

Haiti: Recent Developments and U.S. Policy

January 23, 2023

Congressional Research Service

<https://crsreports.congress.gov>

R47394



R47394

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Haiti, located on the western third of the island of Hispaniola and bordering the Dominican Republic, is in the midst of interrelated political, security, and humanitarian crises. As of early 2023, Haiti lacks an elected president, legislature, and mayors following the July 2021 assassination of President Jovenel Moïse; the terms of the last ten elected senators expired in January 2023. A political standoff between de facto Prime Minister Ariel Henry’s government and rival political and civil society leaders, many of whom have backed a proposal (the “Montana Accord”) to form a transitional government, has prevented the country from scheduling elections to replace officials whose terms have expired.

The ongoing political impasse also has hindered Haiti’s ability to respond to worsening security and humanitarian crises caused by rampant gang violence, food and fuel shortages, a resurgence of cholera, and an August 2021 earthquake that killed 2,000 people. In October 2022, Henry asked for a foreign security force to help reestablish control and enable humanitarian aid deliveries; many Haitian civil society groups oppose this request, and no country has offered to lead such a force. The Biden Administration and Congress may look to assess potential policy options for addressing the compound crises in Haiti, which continue to fuel instability and irregular U.S. bound-migration.

U.S. Policy

U.S. policy in Haiti has aimed to support Haitians in their efforts to restore security, the rule of law, democratic institutions leading to free and fair elections, and economic and social stability. In FY2022, the Biden Administration allocated an estimated \$219.2 million in foreign assistance for Haiti to support those goals, including increased support for the Haitian National Police. Haiti also receives significant U.S. humanitarian assistance, including at least \$79.2 million in FY2022.

The Biden Administration’s approach toward Haiti has evolved from supporting the Henry government to working with the United Nations (U.N.) and other international actors to push Henry, his rivals, and other stakeholders to reach an inclusive political accord. Since October 2022, the U.S. Treasury and State Departments have publicly sanctioned five current and former Haitian officials and denied visas to dozens of additional individuals and their family members.

The Administration also has sought to facilitate a broader international response to the deteriorating security and humanitarian situations in Haiti. In response to worsening conditions and Henry’s request for international assistance, the United States and Mexico drafted a resolution to sanction gang leaders in Haiti and their financial backers; the U.N. Security Council passed this resolution in October 2022. Separately, the United States and Mexico proposed, but did not yet draft, a resolution to send a non-U.N.-led security assistance mission to Haiti. Since October 2022, the United States has supported Canada’s sanctioning of additional politicians and business elites beyond those subject to U.S. sanctions, including former President Michel Martelly (2011-2016).

Congressional Action

As in prior Congresses, the 117th Congress enacted legislation, appropriated and conditioned foreign assistance, and conducted oversight of U.S. policy toward Haiti. Congress enacted the Haiti Development, Accountability, and Institutional Transparency Initiative (HAITI Act) as part of the Consolidated Appropriations Act, FY2022 (P.L. 117-103, Division V). The act withheld aid to the central government of Haiti, until certain conditions were met. It also required U.S. agencies to measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti. The Consolidated Appropriations Act, FY2023 (P.L. 117-328, Division K), did not designate a total funding level for Haiti but includes similar conditions on foreign assistance as enacted in the HAITI Act. The explanatory statement accompanying P.L. 117-328 urged the Secretary of State to use “every appropriate diplomatic tool to press for dialogue” among political leaders and to take “strong legal action” against those engaged in human rights abuses, corruption, and other illicit activities. In addition, the 117th Congress held hearings on U.S. policy toward Haiti, U.S. treatment of Haitian migrants, Haiti’s April 2022 selection as one of the priority countries of focus under the Global Fragility Act (P.L. 116-94), and Haitian-led solutions to the country’s crises.

Moving forward, the 118th Congress may weigh in on U.S. foreign assistance, sanctions, and other policies aimed at ameliorating the crises in Haiti. Congressional interest in Haiti also may be reflected in broader concerns about irregular U.S.-bound migration.

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Introduction

Haiti, a Caribbean country that shares the island of Hispaniola with the Dominican Republic (see **Figure 1**), has been of ongoing interest to Congress and successive U.S. presidential administrations because of its proximity to the United States, chronic instability, and vulnerability to natural disasters.¹ Although Haiti has endured corrupt, authoritarian leaders for much of its history, governance arguably had improved in the years prior to a 2010 earthquake.² That disaster killed more than 200,000 people and set development back decades. Despite extensive international support for Haiti's recovery, democratic institutions remain weak and the country continues to contend with extreme poverty; wide economic disparities; and both human-made and natural disasters, including an August 2021 earthquake that killed 2,000.

Haiti at a Glance

Capital: Port-au-Prince

Population: 12.2 million (2023, IMF est.)

Languages: French (official), Creole (official)

Area: 10,710 sq. miles, slightly larger than Massachusetts

GDP: \$21.9 billion (2022, current prices, IMF est.)

Real GDP Growth: -1.8% (2021); -1.2% (2022); 0.5% (2023, forecast) (% change, constant prices, IMF)

Per Capita GDP: \$1,790 (2023, current prices, IMF est.)

Life Expectancy: 60.4/66.1 years (male/female) (UNDP, 2021)

Maternal Mortality Ratio: 480/100,000 live births (UNDP, 2022)

Sources: International Monetary Fund (IMF); United Nations Development Programme (UNDP).

The situation in Haiti further deteriorated after the assassination of President Jovenel Moïse in July 2021 led to uncertainty over who would succeed him. Two days before the assassination, Moïse named Ariel Henry to be prime minister, but Henry was not sworn in. Since most legislators' terms had expired at the time of the assassination, the Haitian legislature lacked the quorum needed to select a president to serve out the remainder of Moïse's term, as outlined in the Haitian Constitution.

As of early 2023, Haiti still lacks an elected president, legislature, and local government. A political standoff between de facto Prime Minister Henry's government and opposition political and civil society leaders regarding how to form a transitional government to

stabilize the country and convene elections persists. The standoff continues amid a worsening security crisis. Following a September 2022 announcement by Prime Minister Henry that fuel subsidies would end, protests and gang-led violence erupted.³ After gangs took over the ports, highways, and main fuel terminal, the economy ground to a halt and humanitarian agencies lost access to some areas. In October, cholera resurfaced after a three-year hiatus. Henry requested international intervention in Haiti in October 2022, but the United Nations (U.N.) Security Council has not yet voted on a resolution responding to that request.⁴

The 118th Congress may consider options for responding to the interrelated political, security, and humanitarian crises in Haiti and the Henry government's request for international intervention. This report provides a brief overview of the situation in Haiti and U.S. policy responses to date.

¹ For background, see Laurent DuBois, *Haiti: the Aftershocks of History* (New York, NY: Picador, 2013); Philippe Girard, *Haiti: The Tumultuous History: From Pearl of the Caribbean to Broken Nation* (New York, NY: Palgrave MacMillan, 2005, 2010).

² International Crisis Group, *Consolidating Stability in Haiti*, Latin America/Caribbean Report No. 21, July 18, 2007.

³ U.N. Security Council, "Letter Dated 8 October 2022 from the Secretary-General Addressed to the President of the Security Council," S/2022/747, October 10, 2022. Hereinafter, Security Council, S/2022/747.

⁴ For a description of the type of resolution the United States and Mexico had envisioned in response to Henry's request, see United States Mission to the United Nations, "Remarks by Ambassador Linda Thomas-Greenfield at a U.N. Security Council Briefing on Haiti," October 17, 2022.

Figure I. Map of Haiti



Source: Congressional Research Service (CRS).

