

# **Displacement and Disaster Recovery: Transnational Governance and Socio-legal Issues Following the 2010 Haiti Earthquake**

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## Abstract

The 2010 earthquake in Haiti and its aftermath have highlighted inherent but understudied transnational governance and socio-legal complexities of disaster recovery and displacement. The aftermath of the earthquake and issues related to recovery were experienced not only domestically within in Haiti, but also transnationally, particularly in the South Florida region. This region has been particularly important in the recovery process, as it is home to over 300,000 Haitians, it served as a receiving area for severely injured earthquake survivors and for school-aged displacees, and it is an area that is rich with Haitian-American organizations, including activists who have for decades been fighting causes of immigration equality for people of Haitian descent. The specific objectives of this paper are to examine and analyze the key transnational governance and socio-legal issues that have arisen in the South Florida region for four distinct groups: (i) displacees and their related legal, social, cultural, and economic issues; (ii) host communities and governance, legal, and monetary complexities associated with compensation payments (e.g., to hospitals for their services to earthquake survivors); (iii) immigrants within the United States and related legalization and citizenship issues; and (iv) diaspora communities and socio-legal issues related to dual citizenship and their ongoing struggles to have a louder voice in the future of Haiti. Our methodology and data sources include interviews with key members of the Haitian-American diaspora, school districts, city and county governments, non-profit organizations, relief task forces, and local government agencies. We also looked at relevant plans/ policies modified or adopted by governmental and non-governmental institutions in response to governance and socio-legal issues that have arisen as part of our analysis and when referred to by our interviewees. We find that social constructions of the different groups in our study, along with other social, political and economic factors, were important in understanding policy responses to the issues that emerged.

**KEYWORDS:** displacement, transnational governance, immigration and legalization issues, Temporary Protection Status, diaspora, long-term recovery, Haiti earthquake

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school districts of Palm Beach, Broward, and Miami-Dade counties; the Toussaint L'Ouverture High School for Arts and Social Justice ; the Consulate General of Haiti; the IHRC; North Miami Mayor's Office; Notre Dame d'Haiti Catholic Church; Broward Haiti Relief Task Force; Minority Development and Empowerment Inc. (MDEI); Broward Children Services Council; Florida Department of Children and Families Refugee Services; Haitian Lawyers Association; FANM; SantLa; Haitian-American Emergency Relief Committee; Haitian-American Nurses Association; Haitian-American Grassroots Coalition; Konbit for Haiti; Haitian-American Professional Coalition; Haitian-American Leadership Organization; Haitian- Association of Engineers and Scientists; Radio TeleAmerica; Project Medishare; United Ways of Broward and Palm Beach counties; Broward Health Emergency Preparedness Department; and all individuals who provided insights and contacts. Steve Forester, Institute for Justice and Democracy in Haiti, was especially helpful in that regard.



## Introduction

Disasters, and particularly catastrophic disasters in today's globalized world, can affect not just the areas/regions and countries where they strike. They can also have repercussions on other neighboring communities, areas, and even countries, which serve as receiving areas and host communities for displaced survivors. Moreover, the recovery process following such disasters may have legal, social, political, and economic implications for home and host countries. While scholarly research on disasters and disaster recovery has steadily grown in the last few decades (e.g., Dynes 1970; Quarantelli 1983; Mileti 1999; Rodríguez, Quarantelli and Dynes 2006; Oliver-Smith 2009; Smith 2011), more insights are needed on the post-disaster recovery process and related governance and socio-legal issues at a transnational level.

A case in point is the 2010 earthquake in Haiti. This catastrophic magnitude 7 earthquake and its aftermath have highlighted inherent but understudied governance and socio-legal complexities of disaster recovery and transnational displacement. For example, South Florida served as a receiving area for severely injured earthquake survivors and for school-aged displacees (Bushouse and Freeman 2010; Baker and Berger 2010; Esnard and Sapat 2011).

This region is also home to more than 300,000 Haitians, based on the U.S. Census Bureau 2010 American Community Survey estimates for population with Haitian ancestry (U.S. Census Bureau 2010), and an active group of well-established Haitian–American service and professional coalitions that provide an array of social services, family counseling, crisis intervention, immigration advocacy, unemployment services, and financial literacy programs. During the post-disaster period, these organizations, along with state-, city-, and county-level agencies, played a key role in helping the survivors and their relatives/hosts as they became overwhelmed and limited by their own lack of resources.

The scenario described above raises questions about governance and legal issues that affect both the stricken country, as well as other countries. Administrative issues arise as laws and regulations adopted by legislatures and agencies are most often implemented by “street-level bureaucrats” who have considerable discretion at times during implementation. As noted in prior studies of street-level bureaucrats (Lipsky 1980; Maynard-Moody and Musheno 2003), there is often a discrepancy between legal-administrative frameworks and pragmatic issues and realities that dictate responses of street-level administrators to deal with the complexities they face. In this paper, we find that host communities and agencies within them, such as school districts and hospitals, had to deal with several issues for which the policy, governance, and legal solutions were not clearly defined. Some of these issues were terminology (i.e., the definition of refugees and

their status), intergovernmental complexities in the implementation of laws and regulation, and uncertainties with respect to legal reimbursement.

