸ International Refugee Assistance Project (IRAP), InterAction, and Human Rights First, “Fulfilling America’s Promise: Options to make U.S. humanitarian protection pathways viable for at-risk Afghans,” November 2021, <https://refugeerights.org/wp-content/uploads/2021/11/Afghan-Evacuation-Administration-Memo-FORMATTED.pdf>.

¹⁹ 22 CFR § 42.62; 22 CFR § 42.67. The relevant statute provides that, “[e]xcept as may be otherwise prescribed by regulations, each application for an immigrant visa shall be signed by the applicant in the presence of the consular officer, and verified by the oath of the applicant administered by the consular officer.” 8 U.S. Code § 1202(e) (emphasis added).

²⁰ U.S. Department of State, Federal Register Notice, “Waiver of Personal Appearance and In-Person Oath Requirement for Certain Immigrant Visa Applicants Due to COVID-19,” December 13, 2021, <https://www.federalregister.gov/documents/2021/12/13/2021-26657/waiver-of-personal-appearance-and-in-person-oath-requirement-for-certain-immigrant-visa-applicants>; see also U.S. Department of State, Foreign Affairs Manual, “9 FAM 504.7-2: Requirement for an Interview,” <https://fam.state.gov/FAM/09FAM/09FAM050407.html>.

²¹ U.S. Citizenship and Immigration Services, “Family Reunification Parole Process,” January 1, 2024, <https://www.uscis.gov/FRP>; U.S. Department of Homeland Security, Federal Register Notice, “Implementation of Changes to the Haitian Family Reunification Parole Process,” August 11, 2023, <https://www.federalregister.gov/documents/2023/08/11/2023-17344/implementation-of-changes-to-the-haitian-family-reunification-parole-process>.

²² Migration Policy Institute, “Antiquated U.S. Immigration System Ambles into the Digital World,” Muzaffar Chishti and Julia Gelatt, November 29, 2023, <https://www.migrationpolicy.org/article/us-immigration-backlog-digital-world>; U.S. Citizenship and Immigration Services, “Family Reunification Parole Process,” January 1, 2024, <https://www.uscis.gov/FRP>.

Furthermore, the State Department has considered making additional regulatory changes to the personal appearance requirement.²³ Likewise, the State Department should, at a minimum, permit Haitian immediate relative visa applicants to complete their applications remotely without making a perilous journey to the U.S. Embassy. State can issue a TFR to that effect and instead permit applicants to be interviewed by telephone or video teleconference and to affirm their applications remotely under penalty of perjury. Like COVID-19, the deteriorating situation in Haiti has considerably disrupted consular operations. Eliminating the in-person requirement will help protect consular staff and visa applicants. At least for low-risk applicants, the marginal benefit of an in-person appearance does not justify the strain on consular resources in this emergency environment. The State Department should also consider facilitating free access to computers and internet connection by setting up a “cybercafé” at an accessible location, once security allows. Relatedly, to the extent that U.S. personnel must be present at the U.S. Embassy for any visa processing functions, the State Department should ensure that it is streamlining functions to maximize the number of immigrant visa applicants who are processed during the limited windows of time that consular officers can spend at the U.S. Embassy.

2. Ramp up capacity for processing Haitian immigrant visas at a third-country post.

The State Department should ramp up resources for processing Haitian visas at an embassy in a third country. State could temporarily surge consular staffing at the third-country post, including adequate staffing of Creole speakers, and facilitate travel of qualifying Haitian visa applicants to that post whenever feasible.²⁴ The State Department should identify countries to which Haitians can travel most easily, such as Barbados, and diplomatically encourage nearby third countries to offer Haitian relatives of U.S. persons time-bound visas for the purpose of traveling for processing at the U.S. Embassy in that country. As some immigration attorneys have recommended,²⁵ State could formally designate Haitians as “homeless visa applicants” — meaning nationals of a country without U.S. visa processing²⁶ — which would allow the National Visa Center to assign their immigrant visa applications to a U.S. Embassy in a third country. However, because many Haitians cannot safely travel to a third country, we recommend allowing State to also continue processing visas from the Port-au-Prince embassy to the fullest extent possible. Alternatively, if the “homeless visa applicant” designation would preclude further visa processing within Haiti, State could instead invest comparable resources in processing visas from a third country without the formal designation.

3. Explore creative locations for in-person processing in Haiti outside of the U.S. embassy. Given a particularly high level of unrest in the neighborhood surrounding the

²³ Office of Information and Regulatory Affairs, Office of Management and Budget, “Rule on Documentation of Immigrants Under the Immigration and Nationality Act, as Amended; Personal Appearance Waiver for Immigrant Visa Applicants,” October 2023, <https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202304&RIN=1400-AF31>.

²⁴ U.S. Department of State, “Department of State/AILA Liaison Committee Meeting,” January 20, 2022, p. 12, <https://travel.state.gov/content/dam/visas/AILA/AILA-Meeting-Agenda-01-20-2022.pdf>.