Political Situation

Background

Haiti won independence from France in 1804, making it the second independent republic in the Western Hemisphere (after the United States). Since then, the country has experienced long periods of authoritarianism and political fragility, punctuated by foreign interventions and natural disasters.⁵ After the fall of the brutal Duvalier dictatorship (1957-1986), attempts to consolidate democratic rule have had limited success.⁶ In 1991, a military coup interrupted the term of Haiti's first president elected in free and fair elections, Jean-Bertrand Aristide of the center-left *Fanmi Lavalas* party (1991; 1994-1996; 2000-2004). The threat of a U.S. military intervention allowed Aristide to return three years later to complete his term. In 2000, Aristide began a second term

⁵ Rocio Cara Labrador and Diana Roy, "Haiti's Troubled Path to Development," Council on Foreign Relations, September 2022 (hereinafter Labrador and Roy, "Haiti's Troubled Path"). Haiti reportedly paid an indemnity to France of some \$560 million, which caused a significant drain on Haiti's finances well into the 20th century. Concerns about the indebted country's ability to pay its creditors prompted a U.S. intervention from 1915 to 1934. Lazaro Gamio et al., "Haiti's Lost Billions," *New York Times*, May 20, 2022; Hans Schmidt, *The United States Occupation of Haiti: 1915-1934* (Rutgers, NJ: Rutgers University Press, 1971).

⁶ Fearing communist rule and/or instability on the island, successive U.S. presidential administrations recognized the regimes of François Duvalier (1957-1971) and his son, Jean-Claude Duvalier (1971-1987), despite concerns about the leaders' authoritarian tendencies. See U.S. Department of State, Office of the Historian, "U.S. Relations with Haiti" in *Foreign Relations of the United States, 1958-1960, American Republics*, vol. V, document 309, at <https://history.state.gov/historicaldocuments/frus1958-60v05/d309>; and U.S. Department of State, Office of the Historian, "Telegram from the Embassy in Haiti to the Department of State" in *Foreign Relations, 1977-1980, Mexico, Cuba, and the Caribbean*, vol. XXIII, document 253, August 14, 1978, at <https://history.state.gov/historicaldocuments/frus1977-80v23/d253>.

after the opposition boycotted the presidential election due to flawed parliamentary elections favoring *Fanmi Lavalas* in May 2000. In 2004, Aristide—facing an armed uprising against his rule as well as U.S. and international pressure—resigned and went into exile.⁷

From 2004 to 2017, the U.N. Stabilization Mission in Haiti (MINUSTAH), a peacekeeping force that grew to 13,000 at its peak, sought to restore order in the country; build the Haitian National Police (HNP); and, later, help with recovery after the 2010 earthquake. The legacy of MINUSTAH is complicated, as troops introduced cholera into the country and committed human rights and sexual abuses. This experience has led many Haitians to oppose the type of foreign military involvement requested by the Henry government.⁸

Haiti's most recent presidents, Michel Martelly (2011-2016) and his chosen successor, Jovenel Moïse (2017-July 2021), who represented the center-right *Tèt Kale* Party (PHTK), took office after disputed elections and administered governments allegedly rife with corruption.⁹ Under Moïse, Haiti experienced political and social unrest, high inflation, anti-government protests, and gang violence. Like other Haitian politicians from across the political spectrum, Moïse allegedly provided money and arms to gangs in exchange for favors, including suppressing anti-government protests such as those that erupted in 2018 after announced fuel price hikes.¹⁰ Government instability increased in 2019 after Haitian auditors issued two reports to the country's chief prosecutor alleging Moïse and other current and former officials had misappropriated and embezzled millions of dollars in public funds.¹¹

Political gridlock between the executive and legislative branches led to the government not organizing scheduled October 2019 parliamentary elections. The terms of the entire lower Chamber of Deputies and two-thirds of the Senate expired in January 2020, as did the terms of all local government posts, without newly elected officials to take these positions.¹² Thereafter, Moïse ruled by decree, with some controversy over whether his term was to end in February 2021 or February 2022 (the State Department did not take a position on that dispute).¹³

⁷ Daniel P. Erikson, "Haiti After Aristide: Still on the Brink," *Current History*, vol. 104, no. 679 (February 2005), pp. 83-90.

⁸ Carla King et al., "'MINUSTAH Is Doing Positive Things Just as They Do Negative Things': Nuanced Perceptions of a UN Peacekeeping Operation Amidst Peacekeeper-Perpetrated Sexual Exploitation and Abuse in Haiti," *Conflict, Security & Development*, vol. 21, no. 6 (November 17, 2021), pp. 749-779. For how past interventions have influenced recent popular opinion in Haiti, see Rafael Bernal, "Human Rights Coalition to Biden: No Military Intervention in Haiti," *The Hill*, November 1, 2022.

⁹ On Martelly and Moïse's elections, see Georges Fauriol, "Haiti's Problematic Electoral Dynamics," *Global Americans*, December 21, 2021. On Martelly and drug trafficking, see Jacqueline Charles and Michael Wilner, "Canada Sanctions Former Haiti President Michel Martelly, Two Former Prime Ministers," *Miami Herald*, November 21, 2022. On corruption in the Moïse government, see Maria Abi-Habib, "Haiti's Leader Kept a List of Drug Traffickers. His Assassins Came for It," *New York Times*, December 12, 2021.

¹⁰ Chris Dalby, "International Sanctions Seek to Weaken Haiti's Patronage System Between Politicians, Gangs," *InSight Crime*, November 24, 2022. For Moïse officials' involvement in attacks on neighborhoods where protests occurred, see U.S. Department of the Treasury, "Treasury Sanctions Serious Human Rights Abusers on International Human Rights Day," December 10, 2020.

¹¹ U.S. Department of State, "Appendix C: Major Corruption Cases in Haiti and Government of Haiti Efforts to Address Corruption," November 10, 2022, at <https://www.state.gov/wp-content/uploads/2022/11/Appendix-C-Developments-in-Haiti-004977.pdf>.

¹² The 10 remaining senators' terms expired on January 9, 2023.

¹³ U.S. Department of State, "Appendix F: Alleged February 2021 Coup Against President Jovenel Moïse and U.S. and International Partner Efforts to Support Free and Fair Elections in Haiti," November 2022, at <https://www.state.gov/wp-content/uploads/2022/11/Appendix-F-Developments-in-Haiti-004977.pdf>.

On July 7, 2021, armed assailants assassinated President Moïse in his private home in Port-au-Prince. To this day, many details of the attack remain under investigation; however, the U.S. Federal Bureau of Investigation (FBI) has filed charges against three individuals for their role in a plot to kidnap or kill Moïse.¹⁴ The FBI has also been supporting Haitian authorities' investigation of the crime, although threats to the safety of those authorities, turnover among the judges leading the investigation, and break-ins at judges' offices have occurred. By the end of 2022, Haitian police had arrested, but not charged, at least 23 people accused of planning the plot, including 18 former Colombian soldiers, members of Moïse's security team, a former rebel leader, a former divisional police inspector, and a Haitian-American pastor with long-standing ties to Florida.¹⁵

The Aftermath of President Moïse's Assassination

Moïse's assassination gave rise to uncertainty about who would succeed him as president and who would serve as prime minister.¹⁶ Under the Haitian Constitution (Article 149), if a president dies in the last two years of his term, the legislature should elect a provisional president to serve out the term.¹⁷ As Haiti lacked (and continues to lack) a functioning legislature at the time of the assassination, the choice of who would succeed Moïse could not follow the prescribed constitutional order.

Three individuals laid claims to serve as prime minister: interim Prime Minister Claude Joseph; Ariel Henry, a neurosurgeon nominated to be prime minister two days before Moïse's death but not sworn in; and Joseph Lambert, then-president of the Haitian Senate. On July 8, the Haitian government requested security and investigative assistance from the United States. In response to that request, an inter-agency delegation traveled to Haiti on July 11. U.S. officials also met with all three claimants to prime minister. After days of jockeying among the claimants over who would become prime minister and who would fill key cabinet positions, Joseph agreed that Henry would be prime minister and he foreign minister on July 12.¹⁸ Lambert separately gave up his quest to be prime minister; the U.S. government later sanctioned him for drug trafficking. On July 17, the United States, United Nations, and other international donors issued a statement calling for the formation of an "inclusive government" and encouraging Prime Minister-designate Ariel Henry to form such a government.¹⁹

In September 2021, Henry dismissed Haiti's electoral council. He and his supporters then proposed that Henry name a provisional electoral council to convene elections. They also proposed that Henry remain the single head of government until a new elected government takes office. By early 2023, Henry has yet to appoint that council, and many civil society and political actors within Haiti have opposed this proposal. Henry's irregular path to his position and

¹⁴ U.S. Department of State, *Report to Congress on the Assassination of Former President of Haiti Jovenel Moïse*, (Div. V, P.L. 117-103), November 10, 2022, at <https://www.state.gov/haiti-reports/>.