Similarly, prior research on policy-making has shown that the perception of problems and target groups, along with their characterization or image (i.e., the manner in which they are socially constructed and framed by policy-makers and other groups in society), are critical to understanding problem definition and policy design (Berger and Luckmann 1966; Schneider and Ingram 1993; Cobb and Elder 1983; Donovan 1993; 2001; Stone 2001). When applied to the Haiti earthquake crisis, theories of social construction can help us understand how perceptions and constructions of various issues and target populations (displacees, immigrants, and the Haitian–American diaspora) influence policy and governance issues that may arise at various stages in the post-disaster recovery and reconstruction period. For instance, how displacees coming to South Florida were viewed likely affected their initial reception into the receiving communities and the kinds of policies that were changed or designed to deal with them. Similarly, we believe that social constructions of the Haitian diaspora affect the ability of diaspora groups to influence the post-disaster recovery and reconstruction process both within the United States and in Haiti.

Using these themes and theoretical perspectives, the specific objectives of this paper are to examine and analyze the key governance and socio-legal issues that were important at the transnational level in the South Florida region for four distinct groups: (i) displacees and their related policy, legal, social, cultural, and economic issues; (ii) host communities and legal and monetary complexities associated with compensation payments; (iii) immigrants within the United States and related legalization and citizenship issues; and (iv) diaspora communities and socio-legal issues related to dual citizenship and their ongoing struggles to have a louder voice in the future of Haiti. We focus on these groups because they were affected (both directly and indirectly) by the earthquake and the associated issues have a bearing on the long-term recovery and reconstruction process within Haiti.

## **Study Region**

This research focuses on the South Florida region of the United States, which includes Miami-Dade, Broward, and Palm Beach counties. The selection of these counties was based on the following four reasons and is consistent with research by Esnard and Sapat (2011) and Sapat and Esnard (2011a; 2011b). First, the South Florida region immediately served as a receiving area for school-aged displacees and for severely injured earthquake survivors (Bushouse and Freeman 2010; Baker

and Berger 2010). Several schools absorbed these children, including the Toussaint L'Ouverture High School for Arts and Social Justice, a charter high school in Palm Beach county. Second, Florida is the nation's largest refugee resettlement state. While a majority of the refugees who resettle in Florida live in Miami-Dade county, there are significant refugee populations in Broward and Palm Beach counties (Florida Department of Children and Families 2010). Third, South Florida already serves as a gateway to the Caribbean and Latin America, home to many immigrants from Haiti, both legal and illegal. Fourth, South Florida is home to several Haitian-American organizations and home to activists who have for decades been fighting causes of immigration equality for people of Haitian descent (Burch and Brecher 2010; Zezima 2010). The Haitian diaspora in South Florida played a critical role in assisting Haiti with relief and recovery efforts and served as an invaluable post-earthquake conduit for Creole-speaking doctors, nurses, engineers, educators, advisers, and reconstruction planners (Newland 2010). They also assisted with the flow of earthquake survivors and displacees who came for medical help, schooling, and other reasons, including helping with immigration issues. The Haitian-American organizations active in the post-disaster response influenced both coordination and networking within the larger Haitian-American community.

## **Methodology**

The research design for this paper was based on a qualitative approach blending in-depth semi-structured interviews and secondary data. Interviews were conducted with representatives from Haitian organizations and professional coalitions, other non-profits (e.g., the United Way), faith-based organizations, government agencies, school districts, school principals, media, immigration advocates, Florida Department of Children and Families Refugee Services, hospitals and healthcare administrators, Haitian diplomats, and other Haitian-American representatives on special task forces and commissions.

The findings presented herein are based on a combination of secondary data and primary data. Table 1 provides a summary of the primary and secondary data sources. The secondary data (coalition documents, reports, newspaper articles, website information, and prior research) were used to understand the history and missions of the groups and agencies being interviewed, to generate a purposive sample of experts, and to start a snowball sample of respondents for inperson interviews (Singleton and Straits 1999). Since qualitative research and snowball sampling has its limitations including problems of generalizability/external validity, in order to minimize the limitations of this method, we used the following as key

guidelines (Miles and Huberman 1994) in setting up our interviews. The sampling method and strategy (i) allowed a valid means by which to answer the research questions under study; (ii) provided rich and textured data given the descriptive nature of the study; (iii) was ethical and followed all the required approvals and consents; and (iv) supports the transferability and generalizability of results to other Haitian enclaves beyond our study area.

**Table 1.** List of Organizations and Primary and Secondary Data Sources

Organizations	Primary Data: Semi-Structured Interviews	Secondary Data
Haitian–American Organizations	Haitian American Nurses Association; Konbit for Haiti; Notre Dame d’Haiti Catholic Church; the Haitian Lawyers Association; FANM; SantLa; Haitian–American Emergency Relief Committee; Haitian–American Nurses Association; Haitian–American Grassroots Coalition; Haitian–American Professional Coalition; Haitian–American Leadership Organization; Haitian Association of Engineers and Scientists; Radio TeleAmerica; and, Center for Haitian Studies	Newspaper articles, website information, mission statements of organizations, coalition documents and reports, and prior research on Haitian–American groups
Local Agencies (including schools and multi-agency Task Forces)	School districts (Palm Beach, Broward, and Miami-Dade counties); Toussaint L’Ouverture High School for Arts and Social Justice; city of North Miami; Miami-Dade Office of Community Advocacy; Broward Children Services Council; Minority Development Empowerment Inc.; Broward Haiti Relief Task Force; and Broward Health Emergency Preparedness Department	
State Agencies	Florida Department of Children and Families (DCF) and Florida DCF Refugee Services	
Non-profit Agencies (non Haitian–American)	United Way (Broward and Palm Beach counties), Project Medishare, and the Institute for Justice and Democracy in Haiti	
International Organizations	Consulate General of Haiti and the Interim Haiti Reconstruction Commission (IHRC)	