²⁵ American Immigration Lawyers Association, “AILA DOS Liaison Committee Meeting with the Department of State,” October 5, 2023, <https://travel.state.gov/content/dam/visas/AILA/AILA-Agenda-10-5-2023.pdf>.

²⁶ U.S. Department of State, Foreign Affairs Manual, “9 FAM 504.4-8(E): (U) Homeless Cases,” <https://fam.state.gov/fam/09FAM/09FAM050404.html>.

U.S. Embassy in Port-au-Prince, the State Department should explore creative off-site alternatives for in-person processing in Haiti (to the extent that it continues to require in-person appearances). For example, the State Department could form an agreement with a close ally, such as Canada or France, that maintains an embassy or consulate in Port-au-Prince to allow U.S. consular officers to conduct limited interview operations from the ally's premises, at times when the areas surrounding their embassies are relatively safer. There is precedent for allies sharing embassy facilities in countries where they maintain limited operations,²⁷ and the United States should explore such options in Haiti. The State Department could also explore establishing a temporary mobile processing site at an accessible location in Haiti where it can maintain more control over the surrounding area. For example, State could establish a satellite post in the northern city of Cap-Haïtien, or even explore using an off-shore location such as a ship or pier docked off the coast of Port-au-Prince, for visa applicants to come on board for processing. When implementing such alternatives, State should seek to minimize exploitation risks for applicants traveling to the satellite location and clearly emphasize which applicants qualify for processing at the location.

These are just examples of ways the State Department could expedite visa processing for Haitians urgently in need of assistance. State should also identify any other bottlenecks slowing visa processing in Haiti — potentially including requirements for original documentation, fingerprints, medical examinations, and retrieval of hard copies of travel documents — and develop solutions to address such hurdles. Furthermore, for Haitian relatives who have already received immigrant visas yet cannot secure a commercial flight to travel to the United States, the State Department should expand evacuation flight assistance as it ramps up evacuations.²⁸

As you recently highlighted, Haiti presents “one of the most urgent challenges we face as an international community.”²⁹ The situation in Haiti demands urgent, creative solutions to ensure that, at a minimum, relatives of U.S. persons can be quickly processed and reunited with their families in the United States. To help us better understand the current backlog and the steps the State Department is considering to address it, we request responses to the following questions by April 9, 2024:

1. What is the current number of family members of U.S. citizens and LPRs who are considered documentarily complete and are awaiting a visa interview appointment?
2. How many visa cases has the Port-au-Prince embassy processed since July 2023?
 - a. Please provide the breakdown in types of visas that were processed during this period.
3. How many Haitian Family Reunification Parole (HFRP) parole applicants have been processed since August 2023?

²⁷ The Guardian, “UK to share embassy premises with 'first cousins' Canada,” Lizzy Davies, September 24, 2012, <https://www.theguardian.com/global/2012/sep/24/diplomacy-embassy-buildings-uk-canada>.

²⁸ The Washington Post, “U.S. evacuating Americans from Haiti as humanitarian crisis worsens,” Widlore Mérancourt and Amanda Coletta, March 21, 2024, <https://www.washingtonpost.com/world/2024/03/21/haiti-evacuation-american-citizens/>.

²⁹ U.S. Department of State, “Remarks by Secretary Anthony Blinken on Rising to the Challenge on Haiti: Multinational Security Support Mission Ministerial Meeting,” February 22, 2024, <https://www.state.gov/rising-to-the-challenge-on-haiti-multinational-security-support-mission-ministerial-meeting/>.

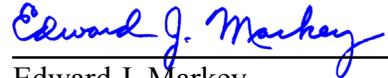
- a. What percentage of those applicants have received parole?
4. What solutions are currently being considered by the State Department to address the visa interview backlog?
 - a. Are any of the solutions under consideration currently being implemented?
 - b. Are any of the above listed solutions currently being implemented?
 - c. What is the implementation timeline for these plans?
5. Are consular officers in Haiti assigned to perform any non-consular functions?
 - a. If so, please share details about the non-consular functions performed by consular officers at the U.S. Embassy in Haiti.
6. For I-730 beneficiaries who have been approved pending receipt of travel documents, what accommodations (if any) is the State Department exploring to provide travel documents electronically or otherwise avoid requiring beneficiaries to appear in person at the U.S. Embassy?

We appreciate your attention to this important matter.

Sincerely,



Elizabeth Warren
United States Senator



Edward J. Markey
United States Senator



James P. McGovern
Member of Congress



Seth Moulton
Member of Congress



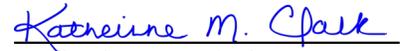
Jake Auchincloss
Member of Congress



Ayanna Pressley
Member of Congress



Lori Trahan
Member of Congress



Katherine M. Clark
Member of Congress



William R. Keating
Member of Congress

CC: The Honorable Ur Jaddou, Director of U.S. Citizenship and Immigration Services