¹⁵ Jacqueline Charles, "Made in Miami: How a South Florida Plot to Oust Haiti's Jovenel Moïse Led to His Murder," *Miami Herald*, December 8, 2022; Jacqueline Charles, "Ex-Rebel Leader Known as 'the Torturer' Is Arrested in Haiti President's Assassination," *Miami Herald*, December 21, 2022.

¹⁶ CRS Insight IN11699, *Haiti: Concerns After the Presidential Assassination*, by Maureen Taft-Morales.

¹⁷ Haiti's Constitution of 1987 with Amendments Through 2012 is available in English at https://www.constituteproject.org/constitution/Haiti_2012.pdf?lang=en.

¹⁸ CRS interview with State Department officials, January 9, 2023.

¹⁹ U.N. Integrated Office in Haiti, "Core Group Press Release," July 17, 2021.

allegations of his possible involvement in Moïse's assassination, however, have eroded his credibility.²⁰ Henry has fired officials who have sought to question him about the Moïse case.²¹

As an alternative to Henry's proposal, numerous civil society organizations and political parties have sought to form an interim government. After months of broad consultations, the Citizen Conference for a Haitian Solution to the Crisis (widely known as the Montana Group) came to an agreement in August 2021.²² The Montana Accord proposed a two-year interim government led by a president and prime minister, with oversight committees, to restore order, administer elections, and create a truth and justice commission to address past human rights violations. Although many civic leaders and political parties signed the accord, some did not (including some business groups, churches, and the PHTK and allied parties). U.S. officials have periodically criticized the Montana Group, including after it signed an agreement with the PEN coalition, a group whose signatories include U.S.-sanctioned former Senator Lambert.²³

As of January 2023, Henry and the Montana Group have been unable to reach a negotiated solution. In October 2022, Henry and his advisers requested foreign intervention to address the worsening security and humanitarian crises.²⁴ Many Haitian political and civil society groups opposed the request, and critics maintain that Henry wants an intervention to help him remain in power and protect his and allied interests, much as past Haitian leaders did.²⁵ Recent U.S. and Canadian sanctions targeting Haitian politicians and business leaders, some of whom have opposed negotiations or reportedly have benefitted from the unrest, could spur renewed efforts to break the political impasse.²⁶

Henry put forth a transition proposal in December 2022 named the "National Consensus for an Inclusive Transition and Transparent Elections." His government published a decree establishing a high transition council (HTC) to implement that transition plan in the state's official newsletter on January 17, 2023. It is yet unclear whether the plan will receive broad support.

Security Crisis

Since Moïse's assassination, violent gangs have threatened to overwhelm the Haitian government and businesses, many of which have long been the gangs' primary benefactors. The symbiotic relationship between the gangs in Haiti and the country's political and economic elite is well established. Many of Haiti's past presidents and other prominent politicians have used and received support from gangs. Generally, gangs provide political elites with services such as campaign support, voter intimidation, bribery, fundraising, vandalism, and disruption (see depiction in **Figure 2**).²⁷ Former President Aristide relied on support from gangs known as

²⁰ Monique Beals, "Judge, Investigators say Haitian Prime Minister Involved in President's Assassination," *The Hill*, February 8, 2022.

²¹ As an example, see "Haiti's PM Replaces The Prosecutor Who Wanted Him Charged In The President's Slaying," Associated Press (AP), September 14, 2021.

²² Georges Fauriol, "Haiti: Betting on the Montana Accord," *Global Americans*, February 9, 2022.

²³ CRS interview with State Department officials, January 9, 2023.

²⁴ Catherine Osborn, "Haiti's Crisis Escalates," *Foreign Policy*, October 14, 2022.

²⁵ Jonathan M. Katz, "Haiti's Elites Keep Calling for the U.S. Marines," *Foreign Policy*, October 31, 2022.

²⁶ David C. Adams, "U.S. and Canada Turn to Sanctions Against Haitian Politicians and Businessmen Accused of Ties to Gangs," UnivisionNews, December 19, 2022 (hereinafter Adams, "U.S. and Canada Turn to Sanctions").

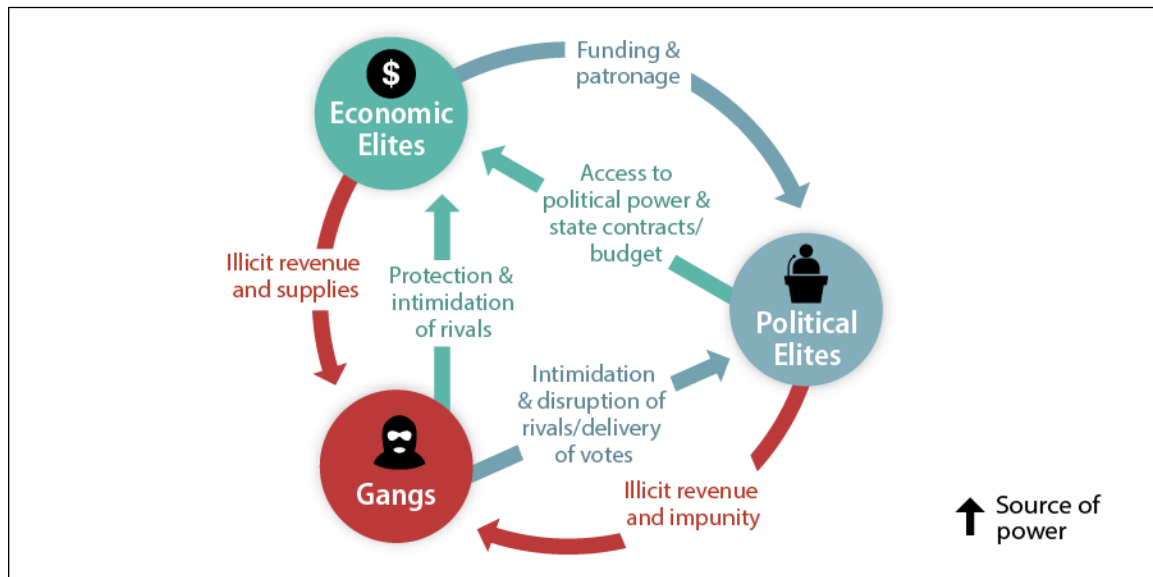
²⁷ Global Initiative Against Organized Crime, *Gangs of Haiti: Expansion, Power, and an Escalating Crisis*, October 2022. Hereinafter: Global Initiative, *Gangs of Haiti*.

chimères, and the Canadian government sanctioned former President Martelly for his role in financing gangs.²⁸

The relationship between Haiti's economic elite and gangs is less apparent but no less significant than the ties between politicians and gangs. Business owners assert they have to support certain gangs as a defensive measure to protect their businesses and enable them to move merchandise throughout the country and abroad.²⁹ In addition, some of Haiti's top economic elites allegedly finance gangs to bolster both licit and illicit businesses. In December 2022, the Canadian government imposed sanctions on Gilbert Bigio, Reynold Deeb, and Sherif Abdallah, three elites who reportedly provided "illicit financial and operational support to armed gangs."³⁰

Gangs have expanded their power in the wake of Moïse's assassination. They have exerted control over territory, highways, ports, and the delivery of humanitarian aid, challenging the authority of the HNP and other state institutions. Gangs were responsible for an October 2021 kidnapping of U.S. missionaries and a blockade of the country's primary fuel terminal from September to early November 2022.³¹

Figure 2. Criminal Dynamics in Haiti



Source: CRS, based on a graphic from *InSight Crime* for the U.S. Agency for International Development, November 2021, at https://pdf.usaid.gov/pdf_docs/PA00ZF3H.pdf.

²⁸ Immigration and Refugee Board of Canada, *Haiti: The Chimères, Their Activities and Their Geographic Presence; the Treatment of the Chimères by the Authorities and the Presence of Group Members Within the Government and the Police (2006-May 2008)*, June 3, 2008; Harold Isaac and Brian Ellsworth, "Canada Sanctions Haiti Ex-President Martelly for Financing Gangs," Reuters, November 20, 2022.