Using this sampling strategy, we conducted 30 interviews (lasting for an average of 45 minutes) within the time frame of June 2010 to March 2011, before the election results in Haiti were announced. The majority of interviewees



represented diaspora associations: Haitian–American organizations (14); local agencies, including schools and multi-agency task forces (10); state agencies (2); non-Haitian non-profit agencies (4); and international organizations (2). Two of the interviewees represented more than one organization. All interviewees were provided with a short description of the project and a consent form and all of the recorded interviews were fully transcribed and returned to the interviewees for clarifications and edits. The interviews may be subjective in that they represent the views of these groups. For the purposes of our study though, it is the perceptions of host community groups and diaspora associations that are important and relevant to the policy, governance, and socio-legal issues that we wish to explore. Overall, these mixed methods, particularly the interviews, lend themselves to one of the strengths of qualitative research espoused by Miles and Huberman (1994, 10), i.e., “richness and holism, with strong potential for revealing complexity; such data provide ‘thick descriptions’ that are vivid, nested in real context.”

## **Discussion of Findings**

This research focuses on policy, governance, and socio-legal issues that arose in the aftermath of the 2010 earthquake affecting four major groups in the South Florida region. These are as follows: (i) displacees: Haitians displaced by the earthquake; (ii) host communities and agencies which provided services for displacees; (iii) immigrants: Haitians within the United States and related immigration and citizenship issues; and (iv) diaspora: the Haitian–American diaspora.

### **Displacees: Haitians Displaced by the Earthquake**

According to the EERI (2010), approximately 150,000 Haitians left the country. The Florida Department of Children and Families in turn estimated that approximately 26,671 individuals arrived in Florida in a one-month period from January 15 to February 20, 2010. Seventy-seven percent were American citizens. For these displaced survivors, there were two major issues that arose in the immediate aftermath of the earthquake. The first related to medical assistance and the second related to the U.S. responses on immigration for those who came to South Florida. For each of these issues, legal concerns were tempered by social, political, and economic dimensions and are discussed below.

Medical Issues. In dealing with the influx of injured survivors who were brought into the country by both government ships and planes and by non-profit groups and private individuals, hospitals within Miami-Dade, Broward, and Palm Beach

counties had to deal with a number of challenges and issues. These included not only the medical needs of the injured, but also issues related to transnational policy, governance, and legal status that arose in the provision of medical treatment. First, they needed to deal with the immigration status of those who had been injured. A number of the seriously and critically injured patients had to be cleared by immigration authorities before they could be brought to the hospital. One of our interviewees noted that for the first time, immigration work was done on the tarmac as planes landed with patients. This expedited their transport into waiting ambulances that took them to various area hospitals equipped to deal with their injuries. State-level agencies like the Florida Agency for Healthcare Administration (AHCA) and the Florida Department of Children and Families (DCF) supported hospitals to ensure that the immigration paperwork was correctly filled out. The American Red Cross and other non-profits such as Catholic Charities worked and helped with the families that accompanied the survivors. The hospitals also had to work closely with the U.S. Citizen and Immigration Services once the patients who were of Haitian nationality were ready to be discharged, while balancing medical concerns. Other legal issues that arose were the lack of records, identification of survivors, and translation issues. One of the healthcare providers we interviewed noted that even though there were already a number of Kreyol-speaking personnel at the hospitals:

*In healthcare you cannot use an employee to translate because of HIPAA (The Health Insurance Portability and Accountability Act) federal law. Red Cross has certified translators and they have to sign to protect information of the patient. On the floors where we had a Haitian patient that came from Haiti we had a translator there 24/7. It was part of American Red Cross...*

—Interviewee Code 18

Further complications arose with regard to funding and assistance from the federal government. It took four weeks after the earthquake before the National Disaster Medical System (NDMS) was activated. NDMS is a federally coordinated system that augments the Nation's medical response capability. This was the first time that this system was activated for an international disaster. The difficulties in tracking patients and the fact that the NDMS only covered acute care and not rehabilitation was problematic and hospitals had trouble getting reimbursements for their services. This prompted Charlie Christ, then Governor of Florida to declare to the U.S. Department of Health and Human Services, that

Florida would have to stop taking in more patients if it was not reimbursed (Dewan 2010a). However, while hospitals and other medical professionals were finally eligible for reimbursement months later, realities at the “street-level” were different. What drove hospitals and other agencies, to continue to immediately treat and serve patients were the humanitarian issues, their concern for their Haitian employees, and their ability to help given the geographic proximity to Haiti. As pointed out by one of our interviewees:

*From a business standpoint it is a no-win. Financially it is a loss no matter how to put it. There is nothing good, financially, that is going to come from it... We sat down and had the heart to heart talks, and we had to convince the financial folks that this is a financial write-off and it the right thing to do. The other side is that so much of our population and so many of our employees are Haitian and Haiti it is 150 miles away.—Interviewee Code 01*

Immigration Issues and the Crackdown. Other policy and governance issues of a transnational nature arose in the immediate aftermath of the earthquake. There were fears about a mass influx of immigrants coming into South Florida which triggered an immediate crackdown on a potential exodus from Haiti at the federal level (Hsu 2010). At the federal level, a mass migration plan, known as Operation Vigilant Sentry, was activated to stop a mass exodus from Haiti. This plan had been initially put in place in 2003 because of experiences with Caribbean migrations by the Homeland Security Task Force Southeast (HSTF-SE) under the premise that

a mass migration has the potential to overwhelm independent agency action, and threaten the safety and security of the United States. Since no single agency has the capability or resources to respond effectively to this contingency, an organizational plan and structure that can rapidly and effectively combine DHS forces with those of other federal, state and local agencies is necessary (DHS 2007).

