

February 4, 2010

Honorable Hillary Clinton
Secretary of State
U.S. Department of State
2201 C Street, NW
Washington, D.C. 20520

Honorable Janet Napolitano
Secretary of Homeland Security
Department of Homeland Security
Washington, D.C. 20528

Honorable Kathleen Sebelius
Secretary of Health and Human Services
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Madam Secretaries:

As representatives of the Catholic social service network in the United States and internationally, we write to offer our views on the situation of Haitian unaccompanied children (commonly, but not always correctly referred to as “orphans”) in the wake of the devastating earthquake in Haiti on January 12.

The compassion of the American people has been evident in their response to Haitian children who have been left alone after the earthquake, including the many offers to adopt children who might have lost their parents in the tragedy. As social service providers with experience in handling unaccompanied children, we believe that certain processes should be established before such children are brought to the United States and placed in any legal adoption proceedings.

In any humanitarian crisis, many children are left without anyone to care for them. Whether parents or guardians are killed or families are separated by war or natural disaster, these children are in dire need of special assistance or protection. In order to properly serve these children and to ensure that their special needs are met, safeguards and procedures must be established that preserve the best interest of each individual child.

We are heartened to learn that the U.S. government, in cooperation with the United Nations and the government of Haiti, has taken steps to protect Haitian unaccompanied children within Haiti and to locate parents or family members. Other steps must be taken to ensure that child protection standards are maintained.

In our view, the U.S. government must take the following steps to ensure that Haitian children are cared for in an appropriate manner:

Safe havens for Haitian unaccompanied children must be established within Haiti, so that proper care can be given to the children and appropriate screening can be conducted. We are in support of the efforts of the United Nations and the government of Haiti, in conjunction with the U.S. government, to establish safe zones and interim care centers for children who are unaccompanied. Such arrangements for the security and material support of these children, who might otherwise be subject to kidnapping and human trafficking, should be the highest priority, and will permit the appropriate screening processes to proceed without delay.

Child welfare experts should be assigned to engage in ongoing assessment and to make best interest determinations (BIDs) for each child, including individualized recommendations for the placement of any children. Child welfare experts should be deployed to ascertain the circumstances of each child and make recommendations for his or her care and placement. This would include immediate registration, an assessment of the family situation, physical and emotional needs of the child, and long-term placement options. We applaud the initial efforts of the United Nations, the government of Haiti, and nongovernmental organizations in this regard.

Family tracing should be conducted for each child, to determine whether parents, other family members, or guardians remain alive and, to ascertain whether family reunification is a possibility. We are heartened that family tracing has been initiated within Haiti to determine whether a child's parent, family, or guardian can be located. Family reunification is an important goal and must be protected to the greatest extent possible, while placement with a guardian within Haiti will sometimes prove to be the appropriate course. If no family or appropriate guardian is found, and if it is further determined that it is in the child's best interest not to remain in Haiti, the child should be considered for international placement. In the case of the United States, such children should be paroled and placed in the care of the Department of Health and Human Services (HHS), where they will be eligible for program services for unaccompanied refugee minors.

Children should be placed in foster care placements prior to being considered for adoption. Unaccompanied Haitian children arriving in the United States should be put under the auspices of HHS and, consistent with the results of best interest determination and processes, placed in foster homes or community-based facilities, until family reunification can occur or adoption avenues

explored. This will require an appropriate level of resources and reinforcement of the network of public-private partnerships engaged with HHS in this work.

By following these processes, Haitian children would be able to receive benefits and services tailored to their specific needs and would be under the care of families, in the foster-care context, who have been carefully screened by the U.S. government and child welfare experts. They would also remain connected to family tracing services which would enable them to return to their family and country if the opportunity arose.

Expedited consular processing should be provided for children who have parents in the United States. In some cases, children in Haiti are related to Haitian permanent residents in the United States with whom they should be reunited but cannot because of delays in the family-based immigration system. Currently, U.S. citizens may have immediate relative petitions pending for their minor children in Haiti. These petitions (along with petitions on behalf of their spouses, who are also in the immediate relative category) should be expedited and immigrant visas be granted immediately.

In cases where U.S. citizens or permanent residents have approved petitions with current priority dates for their families waiting in Haiti, their consular processing should be expedited to bring these family members, including children, to the United States as soon as possible.

Where petitions have been approved and priority dates are not yet current, especially those on behalf of minor children and spouses of permanent residents, beneficiaries should be granted humanitarian parole to wait in the United States until they are able to adjust their status.

From our experience working with children in disaster-related and other displacement contexts, it is our view that as a general rule it would not be in the best interest of Haiti's children, or Haiti as a whole, for unaccompanied children to be evacuated from their home country without a careful, individualized assessment of what is best for each of them. While it is important to respond quickly to protect these children in the wake of the disaster, long-term harm could come to them if this response is not carried out in line with international protection standards.

Over the long-term, the U.S. government should ensure that future reconstruction funds to Haiti include resources that provide protection to unaccompanied children who remain in Haiti, so that they are not victims of human traffickers or other criminal elements.

We appreciate the response of the U.S. government to the natural disaster in Haiti and hope to work with you to ensure that these vulnerable children, as well as other victims of the earthquake, receive the care and support they need to resume their lives.

Sincerely,



Ambassador Johnny Young
Executive Director
Migration and Refugee Services
United States Conference of Catholic Bishops



Maria Odom
Executive Director
Catholic Legal Immigration Network, Inc



Rev. Larry Snyder
President
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