²⁹ Alberto Arce and Rodrigo Abd, "In Haiti, the Difficult Relationship of Gangs and Business," Associated Press, October 21, 2021.

³⁰ Government of Canada, "Canada Imposes Sanctions Against Haitian Economic Elites," December 5, 2022.

³¹ U.S. Department of Justice (DOJ), "Haitian Gang Leader Charged with Conspiracy to Commit Hostage Taking for Kidnapping of 16 U.S. Missionaries in Fall 2021," May 10, 2022; Henry Shuldiner, "From Negotiations to Sanctions, a Busy Time for Crime in Haiti," *InSight Crime*, November 11, 2022.

As of late 2021, the U.S. Agency for International Development (USAID) cited up to 200 gangs in Haiti, which reportedly controlled some 60% of Port-au-Prince at that time.³² The G9 and Family (G9) and the G-PEP are two of Haiti's most powerful gang federations. From January to August 2022, as gangs clashed, police recorded 25.5% more homicides than the same period in 2021.³³ Kidnappings reached a record level in May 2022 and remain elevated. A wave of gang-related violence in Port-au-Prince in July 2022 resulted in more than 220 killings in one neighborhood. According to U.N. reports, gangs have used "collective rape" and other gender-based violence against women, children as young as 10, and the elderly to intimidate people.³⁴

Although the State Department asserted that the HNP ranked among the "most trusted and effective institutions in Haiti" after MINUSTAH left the country, the U.N. Secretary General described the police force in 2022 as "spread thin" and lacking weapons, equipment, and the capacity to use them.³⁵ Some studies also indicate the HNP has struggled with widespread criminal cooptation and infiltration. For example, a July 2022 International Crisis Group study estimated that 40% of the HNP has ties to gangs.³⁶ A 2021 report by Harvard Law School's International Human Rights Clinic documented state (primarily police) involvement in attacks on neighborhoods, which it termed "massacres," in which some 240 civilians died from 2018 to 2020.³⁷

Even when police have sought to confront gangs and broader violence, the challenges have been daunting. In November 2022, the director of the HNP's training center was assassinated at that facility.³⁸ Also in November, the HNP temporarily lost control of a U.S.-delivered armored vehicle during a firefight with gangs that resulted in two deaths.³⁹

Furthermore, impunity prevails in Haiti's weak justice system. In addition to failing to resolve Moïse's assassination, Haitian authorities have yet to arrest Jimmy Chérizier, a former HNP officer turned gang leader, or other Haitian officials implicated in the 2018 La Saline massacre of 71 people.⁴⁰ Gangs overtook several of Haiti's main courthouses in summer 2022, and many of the courthouses remain inoperable. Without functioning courts, Haitian prisons continue to hold

³² U.S. Agency for International Development (USAID), *Mapping Haiti's Criminal Dynamics*, November 2021; Global Initiative, *Gangs of Haiti*.

³³ U.N. Security Council, U.N. Integrated Office in Haiti, *Report of the Secretary-General*, October 13, 2022.

³⁴ U.N. Integrated Office in Haiti (BINUH) and Office of the U.N. High Commissioner for Human Rights (OHCHR), *Sexual Violence in Port-au-Prince: A Weapon Used by Gangs to Instill Fear*, October 14, 2022. Hereinafter BINUH and OHCHR, *Sexual Violence*.

³⁵ U.S. Department of State, Bureau of International Narcotics and Law Enforcement Affairs, "Haiti Summary," at <https://2017-2021.state.gov/bureau-of-international-narcotics-and-law-enforcement-affairs-work-by-country/haiti-summary/index.html>; Security Council, S/2022/747.

³⁶ International Crisis Group, *New Gang Battle Lines Scar Haiti as Political Deadlock Persists*, July 27, 2022.

³⁷ Harvard Law School International Human Rights Clinic, *Killing with Impunity: State-Sanctioned Massacres in Haiti*, April 2021, at http://hrp.law.harvard.edu/wp-content/uploads/2021/04/Killing_With_Impunity-1.pdf.

³⁸ Associated Press, "Head of Haiti's Police Academy Killed at Training Facility," November 25, 2022.

³⁹ Evens Sanon and Megan Janetsky, "Haitian Police Briefly Lose Control of Armored Car," Associated Press, November 11, 2022.

⁴⁰ Chérizier, then-Minister of the Interior Fednel Monchery, and President Moïse's Departmental Delegate Joseph Pierre Richard Duplan planned an attack carried out by gangs on protesters who had criticized the government. U.S. Department of the Treasury, "Treasury Sanctions Serious Human Rights Abusers on International Human Rights Day," December 10, 2020.

inmates, 82% of whom were in pretrial detention in May 2021, in crowded conditions rife with violence and disease. Many inmates lack access to food, water, and medical care.⁴¹

In addition, corruption and a lack of control over the country's ports and borders have made Haiti a hub for drug and arms trafficking. In August 2022, the U.S. Department of Homeland Security (DHS) Homeland Security Investigations (HSI) office in Miami, FL, announced new initiatives to counter reported spikes in arms and munitions trafficking to Haiti.⁴² In December 2022, the State Department sanctioned Rommel Bell, former customs director in Haiti, for corruption after Haiti's anti-corruption unit launched an investigation in early 2022 into Bell's alleged participation in illegal arms trafficking.⁴³

Humanitarian Situation

Haiti is a fragile country that is highly vulnerable to natural disasters due to its location and topography (exacerbated by deforestation and climate change), and the Haitian government's capacity to respond to such disasters is limited. A decade after the devastating 2010 earthquake, inadequate recovery efforts, combined with subsequent natural disasters (e.g., Hurricane Matthew, the 2021 earthquake) and disease outbreaks (e.g., cholera, Coronavirus Disease 2019 [COVID-19]) have further weakened the state's ability to protect and provide for its citizens.⁴⁴ The Fund for Peace's 2022 Fragile States Index ranked Haiti as the 11th most fragile state in the world due to various factors, including the state's lack of legitimacy and inability to deliver services, uneven economic development, and relatively low levels of social cohesion.⁴⁵

In contrast to past humanitarian crises Haiti has endured, a political and security crisis is the primary driver of the current humanitarian emergency.⁴⁶ According to U.N. officials, as of December 2022, gang violence had displaced 155,000 people in Port-Au-Prince and trapped 19,000 in communities such as Cité Soleil.⁴⁷ Gang blockades of highways have limited humanitarian access, particularly to the southern peninsula but also to communities to the east and north of the capital. The G9 gang's blockade of the Varreux fuel terminal from mid-September to early November 2022 combined with broad unrest, caused businesses and hospitals to close. During that period, Haitians, fearful of encountering gang violence, sheltered in place amid a lack of water and sanitation services, fuel, electricity, and food. The U.N. Office for the Coordination of Humanitarian Affairs estimated that 5.2 million Haitians were in need of humanitarian aid as of the end of 2022.⁴⁸

⁴¹ BINUH and OHCHR, "*N Ap Mouri*": Report on Conditions of Detention in Haiti, May 2021.

⁴² U.S. Department of Homeland Security, "Homeland Security Investigations (HSI) Announces Crackdown on Firearms, Ammunition Smuggling to Haiti, the Caribbean," August 19, 2022.

⁴³ U.S. Department of State, "Combating Global Corruption and Human Rights Abuses," December 2, 2022; Jacqueline Charles, "U.S. Sanctions More Haitians, Including the Relatives of People Accused of Corruption," *Miami Herald*, December 11, 2022.

⁴⁴ On recovery efforts, see Jonathan Katz, *The Big Truck That Went by: How the World Came to Save Haiti and Left Behind a Disaster* (New York, NY: St. Martin's Press, 2014); and Jacqueline Charles and José Antonio Iglesias, "Ten Years After Haiti's Earthquake: A Decade of Aftershocks and Unkept Promises," *Miami Herald*, January 8, 2020. On subsequent disasters, see Labrador and Roy, "Haiti's Troubled Path."

⁴⁵ The Fund for Peace, Fragile States Index, at <https://fragilestatesindex.org/country-data/>.

⁴⁶ UNOCHA, "Seven Things to Know About the Humanitarian Crisis in Haiti," October 26, 2022.

⁴⁷ Reuters, "U.N. Expects Haiti Sanctions Regime to be Running by January," December 8, 2022.