News reports surfaced about how immigration authorities were clearing space in a 600-bed detention center in Miami, and about the preparation of detention centers to turn away and repatriate illegal immigrants who might attempt crossing the 600 mile sea crossing to Florida (Hsu 2010). The media also reported on how South Florida counties such as Miami-Dade were refining their contingency plans to accommodate thousands of Haitian refugees (Fausset 2010). However, the initially expected mass seaborne exodus of displacees did not occur. This may have

been due to stern warnings from the U.S. Department of Homeland Security about detainment and deportation (Hsu 2010). The vast devastation in Haiti itself was also a deterrent to those without adequate means to leave the country.

In addition to those who needed medical help, the first wave of survivors who came were American citizens or permanent residents and were fortunate in having the means to travel back to the United States. Those following this first wave included families and children who came in on tourist visas. While official counts are not available, children were sent here to be able to continue with their studies, sometimes with or without one or both parents. Many of these children came here to finish the school year, often to stay with relatives or friends they barely knew. The importance of education to the Haitian-American community was cited as the reason for this decision (Interviewee Code 08). The issues that arose for this group and the host communities that provided services were considerably different from those for Haitian-American permanent residents and U.S. citizen displaces.

### **Host Communities and Agencies in Receiving Areas**

South Florida's families, friends, non-profit hospitals, and churches played a major role in helping displaced survivors. Additionally, a number of agencies, schools, cities, and other government institutions were critically important in communities that hosted earthquake survivors and their families. The issues that arose for those agencies and institutions revolved around: (a) terminologies and definitions used for displaced survivors; and (b) changes in regulations and practices to accommodate cultural concerns.

Terminology. Terminologies used for people displaced after disaster range from "homeless" to "refugee" to "Internally Displaced Person" to "Disaster Induced Displaced Person" and these definitions remain imprecise (Mitchell, Esnard, and Sapat 2011). Yet, these definitions are not merely semantic in nature. The use of a particular definition carries with it certain rights to and expectations for services. As scholars of social construction and policy design have pointed out, the social construction of certain populations and the language used to describe them greatly influence the kind of policies that are subsequently adopted to deal with their problems (Berger and Luckmann 1966; Schneider and Ingram 1993; Donovan 1993; 2001; Stone 2001). Terminology and designations play an important role in policy design and determine who benefits and loses from policies that get adopted (Schneider and Ingram 1993). When terminology fails to acknowledge the existence of a social group, such as displaced persons, then policy and practice are unlikely to address their needs (Mitchell, Esnard, and Sapat 2011).

Children who came from Haiti after the earthquake and who were living with family members were classified as “homeless” by the Broward and Palm Beach county school districts. This label allowed the school districts to keep track of and identify the students displaced by the earthquake, and facilitated possible reimbursement for educational costs, along with the costs for transportation, translation, curriculum support, and other services that the school districts incurred. As of July 2010, the number of children who had enrolled in the MiamiDade, Broward, and Palm Beach counties were as follows: ~1,147 in Miami-Dade county; ~1,200 in Broward county; and ~654 in Palm Beach county (Esnard and Sapat 2010). Given these numbers, there was a push by Florida’s legislators to get reimbursement for these students. According to Olmeda and Freeman (2010), United States Congresswoman Wasserman-Shultz announced in July of 2010 that “the U.S. House of Representatives had approved an emergency spending measure that among other things, repaid Florida school districts approximately \$12 million for taking in 3700 students for half a year without asking for money upfront.” Thus, the terminology and definitions used in the aftermath of the earthquake were important for monetary reasons. This was a lesson local governments had learned after Hurricane Katrina, when there was no system in place to formally track the number of school children who came into the South Florida school system temporarily.

Changes in Regulations and Practices. In addition to different terminologies and definitions being employed, host communities and agencies in South Florida also enacted some changes in their regulations and practices to adapt to cultural concerns of displaced survivors. Examples of such changes could be found in the way that the school systems dealt with school requirements such as immunizations. For instance, the school districts made appointments for students on the first day to get their immunization shots or they used social gatherings called Konbit socials (*Konbit* is a word in Haitian Kreyol for gathering, collaborating, and cooperation for the greater good) to reach out to families that needed to access services. These Konbit socials were organized with a cultural flavor that included Haitian music and food. Haitian-speaking social workers and psychologists were also available to work with the families who attended, and explain to them what was available and how to get it, such as immunization shots. Other measures included setting up a website for schools and teachers on the process, procedures, and protocols that they needed to follow when they received new students from Haiti. A directory of services that a post-earthquake student could receive was compiled, along with the adoption of other measures such as sensitivity training. For instance, as noted by one of our interviewees,

*Also...we developed and pulled together a group of our staff and we developed a sensitivity training. And we did this by podcast so our schools could just dial in on their computers and see the whole thing and ask questions. That kind of stuff ... it was really very excellent... we dealt with things that schools need to be aware of, as they work with students. Simple things that you wouldn't think of, for example, many of our schools have uniforms and some schools have red uniforms ... and children are grieving ... red for them is a problem. They are used to wearing black or gray during the grief period...the colors are a problem...part of the importance of cultural awareness. But I am very proud to say that is the system we thought of those things and put that out so that our families and the schools could really be more sensitive to the needs of the kids.—Interviewee Code 05*

### **Immigrants: Related Legalization and Citizenship Issues**

Immigration issues were extremely important with respect to potential displacement following the earthquake. For Haitian groups already within the United States (not earthquake survivors coming in) the main issues with respect to immigration were the provision of Temporary Protection Status (TPS) and a potential family reunification parole program.

Temporary Protection Status. TPS is a temporary immigration status granted to eligible nationals of a certain country designated by the Secretary of Homeland Security because that country has experienced temporary negative conditions, such as armed conflict or an environmental disaster. Such conditions prevent nationals of the country from returning safely or for the country to handle their return adequately. TPS allows qualified individuals from designated countries (or parts of those countries) who are in the United States to continue to legally reside here for a limited time period (DHS 2010). Prior to the earthquake, Haitians who had experienced negative conditions and who were political refugees had requested TPS but were always denied the status.

In 2008, Haiti was struck by four hurricanes and tropical storms: Fay, Gustav, Hanna, and Ike. The entire country was severely damaged (800 dead, 600,000 houses damaged, and more than 3 million persons affected); floods and mudslides wiped out most of the food crops and millions faced the prospect of acute hunger (Daniel 2008, 1). However, whether it has been armed conflict or natural disasters during the last 30 years that have prevented Haitians living legally or

illegally in the United States from returning home, successive U.S. administrations refused to grant TPS to Haitians. Even after the devastating hurricanes of 2008, concentrated lobbying efforts, letter campaigns, marches, and protests did not change the administration's position on granting TPS to Haitians. It was only after the January 12, 2010, earthquake that TPS was granted to allow immigrants already in the United States to continue living and working in the country for 18 months following the earthquake. The application period for TPS registration expired on January 18, 2011, and Semple (2011) has reported that 53,000 individuals ultimately applied. This number was much lower than the 100,000 ballpark number estimated by the United States Citizen and Immigration Services back in early 2010 (Forry 2010). Several of our interviewees indicated that the low number of TPS applications were most likely due to a number of factors: the cost of the application fees; the potential fear of discovery; the lack of future immigration possibilities; limited or unclear knowledge of the process; the lack of necessary and available documents; and uncertainty about the extension of application deadlines.

TPS was initially given for a period of 18 months for the eligible applicants who were in the United States before January 12, 2010. On May 17, 2011, DHS Secretary Janet Napolitano announced an 18-month extension of TPS for Haitians. Effective July 23, 2011, this would allow TPS beneficiaries to remain in the United States through January 22, 2013 (DHS 2011). Another major change made was that Secretary Napolitano also *redesignated* TPS for Haiti, advancing the eligibility date by a year. This meant that eligible Haitians who have continuously resided in the United States since January 12, 2011, may also apply for TPS (IDJH 2011). While the extension and redesignation of TPS is likely to help in the post-disaster recovery and reconstruction process, the same socio-politically rooted obstacles that hindered more TPS applications in the first round are also likely to affect applications by those eligible under redesignation. Once again, legal issues are likely to be affected by social factors.

Family Reunification. A second major issue related to the transnational effects of the Haiti earthquake and immigration is that of family reunification. Haitian advocacy groups that raised this issue contend that a possible way to help in the post-disaster recovery and reconstruction process would be a Family Reunification Parole Program (FRPP). This program would waive the waiting period for approximately 55,000 Haitians who already have approved visa petitions and whose family members are U.S. citizens or permanent residents. It would allow them to join their families in the United States quickly (IDJH 2011). For most Haitians, as for other nationalities, the waiting period for the legal immigration is a long period of time. Adult children of U.S. citizens must wait six years to immigrate

if they are single and nine years if they are married. Siblings of citizens face an 11-year wait and for spouses and minor children of U.S. permanent residents, the wait is about four years (*The Washington Post* editorial January 29, 2010).

Four main arguments are being made by advocates for an FRPP. First, it would provide for a more humanitarian and orderly procedure and for quicker legal migration, rather than push people to try more illegal forms of migration that are hazardous. Second, it would reduce the numbers who need aid and financial help from the United States, other countries, and NGOs within Haiti. Third, it would increase the flow of cash remittances to their families by increasing the pool of Haitians working in the United States sending cash remittances to their families. Fourth, it would not be an unusual or unprecedented policy, as it would be similar to the Cuban FRPP created in 2007 and similar to programs created for other refugees such as the Vietnamese and Kosovar Albanians. It would also, as noted by advocacy groups and in a number of editorials posted in the *Miami Herald*, *Palm Beach Post*, *Boston Globe*, *Los Angeles Times*, *Chicago Tribune* (Haiti Advocacy Working Group 2011), help mitigate “double standards” in immigration treatment for Haitians as compared to Cubans. As noted by one of our interviewees,