⁴⁸ U.N. Office for the Coordination of Humanitarian Affairs (UNOCHA), *Global Humanitarian Overview 2023*, December 2022.

Some of the ongoing humanitarian concerns focus on food insecurity, health, protection, and education. In October 2022, the U.N. Food and Agriculture Organization (FAO) estimated that a record 4.7 million Haitians, roughly 50% of the population, faced acute levels of hunger and 19,000 people were experiencing “catastrophic” (most urgent) levels of hunger.⁴⁹ In October 2022, cholera resurfaced in Haiti, causing 300 deaths by December.⁵⁰ While cholera is preventable through vaccination and treatable with rehydration, gangs have reportedly prevented patient access to health facilities and denied medical staff entry to affected communities. Women and children in Haiti are extremely vulnerable to protection concerns. An October 2022 report by the U.N. Integrated Office in Haiti and the Office of the U.N. High Commissioner for Human Rights has described how gender-based violence by gangs against youth as young as 10 is widespread and increasing.⁵¹ As of December 2022, due to increasing violence and cholera outbreaks, hundreds of thousands of students, already years behind due to COVID-19-related school closures, had not returned to school.⁵²

U.N. Presence in Haiti and Recent Action

The U.N. has had a continuous presence in Haiti for almost 19 years, with strong support and funding provided by successive U.S. presidential administrations. Following the collapse of the Aristide government in 2004, the U.N. Security Council established MINUSTAH to help restore order and train the HNP.⁵³ After the 2010 earthquake, the Security Council expanded MINUSTAH’s size and mission.

A Security Council resolution ended MINUSTAH in 2017, citing Haiti’s peaceful completion of a long-delayed electoral process in February 2017 as a milestone; critics argue, however, that a transitional government, not the U.N.-backed PHTK government, accomplished that goal.⁵⁴ The Security Council also praised MINUSTAH for supporting the political process, professionalizing the police, and improving security and stability in Haiti, achievements that proved short-lived. Haitian and international human rights and health experts criticized MINUSTAH for its role in introducing cholera to Haiti (a disease that had not been present in the country for more than a century) and for allegations of sexual abuse by some of its forces.⁵⁵ In 2016, then-Secretary-General Ban Ki-Moon apologized for the U.N.’s role in an outbreak that ultimately caused nearly 10,000 deaths; the U.N. also launched a \$400 million fund to confront the epidemic.⁵⁶

⁴⁹ U.N. Food and Agriculture Organization of the United Nations (FAO), “Catastrophic Hunger Levels Recorded for the First Time in Haiti,” October 14, 2022.

⁵⁰ USAID, “Haiti-Complex Emergency,” Fact Sheet #2, FY 2023, December 16, 2022.

⁵¹ BINUH and OHCHR, October 2022.

⁵² U.N. Children’s Fund (UNICEF), “UNICEF Haiti Humanitarian Situation Report: July-November 2022,” December 16, 2022.

⁵³ U.N. Security Council, “Resolution 1542 (2004)/Adopted by the Security Council at Its 4961st Meeting, on 30 April 2004,” S/RES/1542 (2004), June 1, 2004. MINUSTAH’s original mission aimed to restore security and stability, promote political processes (including elections), strengthen institutions and rule-of-law-structures, and promote and protect human rights.

⁵⁴ U.N. Security Council, “Resolution 2350 (2017)/Adopted by the Security Council at Its 7924th Meeting, on 13 April 2017,” S/RES/2350 (2017), April 13, 2017. Even with MINUSTAH present, Haiti experienced a constitutional crisis after Michel Martelly failed to convene elections to choose his successor. Georges Fauriol, ‘A Cycle of Instability’: Haiti’s Constitutional Crisis,” Center for Strategic and International Studies, February 8, 2021.

⁵⁵ For background, see CRS In Focus IF10502, *Haiti: Cholera, the United Nations, and Hurricane Matthew*, by Maureen Taft-Morales and Tiaji Salaam-Blyther.

⁵⁶ U.N. News, “U.N.’s Ban Apologizes to People of Haiti, Outlines New Plan to Fight Cholera Epidemic and Help

In 2017, the U.N. Mission for Justice Support in Haiti (MINUJUSTH) took MINUSTAH's place, focusing on strengthening judicial institutions, protecting human rights, increasing the HNP's professionalization, and reinforcing the rule of law. The mission also supported violence-reduction projects and income-generating activities for youth. During MINUJUSTH's mandate, the number of HNP officers increased by 10% to 15,400 and courts reported a 300% increase in files processed on the day of their reception.⁵⁷ However, Haitians continued to report increased sexual violence and widespread cholera cases.⁵⁸

In October 2019, the U.N. transitioned to a political office, the U.N. Integrated Office in Haiti (BINUH), for an initial one-year period that the U.N. Security Council twice extended. BINUH's mandate, which currently runs through July 2023,⁵⁹ is to advise the Haitian government on how to establish an inclusive national dialogue on reestablishing stability, security, and the rule of law so elections can be held, among other aims. The mission also emphasizes protecting and promoting human rights, including by documenting recent gender-based violence by gangs and producing reports from Haiti for the U.N. Secretary-General and Security Council.⁶⁰ BINUH coordinates with other U.N. agencies, funds, and programs, ranging from humanitarian agencies such as the World Food Program to a new U.N. Office on Drugs and Crime office in Haiti.

On October 6, 2022, Acting Prime Minister Henry and his ministers requested the deployment of an international force to help Haitian forces quell the security situation and allow humanitarian aid to flow. On October 8, 2022, U.N. Secretary-General António Guterres sent a letter to the Security Council recommending various approaches to respond to that request. Such approaches included deploying a non-U.N. rapid action force (probably composed of some military forces) to support the HNP, forming a multinational police task force, creating a multinational anti-gang force, expanding BINUH's budget and mandate, bolstering the HNP and the justice sector, and combating arms trafficking.⁶¹ On October 17, 2022, the Security Council discussed a proposed resolution by the United States and Mexico, which would reportedly authorize the deployment of a non-U.N. multinational force to Haiti.⁶² Few countries have publicly offered to send their forces to Haiti.⁶³ Nevertheless, at the January 2023 North American Leaders Summit, Canadian Prime Minister Justin Trudeau said that Canada, Mexico, the United States, and Caribbean leaders have been in contact to "ensure that if the situation starts to deteriorate once again, we will have options."⁶⁴

On October 17, 2022, the Security Council also discussed a resolution sponsored by the United States and Mexico to establish a U.N. sanctions regime against gang leaders in Haiti and those

Communities," December 1, 2016. By the end of 2021, donors had contributed only \$21.8 million to support the pledged \$400 million fund. See U.N. Haiti Cholera Response Multi-Partner Trust Fund, *2021 Annual Report*.

⁵⁷ U.N. Mission for Justice Support in Haiti, "MINUJUSTH Completes Its Mandate, Putting an End to 15 Consecutive Years of Peacekeeping in Haiti," October 16, 2019.

⁵⁸ International Justice Resource Center, "U.N. Transitions from Peacekeeping to Governance, Amid Crisis in Haiti," October 17, 2019.

⁵⁹ For background, see BINUH, "Mandate," at <https://binuh.unmissions.org/en/mandate>.

⁶⁰ BINUH and OHCHR, *Sexual Violence*.

⁶¹ Security Council, S/2022/747.

⁶² United States Mission to the United Nations, "Remarks by Ambassador Linda Thomas-Greenfield at a U.N. Security Council Briefing on Haiti," October 17, 2022. Security Council Report, "Haiti: Briefing," in *What's in Blue* (blog), December 21, 2022 (hereinafter Security Council Report, "Haiti").

⁶³ International Crisis Group, *Haiti's Last Resort: Gangs and the Prospect of Foreign Intervention*, December 14, 2022.

⁶⁴ The White House, "Remarks by President Biden, Prime Minister Trudeau, and President López Obrador in Joint Press Conference," January 10, 2023.

who finance them. The Security Council unanimously approved the sanctions resolution (Resolution 2653) on October 21, 2022, and met on December 21, 2022, to follow up on implementation of that resolution.⁶⁵

U.S. Policy and Issues for Congress

U.S. policy goals in Haiti under the Biden Administration include supporting Haitian-led efforts to confront gangs and insecurity; resolving the political and constitutional crisis; reviving the economy; and addressing poverty and a lack of basic services (including health care and education), which have fueled irregular migration.⁶⁶ Diplomatically, the Biden Administration's approach to Haiti has evolved from supporting the Henry government to encouraging Henry, the Montana Group, and others to engage in dialogue to reach an inclusive political accord while addressing deteriorating conditions in the country.⁶⁷ Biden Administration officials traveled to Haiti in October 2022 to discuss how to respond to Henry's request for international assistance and to urge political actors to "rise above their differences" and chart a path to "improved security" and "democratic order."⁶⁸ Secretary of State Antony Blinken also announced additional assistance to address cholera, security assistance for the HNP, and new sanctions to hold Haitians accountable for "instigating violence and unrest."⁶⁹

Since Moïse's assassination, U.S. Canada, U.N. officials and others, criticized for past interventions in the country, have emphasized their support for Haitian-led solutions to the country's political and security challenges. As those solutions have yet to emerge and conditions in Haiti have deteriorated, U.S. officials reportedly have pursued several courses of action. The U.S. government has sanctioned corrupt officials and encouraged other countries to do so; supported back-channel negotiations between Henry and other key stakeholders; and assessed whether a partner country would be willing to lead a non-U.N. "multinational force" funded by voluntary contributions to help stabilize the country.⁷⁰ Presidents Biden and Prime Minister Trudeau discussed Haiti during the North American Leaders Summit, during which they stressed sanctions and other efforts to improve the situation in the country, but also potential other options. Rather than focusing on organizing some type of intervention, many Haitian human rights experts and civil society groups have asked U.S. officials to push Henry to reach a political agreement, likely with the Montana Group, before considering intervention proposals.⁷¹

On many U.S. policy issues, Congress has had a direct role in shaping policy or conducting oversight of policy development and implementation. Those policy issues include, but are not limited to, foreign assistance, trade preferences, sanctions policy, and migration.

⁶⁵ Security Council, "Resolution 2653 (2022), October 21, 2022; Security Council Report, "Haiti."

⁶⁶ U.S. Department of State, *Integrated Country Strategy: Haiti*, approved March 18, 2022, at https://www.state.gov/wp-content/uploads/2022/04/ICS_WHA_Haiti_Public.pdf (hereinafter State Department, *Integrated Country Strategy*).

⁶⁷ Brian A. Nichols, "U.S., Other Nations Can Redouble Efforts for a Democratic Haiti," *Miami Herald*, July 6, 2022.

⁶⁸ U.S. Department of State, Office of the Spokesperson, "Media Note: Assistant Secretary Brian A. Nichols to Visit Haiti," October 12, 2022.

⁶⁹ U.S. Department of State, Antony J. Blinken, Secretary of State, "Steps to Address the Humanitarian and Security Situation in Haiti," October 12, 2022.

⁷⁰ Adams, "U.S. and Canada Turn to Sanctions"; International Crisis Group, *Haiti's Last Resort: Gangs and the Prospect for Foreign Intervention*, briefing no. 48, December 14, 2022.

⁷¹ Pierre Espérance, "As Haiti's Last 10 Lawmakers' Terms Expire, Political Transition Must Take Priority over Military Intervention," *Just Security*, December 15, 2022.

Foreign Assistance

Bilateral Assistance

Congress has appropriated foreign assistance to support Haiti's recovery from recurrent natural disasters and foster long-term stability, with a particular spike in assistance in the aftermath of a massive 2010 earthquake. Congress shapes U.S. policy toward Haiti through appropriations, conditions on appropriations, and reporting requirements linked to the disbursement of U.S. assistance.

Congress enacted the Haiti Development, Accountability, and Institutional Transparency Initiative (HAITI Act; H.R. 2471/S. 1104) as part of the FY2022 Consolidated Appropriations Act (P.L. 117-103). P.L. 117-103 did not designate an appropriations level for Haiti. The act required the State Department to withhold any funding for the central government of Haiti until a new president and parliament have taken office following free and fair elections or the Secretary of State has determined a transitional government representative of Haitian society is in place and it is in the U.S. interest to provide assistance. Notwithstanding those requirements, the act allowed U.S. agencies to provide assistance to support elections, anti-gang police and justice administration, public health, food security, water and sanitation, education, disaster relief and recovery, and other programs to meet basic human needs. The act prohibited U.S. funding for the Haitian army.

The HAITI Act also required U.S. agencies to measure the progress of post-disaster recovery and efforts to address corruption, governance, rule of law, and media freedoms in Haiti. The State Department submitted the reports required in P.L. 117-103 and made them public on November 10, 2022.⁷²

Over the last five years, U.S. bilateral assistance to Haiti has ranged from a low of \$180.3 million in FY2020 to an estimated \$219.2 million provided in FY2022 (see **Table 1**). In March 2022, the State Department and USAID adopted a two-year Integrated Country Strategy to guide U.S. foreign assistance to Haiti for FY2022-FY2024.⁷³ The Administration requested \$274.8 million in assistance for Haiti in FY2023, up from the estimated FY2022 allocation. Most of the FY2022 allocation funded health and other development activities, but it also increased support for the HNP (see **Table 1**). In the FY2023 budget proposal, the Administration requested funding to help Haiti recover from external shocks by making investments in the HNP, combating corruption, strengthening civil society, and providing services for marginalized people.⁷⁴

The FY2023 Consolidated Appropriations Act (P.L. 117-328), enacted in December 2022, does not specify a comprehensive appropriations level for Haiti. The accompanying explanatory statement designates \$8.5 million for reforestation efforts and "not less than" \$5.0 million to help meet the sanitary, medical, and nutritional needs of Haitian prisoners. The act requires the State Department to withhold any aid to support the Haitian government until the Secretary of State certifies that a new president and parliament have taken office following free and fair elections or that a broadly representative transitional government is in place and it is in the U.S. interest to provide such assistance. The withholding requirement does not apply to aid intended to support free and fair elections; anti-gang police and justice administration; disaster relief and recovery;

⁷² U.S. Department of State, Bureau of Western Hemisphere Affairs, "Haiti: Reports," November 10, 2022, at <https://www.state.gov/haiti-reports/>.

⁷³ State Department, *Integrated Country Strategy*.

⁷⁴ White House, *Budget of the U.S. Government, FY2023*, p. 91.

and education, public health, food security, and other basic human needs. As in prior years, the act prohibits assistance for the armed forces of Haiti.

The explanatory statement accompanying P.L. 117-328 also urges the Secretary of State to use “every appropriate diplomatic tool to press for dialogue” among political leaders and key stakeholders. In addition, it urges the Secretary of State to take “strong legal action” against those engaged in human rights abuses, corruption, and other illicit activities.⁷⁵

Table 1. U.S. Foreign Assistance to Haiti by Account: FY2018-FY2023

(appropriations in thousands of current U.S. dollars)

Account	FY2018	FY2019	FY2020	FY2021	FY2022 (Estimate)	FY2023 (Request)
DA	32,000	51,000	51,000	52,000	56,000	111,000
ESF	8,500	—	—	14,800 ^a	5,500	—
FFP	3,244	11,719	7,996	3,110	—	—
GHP (State)	99,386	103,011	78,765	99,822	103,081	100,000
GHP (USAID)	24,200	24,500	24,500	24,500	24,500	34,500
INCLE	12,000	15,000	18,000	13,000	30,000	29,000
IMET	233	241	96	255	107	255
FMF	5,000	—	—	—	—	—
Total	184,563	205,471	180,357	207,487	219,188	274,755

Sources: U.S. Department of State, Congressional Budget Justification, Supplementary Tables-Foreign Operations, FY2020-FY2023; and U.S. Department of State, FY2022 Estimate Data, August 16, 2022.

Notes: DA = Development Assistance; ESF = Economic Support Fund; FFP = Food for Peace; GHP = Global Health Programs; INCLE = International Narcotics Control and Law Enforcement; IMET = International Military Education and Training; FMF = Foreign Military Financing. Additional FY2021 funding provided by the American Rescue Plan Act (P.L. 117-2).