*There's all kinds of reasons, this (the FRPP) is a no brainer. The administration can do it, no congressional action is needed, it helps Haiti recover, there is a precedent because of the Cuban program, the remittances; the remittances equal to all kinds of reasons, it's a no brainer.*—Interviewee Code 028

While the FRPP would be a humanitarian solution and aid Haiti's postdisaster recovery and reconstruction process, objections to the FRPP stem from concerns raised by anti-immigrant groups about more immigrants coming in, the potential drain on public services, and the potential precedent for other disasters and other immigrant groups. Objections to the FRPP are also rooted in negative social constructions of Haitian groups about Haitian immigrants bringing in crime, draining social resources, and being uneducated and unskilled. Ironically based on earlier studies (Stepick et al. 1982) and our data, these perceptions are not supported by reality in terms of utilization of services. For instance, from our interview data we find that DCF reported on an extremely low utilization of public services (even after the earthquake), and noted that this was not a surprise to them since Haitians are probably the lowest users of services within the refugee program. Haitians are credited with “taking care of their own” a deep cultural tradition.



### **Diaspora: The Haitian–American Diaspora, Participation in the Recovery Process, and Dual Citizenship**

Haitian migration to the United States, the geographic distribution of Haitians in the United States, and the role of the diaspora is well documented by a number of scholars (Laguerre 1998; Orozco 2006; Fagen et al. 2009; Spugnul 2010; Terrazas 2010). The majority of all Haitian immigrants reside in three states: New York, Florida, and Massachusetts (Terrazas 2010; Fagen et al. 2009). The Haitian diaspora has its own share of success and high visibility, with individuals serving as executives in major corporations, university professors, administrators, and government officials. The South Florida region is home to more than 300,000 Haitians, many of whom have family in Haiti. Population estimates based on the 2010 American Community Survey estimates for population with Haitian ancestry are 116,137 in Miami-Dade County, 116,334 in Broward County, and 76,134 in Palm Beach County. It should be noted that margins of error range from 7,618 to 11,353. According to Fagen et al. (2009), Haitians make up 4.2% of the population of Miami-Dade County, which now has the largest concentration of Haitians in the United States. The second-largest concentration of Haitians is in King's County (Brooklyn) and the third largest is in Broward County, immediately to the North of Miami-Dade.

As a result, many Haitian diaspora organizations and groups are based in South Florida. These groups work on behalf of the Haitians both in the United States and in Haiti. They remain actively involved in Haiti's political practices and elections from their bases of operation in Miami. Laguerre (1998) refers to this phenomenon as the "transnationality" of Haitian politics that is occurring in an informal arena. Given the very active role that they have always played in their homeland, two primary policy and legal issues were revived after the 2010 earthquake. The first was the acquisition of more legal and formal forms of representation in the post-earthquake recovery and reconstruction process in Haiti, and the second issue was that of dual nationality or dual citizenship. Both these interrelated issues are discussed here.

Representation in Recovery Processes and Dual Citizenship. The Haitian diaspora has always played a critical role in assisting Haiti with relief and recovery efforts following past flood and hurricane disasters (Esnard and Sapat 2011; Sapat and Esnard 2011b). Diaspora advocacy has also been a critical factor in helping the Haitian community at a transnational level. Within the United States, this has included legislative changes in immigration benefits like TPS. Within Haiti, the Haitian diaspora have also played an active role following disasters by carrying out relief and medical missions, providing help through churches and home town

associations, by convening volunteers, and most importantly through economic and social remittances (Sapat and Esnard 2011a). Economic remittances, normally sent through wire transfers of cash, are estimated to amount to around 30% of Haitian GDP and Haiti is estimated to be one of the world's most remittance-dependent country (Fagen et al. 2009; Martin 2010). Social remittances are important as well, and are transmitted through diaspora social networks. Social remittances are the norms, practices, identities, and social capital that flow from receiving- to sending-country communities (Levitt 1998) and can change ideas, beliefs, and practices about gender, politics, and religion. Social remittances may also be transferred in different ways with differential impacts (Jiménez 2008; Levitt 2001). They are important in influencing political choices in their homeland. As Laguerre points out,

...since the Haitians in the diaspora send remittances back home, its members can influence the votes of their relatives and friends...The advice sent with the remittance check is usually appreciated by family and friends, since the senders often have better access to accurate information about the backgrounds of candidates (Laguerre 1998, 160).

Given the high level of participation in their homeland, the Haitian diaspora has always wanted more formal representation and involvement. To that end, Haiti created the first diaspora "ministry" in the Americas in 1994 with a new cabinet post, called the Ministry for Haitians Living Abroad (MHAVE), or the "Tenth Department," and charged it with facilitating diaspora investments, contributions and visits, and improving relations with diaspora organizations (Fagen et al. 2009, 42; Spugnul 2010). However, despite the existence of this Ministry, the Haitian diaspora did not feel that their services and contributions were valued beyond monetary resources. It was only after the 2010 earthquake that they felt that the Haitian government valued and needed their input in governance to some extent (Dewan 2010b).

There were two key events following the earthquake in March 2010 that provided official opportunities for the Haitian diaspora to be recognized and to provide their input. These two events include: (i) the Haitian Diaspora Forum held at the Organization for American States (OAS) Headquarters in March 21–23, 2010; and (ii) the Haiti Donors Conference held at the United Nations Headquarters in New York on March 31, 2010. The OAS Forum was co-organized by the OAS and Haitian diaspora organizations and focused on a strategic plan for reconstruction and development in Haiti. There was also discussion about how the Haitian

Diaspora would engage in capacity and nation building (OAS 2010). The outcome and results of the OAS forum were presented to the Haiti government at the March 31, 2010, donors' conference in New York. According to one member of the diaspora, "this was the first time in the annals of the diaspora, that the diaspora had been considered as an institution versus a separate entity of one to one" (Interviewee Code 007). The Haitian diaspora also got representation in the form of one member on the Interim Haiti Reconstruction Commission (IHRC), co-chaired by Haiti's Prime Minister Jean-Max Bellerive and President Bill Clinton. This commission was structured similarly to the Reconstruction and Rehabilitation Agency, or B.R.R., which was set up in Indonesia after the 2004 South Asia tsunami and is the main institution that has determined how international funds and donations pledged for the Haitian recovery process will be allocated for reconstruction projects.

However, while these measures allowed for some level of legal and formal representation, they fell short of the expectations that the diaspora had. Diaspora members felt that given their financial contributions in the form of remittances, they ought to have been accorded a larger role in the post-disaster recovery and reconstruction process. They were disappointed that they were able to have only one instead of two representatives on the IHRC, as well as the lack of voting power for even that sole representative. According to one of our interviewees:

*I think we were discouraged when the interim reconstruction commission decided they would have a representative from the diaspora but that person would not have a vote ... personally I think it's a slap in the face. Their explanation is that everyone that has a vote has contributed financially but the diaspora contributed 1/3 the GDP of Haiti- through remittances.—Interviewee Code 10*

Another source of frustration for the diaspora for a number of years and which surfaced again after the 2010 earthquake was the lack of availability of dual citizenship. This ongoing conflict between Haitians (particularly the Haitian government) and Haitian-Americans on the issues of dual citizenship and the right to vote was mentioned by 24% of our Haitian-American interviewees. Laguerre (1998) refers to these calls for voting power as "diasporic citizenship." As pointed out by one of our interviewees, they felt that it was time that the Haitian government gave the diaspora a chance.

*We cannot be funding a country every single year, more than what you get in donations, more than what you get in grants; for us and*

*we don't have a say so of what goes on in the political system. If they are afraid that we may have a strong voice, well just be it, that's what it is we'll have that voice. If they are afraid that we're going to do it better than they have been doing it, just be it. But at least give Haiti a chance. For two hundred years, it's time to give Haiti a chance.—Interviewee Code 23*

According to 48% of our Haitian–American interviewees, successive Haitian governments have been reluctant to allow the Haitian diaspora a greater voice because of fears about giving the diaspora more political power, as well as negative perceptions and social constructions of the diaspora itself. While we define and use “diaspora” here to refer to Haitian emigrants who have settled in the United States in the last few decades, the term “diaspora” remains a contested term in the Haitian context and is rooted in antagonistic social relationships. As noted by one of our interviewees, it is a pejorative term used by Haitians (in Haiti) to refer to Haitians (in the United States) whom they want to keep away. When asked what terminology would he suggest be used, he replied “just immigrants” (Interviewee Code 26).

## **The Governance and Socio-legal Nexus**

The discussion above highlights some of main governance and socio-legal issues that emerged or re-emerged on a transnational level after the 2010 earthquake. As we expected, social constructions of different groups, i.e., earthquake survivors and displacees, immigrants applying for TPS, the FRPP, and the Haitian diaspora did affect legal and other policy responses to the issues that emerged. What also emerged as being crucial to understanding these issues are other deeply embedded social and political complexities. We discuss some of the primary factors more explicitly here, which are: (1) the importance of formal networks and prior collaboration; and (2) informal networks, fragmentation among diaspora groups and diasporic identities.

### **Importance of Networks and Prior Collaboration**

Our interview data indicate that prior interactions in the form of formal networks among agencies and organizations were critical in the post-disaster period, and helped to resolve some of the main governance and legal issues that emerged for earthquake survivors. There were a number of agencies and organizations that had

worked with each other, such as the Florida Department of Children and Families Refugee Services; United Ways of Broward and Palm Beach counties; Broward Health Emergency Preparedness Department; the Palm Beach County Disaster Coalition; school district representatives from Palm Beach, Broward, and MiamiDade counties; and the Florida Department of Emergency Management (FDEM). Fortunately, there were also planning efforts that among other things addressed issues of mass migration, as well as repatriation. For instance, there was a State Emergency Repatriation Plan which is housed within FDEM, as well as a state comprehensive emergency plan that addresses repatriation, mass migration, hurricanes, and other hazards. While FDEM was the lead agency, DCF received funding as well, so they worked very closely with emergency management and all of the agencies that are part of emergency management process. New networks, partnerships, and organizations, such as the Broward Haiti Relief Task Force and Konbit for Haiti, were also forged to deal with a large spectrum of the socio-legal issues discussed above.