Humanitarian Assistance

The United States generally provides various forms of humanitarian assistance to Haiti. USAID’s Bureau of Humanitarian Assistance (BHA) provided more than \$92.1 million in humanitarian assistance to Haiti in FY2021 and at least \$79.2 million in FY2022 through July 8, 2022.⁷⁶ Of the total amount of humanitarian assistance provided over the past two fiscal years, \$152.8 million represented emergency funding, much of which responded to humanitarian needs (i.e., concerns about food; health; water, sanitation, and hygiene; and protection) exacerbated by an August 2021 earthquake that killed some 2,250 people and damaged 115,000 homes and other structures. BHA

⁷⁵ “Explanatory Statement Submitted by Mr. Leahy, Chair of the Senate Committee on Appropriations, Regarding H.R. 2617, Consolidated Appropriations Act, 2023,” *Congressional Record*, vol. 168, no. 198—book II (December 20, 2022), p. S9299.

⁷⁶ USAID, Bureau for Humanitarian Assistance, “Haiti Assistance Overview,” August 2022.

also provided \$18.6 million in early recovery, risk reduction, and resilience programming.⁷⁷ The Department of Defense (DOD) worked with USAID to deliver some 600,000 relief supplies.⁷⁸

As the humanitarian situation in Haiti worsened, USAID sent a Disaster Assistance Response Team (DART) team to the country in October 2022. The DART is coordinating the delivery of relief supplies to a portion of the estimated 5.2 million Haitians in need of humanitarian assistance.⁷⁹ Since October, USAID/BHA has helped transport 278 metric tons of relief supplies to Port-Au-Prince.

U.S. agencies also are helping Haiti respond to the COVID-19 pandemic and other health needs. Through June 2022, USAID and the State Department had provided at least \$49 million in aid to help Haiti address the health and humanitarian impacts of COVID-19.⁸⁰ The United States has donated nearly 1.1 million COVID-19 vaccines to Haiti; 2.1% of Haitians had completed the recommended COVID-19 vaccination schedule as of December 2022.⁸¹ In December 2022, DOD deployed the U.S. Naval Ship *Comfort* to deliver medical care to Haitians for several days as part of a multi-country deployment.⁸²

Global Fragility Act Implementation

The 116th Congress enacted the Global Fragility Act of 2019 (GFA; P.L. 116-94, Division J, Title V), which directed the executive branch to develop a 10-year strategy to prevent conflict globally and stabilize conflict-affected areas. It also directed the executive branch to select priority countries or regions to execute such efforts through 10-year plans. In April 2022, the Biden Administration announced one region and four priority countries for GFA implementation; Haiti was among them. The GFA also authorized three distinct funds: the Prevention and Stabilization Fund, the Complex Crisis Fund, and the Multi-Donor Global Fragility Fund. These funds support the updated prologue of the Global Fragility Strategy put forth by the Biden Administration and country implementation plans, which were due to Congress in December 2022.

Development experts have urged U.S. agencies to focus GFA efforts in Haiti on bolstering a Haitian-led solution that ensures citizen security, addresses Haiti's escalating impunity, and provides humanitarian and economic support for those affected by the country's interrelated political, economic, and security crises.⁸³

Some Members of Congress have debated whether Haiti should receive some types of GFA-related funding. This debate may reflect, in part, the absence of viable government entities with whom to execute the GFA country plan (§505(a)). Although it did not appear in the FY2023 Omnibus Appropriations Act, the FY2023 Senate-introduced version of the FY2023 State and

⁷⁷ U.S. Department of State, "COVID-19 Vaccine Distribution," at https://www.state.gov/countries-areas/haiti/#covid_map_link; Pan American Health Organization, "COVID-19 Vaccination in the Americas," at https://ais.paho.org/imm/IM_DosisAdmin-Vacunacion.asp.

⁷⁸ U.S. Southern Command, "USNS Comfort Arrives in Haiti," December 13, 2022.

⁷⁹ USAID, "Haiti-Complex Emergency," Fact Sheet #1, FY2023, October 21, 2022; USAID, "Haiti-Complex Emergency," Fact Sheet #2, FY2023, December 16, 2022.

⁸⁰ USAID, "COVID-19: Latin America and the Caribbean," Fact Sheet #5, FY2022, June 30, 2022.

⁸¹ U.S. Department of State, "COVID-19 Vaccine Distribution," at https://www.state.gov/countries-areas/haiti/#covid_map_link; and Pan American Health Organization, "COVID-19 Vaccination in the Americas," at https://ais.paho.org/imm/IM_DosisAdmin-Vacunacion.asp.

⁸² U.S. Southern Command, "USNS Comfort Arrives in Haiti," December 13, 2022.

⁸³ Roger Mitchell, "Why the Global Fragility Act Matters for Haiti," *Modern Diplomacy*, August 25, 2022.

Foreign Operations Appropriations measure, S. 4662, would not have made Prevention and Stabilization funds available to Haiti.

Donor Coordination

The United States is the leading bilateral donor in Haiti, and Congress has encouraged U.S. executive agencies to coordinate foreign assistance priorities with key countries and international organizations represented in Haiti. Active since 2004, the “Core Group” has shaped international responses to key events in Haiti, as when it called on Henry to form a “consensual and inclusive government” in July 2021.⁸⁴ In addition to the U.S. Ambassador, the Core Group comprises the Special Representative of the U.N. Secretary-General; the Ambassadors of Brazil, Canada, France, Germany, Spain, and the European Union (EU); and the Special Representative of the Organization of American States.

Many members of the Core Group (including the EU, Spain, and France) have expressed interest in contributing to a multi-donor basket fund on security that aims to support the long-term development of the HNP; Canada and the U.N. Development Program (UNDP) administer the fund. UNDP estimates the fund needs at least \$28 million over two years to achieve its aims. Thus far, the U.S. government has donated \$3 million and Canada has donated 10 million Canadian dollars in support of the fund.⁸⁵

In October 2022, the U.S. and Canadian governments sped up the delivery of armored vehicles and other tactical equipment purchased by the Haitian government for the HNP.⁸⁶ Canada delivered additional armored vehicles in January 2023.

Trade Preferences

Congress has extended unilateral trade preferences to Haiti through several trade preferences programs enacted since 1975. The Caribbean Basin Economic Recovery Act (P.L. 98-67, subsequently amended, with no expiration), for example, provides limited duty-free entry of selected Caribbean products as a core element of the U.S. foreign economic policy response to uncertain economic and political conditions in the region. The current Haiti-specific preference program, which expires in 2025, provides unilateral preferences to the country’s apparel sector.⁸⁷ In 2021, \$751.3 million (67.9%) of total U.S. imports from Haiti entered under the Haiti-specific preference program and \$260.4 million (23.6%) entered under P.L. 98-67.⁸⁸

During the 117th Congress, measures that would have extended duty-free treatment from 2025 to 2035 with respect to imports from Haiti under the Caribbean Basin Economic Recovery Act were introduced as the Haiti Economic Lift Program Extension Act of 2021 (S. 3279 in November 2021; H.R. 6136 in December 2021 and H.R. 9461 in December 2022).

⁸⁴ BINUH, “Core Group Press Release,” July 17, 2021.

⁸⁵ U.S. Department of State, “United States and Canada Joint Statement on Support for the Haiti Security Basket Fund,” September 23, 2022.

⁸⁶ Reuters, “U.S., Canada Deliver Armored Vehicles to Haitian Police to Fight Gangs,” October 15, 2022.

⁸⁷ For a description of how the Haiti-specific preference programs have evolved and have affected Haitian exports and Haitian workers, see U.S. International Trade Commission, *U.S.-Haiti Trade: Impact of U.S. Preference Programs on Haiti’s Economy and Workers*, December 2022.

⁸⁸ Ibid.