Prior exercises and discussions among these groups helped. For instance, as noted by one of our interviewees from the medical profession:

*About 5 years ago, we did a mass migration exercise and we looked at what if Castro dies and Cuba empties out—how many would come to South Florida? So what would we do with mass immigration as far as health care, law enforcement, boarder control, etc. One of the things that came up is that if you have someone that comes to your doorstep with no record, SSN, what do you do with them? Do you think immigration will come for one person when they have tens of thousands more? We knew there was a hole there and the feds knew it and of course we did not have an action plan for this. Changing laws and going through legislation at the state and federal levels would take years... We have been working for a while on a catastrophic plan. What do we do when the cat 4/5 hurricane takes out South Florida? —Interviewee Code 18*

However, there were issues that were not foreseen by some of these prior exercises. For instance, despite these plans, the scenario played out much differently after the Haiti earthquake. According to one of our interviewees, the emergency plan primarily focused on a large number of arrivals, not a significant number of the severely injured people. On the other hand, the interviewee commented that:

*We were lucky, honestly, that this happened in Haiti because of the unique situation of Haitian parolees in that many are able to get some medical assistance. If that had not been the case, there would have been even greater concerns about the immediate and longterm medical needs of these individuals. We know that the impact on our Refugee Medical Assistance program, which is a 100% federally funded program, exceeded 6 million dollars, because the people who came in as parolees were the most severely injured.*

—Interviewee Code 21

Thus, plans were important—but the exercises and prior collaborations utilizing these plans turned out to be critically important.

### **Networks and Fragmentation among Diaspora Groups**

In addition to these formal networks, there were informal networks among a number of Haitian–American diaspora non-profit organizations and faith-based groups, such as the Haitian Lawyers Association, FANM, SantLa, the Haitian American Emergency Relief Committee, Haitian-American Nurses Association, Haitian-American Grassroots Coalition, Haitian-American Professional Coalition, Haitian-American Leadership Organization, Haitian Association of Engineers and Scientists, Radio TeleAmerica, and the Notre Dame d’Haiti Catholic Church. Some of these are umbrella organizations. Familial and social networks among the Haitian diaspora themselves, as well as between the Haitian diaspora and their relatives and families in Haiti also helped in the other issues that arose in the aftermath of the quake and in tracking displacees and survivors coming in. Faithbased groups were particularly helpful in that regard. As one of our interviewees points out,

*The faith based community knows where these people are. If you know where one family is they know where 12 families are.*

—Interviewee Code 17

Unity among diaspora groups also helped. Prior to the earthquake, this had been most apparent in the context of immigration. Several diaspora groups and coalitions have advocated for the TPS and for legal and political rights of the Haitian American community, particularly for comprehensive immigration reform in the United States and even in the broader Caribbean region where Haitians have taken refuge over the decades. In fact, coalitions such as the Haitian American Grassroots Coalition and the National Coalition for Haitian Rights were born out of

the struggle of Haitian immigrants to improve their condition of life and also to be able to have a foothold in America. According to one of our interviewees:

*I don't think we had really a common denominator in the last forty years and the only fights that we've been fighting is immigration, immigration, immigration then this came up.*

—Interviewee Code 23

However, while the collaboration between the Haitian diaspora groups helped tremendously in relief and response activities, there is also fragmentation among the diaspora, some of which became more apparent as the initial unity between diaspora groups forged after the earthquake dissipated (Sapat and Esnard 2011a). Also while the Haitian diaspora has had its own share of success and high visibility as professionals in major public and private institutions, there is a general lack of political clout as a group. Success occurs mostly at an individual or family level. This individuality was traced by one of our interviewees to the competition fostered and the instinct for survival from a very young age. This sentiment is expressed below:

*We are involved in Haiti but we do not have a strong Haitian community. There are a lot of people; we probably have a lot of recognition, but we have no power really as a group of people. It is a different culture; we do not have a lot of investment in the political system so that makes us very weak in terms of as a group. ... our success is individual success. You go, you study in Haiti, you come back here. You are a good doctor, you are a good lawyer. You make money. Good. Great for you and your family. We are not together as a group.*—Interviewee Code 27

Laguerre (1998) attributes this condition to the focus of the diaspora on the homeland and astutely notes that the continued focus on issues specific to Haiti has negative consequences for the diaspora in terms of establishing a foothold in American politics, since the energies of the diaspora is diverted asymmetrically toward the homeland at the expense of the receiving country. This gives rise to what Laguerre describes as “a fragmented bipolar identity that transcends national boundaries and is central to the social construction of the transnational citizen” (1998, 173).

## **Conclusion**

The earthquake in Haiti had repercussions not just in Haiti, but transnationally in other countries as well. The objectives of this paper were to analyze the transnational ramifications, in particular the governance and socio-legal issues that emerged after this disaster for displaced survivors and receiving host communities, and the implications for citizenship and immigration for Haitians within the United States and for formal participation by the broader Haitian diaspora in Haiti itself. Based on our interview data, we found that social constructions of these various target groups, along with the role played by host community agencies and street-level bureaucrats were important in understanding policy responses to the issues that emerged. Other findings also revealed that a host of issues related to transnational displacement need to be addressed. These include terminologies used for displacees, financial reimbursement for services, immigration services for injured survivors, and modifications needed in plans and exercises for post-disaster response and recovery operations. We also found that formal and informal networks as well as diaspora identity formations provide a context to understand legal responses and how such factors affect the nature of these responses.

In light of our research and findings, we conclude that future disaster research and policy practices in disaster and crisis management needs to pay attention to two issues: (1) diaspora (or immigrant) groups and their role in postdisaster recovery and reconstruction; and (2) the transnational dimensions of disasters, including transnational displacement, governance, and legal issues. Our ongoing and future research continues to explore these issues. Given the potential number of refugees fleeing climate-change-related events and other disasters, as well as and the effects of globalization, how these issues are addressed by policies will have implications for crisis and disaster management in both impacted and host communities.

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