Sanctions: U.S. and Multilateral

In 2020, as part of its policy toward Haiti, the United States government began to impose sanctions against those responsible for significant human rights abuses, corruption, and drug trafficking. In December 2020, pursuant to Executive Order (E.O.) 13818, which built upon and expanded the Global Magnitsky Human Rights Accountability Act (P.L. 114-328), the Treasury Department imposed asset blocking and visa restrictions on Chérizier (the gang leader and former HNP officer) and two former Moïse Administration officials for involvement in the La Saline massacre.⁸⁹ In November 2022, the Treasury Department imposed sanctions pursuant to E.O. 14059 on Joseph Lambert, then-president of the Haitian senate, and former Senator Youri Latortue for involvement in drug trafficking.⁹⁰ Treasury imposed the same sanctions on Senator Rony Celestin and former Senator Richard Lenine in December 2022.⁹¹ Pursuant to Section 7031(c) of P.L. 117-103, Division K, the State Department imposed visa restrictions on Senator Lambert for corruption and involvement in a gross violation of human rights.⁹² The State Department also imposed visa restrictions on former Haitian Customs Director Rommel Bell and Senator Celestin for corruption.⁹³ Those subject to recent public sanctions represent a range of political parties. Dozens of officials and their families have privately had their visas revoked.

The United States has encouraged other international partners and the U.N. to sanction the financial backers of Haitian gangs, recognizing that targeted sanctions imposed in a multilateral manner may have a better chance of affecting change than unilateral sanctions.⁹⁴ U.S. sanctions have been closely coordinated with those announced by the Government of Canada, which also imposed sanctions on former President Martelly for drug trafficking—a move U.S. officials have “welcomed” but not yet replicated.⁹⁵ In October 2022, the U.N. Security Council unanimously approved Resolution 2653 imposing sanctions on Jimmy Chérizier for “engaging in acts that threaten the peace, security, and stability of Haiti.”⁹⁶ It also mandated the creation of a panel of experts to recommend further individuals and entities to be subject to travel bans, asset seizures, and an arms embargo.

Toward the end of the 117th Congress, similar legislative measures, the Haiti Criminal Collusion Transparency Act of 2022 (H.R. 9147/S. 5083), were introduced in both chambers. The bills would have required the presidential administration to produce and release publicly an annual list of Haitian political and economic elites tied to gangs. They also would have required the

⁸⁹ E.O. 13818, “Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,” December 20, 2017; U.S. Department of the Treasury, “Treasury Sanctions Serious Human Rights Abusers on International Human Rights Day,” December 10, 2020.

⁹⁰ E.O. 14059, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” December 15, 2021; Treasury Department, “Treasury Sanctions Corrupt Haitian Politicians for Narcotics Trafficking,” November 4, 2022.

⁹¹ Treasury Department, “U.S. Sanctions Additional Corrupt Haitian Politicians for Drug Trafficking,” December 2, 2022.

⁹² U.S. Department of State, Antony J. Blinken, Secretary of State, “Designation of Haitian Senate President, Joseph Lambert, for Involvement in Significant Corruption and a Gross Violation of Human Rights,” December 4, 2022.

⁹³ U.S. Department of State, “Combating Global Corruption and Human Rights Abuses,” December 9, 2022.

⁹⁴ Treasury Department, *Treasury 2021 Sanctions Review*, October 2021.

⁹⁵ Government of Canada, “Sanctions: Grave Breach of International Peace and Security in Haiti,” updated December 19, 2022, at <https://www.international.gc.ca/campaign-campagne/haiti-sanction/index.aspx?lang=eng>; Jacqueline Charles and Michael Wilner, “Canada Sanctions Former Haiti President Michel Martelly, Two Former Prime Ministers,” *Miami Herald*, November 21, 2022.

⁹⁶ U.N. Security Council, “Security Council Committee Established Pursuant to Resolution 2653 (2022) Concerning Haiti,” at <https://www.un.org/securitycouncil/sanctions/2653>.

Secretary of State to identify which of those individuals may be subject to visa restrictions and sanctions pursuant to Section 7031(c) of annual Department of State, Foreign Operations, and Related Programs Appropriations legislation and Section 1263 of the Global Magnitsky Human Rights Accountability Act. Congress did not take further action on either bill. Similar legislation could be introduced and considered during the 118th Congress.

Indictments

The U.S. Department of Justice (DOJ) has assisted Haitian officials investigating the Moïse assassination and selected cases involving those complicit in arms trafficking, gang violence, and drug trafficking in and through Haiti. DOJ has secured the extradition of two individuals allegedly complicit in Moïse's assassination, as well as a gang leader responsible for the 2021 kidnapping of U.S. missionaries. In November 2022, DOJ indicted seven leaders of five Haitian gangs, including additional individuals involved in the 2021 missionary kidnappings.⁹⁷

Migration Issues

Migration issues continue to be a high priority for U.S. policy and Congress. U.S. government apprehensions of Haitian migrants have risen notably, both at sea and on the U.S. Southwest border. In FY2022, U.S. Customs and Border Protection (CBP) encountered roughly 53,910 Haitians on the Southwest border, up from 47,255 encountered in FY2021.⁹⁸ Many of those Haitians had resided in third countries (particularly Brazil and Chile) since the 2010 earthquake and had few ties to Haiti.⁹⁹ CBP placed a majority of those individuals (77%) into Title 8 removal proceedings under immigration code, and many were released into the United States to await their immigration court proceedings. CBP expelled the other 22% of Haitians from the United States under Title 42 of the *U.S. Code*. In FY2022, the Coast Guard interdicted more than 7,175 Haitian migrants, compared with 1,527 Haitian migrants in FY2021.¹⁰⁰ Through September 2022, the International Organization for Migration assisted more than 21,215 Haitians repatriated to Haiti (69% of which were from the United States), many with few ties to the country.¹⁰¹

On January 5, 2023, the Department of Homeland Security announced the expansion of a set of new immigration policies to Haitians, Nicaraguans, and Cubans, which started in October 2022 for Venezuelans.¹⁰² After January 5, 2023, Haitians who have a U.S. sponsor can apply for immigration parole and fly directly into the United States after U.S. vetting. In contrast, Haitians apprehended between ports of entry are now subject to the public health-related Title 42 policy, which allows DHS to expel migrants back to Mexico (in coordination with the government of

⁹⁷ U.S. Department of Justice, "Criminal Charges Unsealed Against Gang Leaders for Kidnappings of U.S. Citizens," November 7, 2020.

⁹⁸ U.S. Customs and Border Protection, "Nationwide Encounters," calculated by CRS using data available at <https://www.cbp.gov/newsroom/stats/nationwide-encounters>. Nearly 46% of migrants were encountered at ports of entry and 53% between ports of entry.

⁹⁹ Caitlyn Yates, *Haitian Migration Through the Americas: A Decade in the Making*, Migration Information Source, September 30, 2021.

¹⁰⁰ Skyler Shepard, "Coast Guard Repatriates 180 People to Haiti, 46 Children," CBS12, November 25, 2022.

¹⁰¹ International Organization for Migration, "Migrant Returns and Reception Assistance in Haiti: Air & Sea," September 2022.

¹⁰² DHS, "DHS Implements New Processes for Cubans, Haitians, and Nicaraguans and Eliminates Cap for Venezuelans," January 6, 2022.

Mexico). Mexico has agreed to receive up to a total of 30,000 migrants from those three countries per month.¹⁰³

The United States also has taken steps to provide legal migration and protection pathways for some Haitians. Some 155,000 Haitians may be eligible for relief from removal under the Temporary Protected Status (TPS) designation announced in May 2021, and additional Haitians are eligible under the extension announced in December 2022.¹⁰⁴ In July 2022, the Biden Administration said it would resume the Haitian Family Reunification Parole Program, allowing certain U.S. citizens and legal permanent residents to seek parole for family members in Haiti.

Outlook

The 118th Congress is likely to maintain a keen interest in developments in Haiti, as deteriorating security and humanitarian conditions in Haiti intersect with a broad range of U.S. interests and policy responses. As noted earlier, Congress has directly engaged with U.S. policy approaches toward Haiti in relation to foreign assistance, trade preferences, sanctions policy, and migration. Should the current crisis in Haiti continue, Congress may choose to consider and assess new policy approaches to address the situation in Haiti, including the potential for U.S.-backed international intervention, or other new engagements in Haiti.

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Acknowledgments

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¹⁰³ Government of Mexico, “Mexico Welcomes the Announcement of new US Actions to Achieve Orderly, Safe, Regular and Humane Migration,” January 5, 2023.

¹⁰⁴ See CRS Report RS20844, *Temporary Protected Status and Deferred Enforced Departure*, by Jill H. Wilson.

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