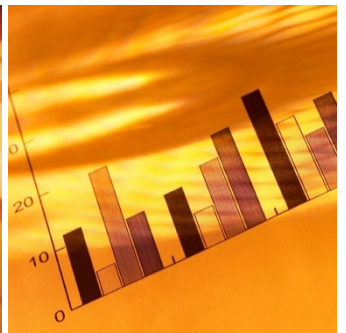# Deportation, Circular Migration and Organized Crime

Haiti Case Study

by Geoff Burt, Mark Sedra, Stephen Baranyi, Philippe Couton, Timothy Donais and Robert Perito

BUILDING A **SAFE** AND **RESILIENT CANADA**

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Abstract

Like all OECD countries, Canada has a policy of deporting immigrants who have committed certain kinds of crime back to their countries of origin. This pattern of circular migration—immigration to Canada followed by deportation—has unique implications for the development of transnational organized crime. In some cases, criminal deportations have facilitated the development of transnational organized crime networks, which later threatened the security of the deporting country. This report examines the impact of deportations from Canada to Haiti on crime trends in both countries and analyzes the threats to public security in Canada.

Canada's policy on criminal deportation must balance a number of competing factors. It must prioritize the safety of Canadian society while acknowledging the wide-ranging impacts of deportation on immigrant communities in Canada and the stability and security of the country accepting the deportees. Haiti suffers from widespread instability and a lack of law enforcement capacity. As a long-standing development partner of the Canadian government, the impact of deportations on crime trends in Haiti is a significant concern.

While there is limited evidence that organized crime groups located in Haiti are a threat to security in Canada, the country's geographical location next to the Dominican Republic—the largest transshipment point for drugs entering Canada—suggests that this threat could materialize in the future. Building on best practices developed in other contexts, the report concludes with a discussion of mitigation strategies to minimize the negative impacts of criminal deportation both in Canada and in Haiti, and an examination of ongoing policy issues relating to forced criminal deportation to Haiti.

Author's Note

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Introduction

Like all OECD countries, Canada has a policy of deporting immigrants who have committed certain classes of crimes back to their countries of origin. This pattern of circular migration—immigration to Canada followed by deportation—has unique implications for the development of transnational organized crime. Deportation and circular migration played a central role in the development of the *maras* in Central America, whose origins as Los Angeles street gangs facilitated their re-entry into the drug-trafficking market in the United States (U.S.). Likewise, the deportation of Jamaican convicts from the U.S., Canada and the United Kingdom (UK) is thought to have contributed to a rise in criminality in Jamaica, seriously threatening public safety and security. As a popular destination for immigrants and refugees, Canada is home to immigrant communities from around the world; however, every year Canada deports a small percentage of these immigrants because of their involvement in serious criminality. This research report examines the impacts of forced criminal deportation on crime and community security in Canada and in the case study country, Haiti.

Domestically, the report focuses on the impact of deportation on the families of deportees, and Haitian-Canadian communities more broadly. Acknowledging the obvious benefits to public safety accrued by deporting those who have committed crimes in Canada, it explores the implications of criminal deportation on delinquency, youth gangs and crime, focusing on neighbourhoods in Montréal with significant Haitian-Canadian populations. A second focus will be on the threat posed by criminal deportees once they have reached Haiti, a country with severely limited law enforcement capacity. The report evaluates the possibility that deported Haitian Canadians could undermine public safety in Canada by exploiting knowledge of and connections within Canadian society to facilitate trafficking in drugs, weapons or human beings. Whether the policy of criminal deportation may have the unintended effect of establishing transnational organized crime networks—as appears to be the case with the *maras* in Central America—is an important focus of this report.

Caribbean political leaders, scholars and media outlets frequently cite the prominent role played by criminal deportation from developed countries in rising crime rates throughout the region. While these claims are not always substantiated with clear evidence, and often seem to be based on the stigma associated with deportees, there is a solid empirical basis for believing that criminal deportees to Jamaica from Canada, the U.S. and the UK—who were returned to Jamaica in far larger numbers than is the case in Haiti—have contributed to a rise in violent crime in that country. Building on this context, the report examines whether criminal deportees from Canada have had a destabilizing effect on Haiti, as the Government of Haiti often claims, and if so, whether criminal deportation is contributing to insecurity in the country, where Canada has supported law enforcement and stabilization for over two decades.

Building on best practices developed in other contexts, the report concludes with a discussion of strategies to mitigate the negative impacts of criminal deportation both in Canada and in Haiti, and an examination of ongoing policy issues relating to forced criminal deportation to Haiti.

Deportation in Canada: Politics and Policy

The deportation of permanent residents who have committed crimes in Canada has, in recent decades, been a political, as well as a policy, question. In legal terms, Canada's immigration legislation, the *Immigration and Refugee Protection Act* (IRPA), defines who is identified as inadmissible to Canada. Violations of the *Act* range from very serious crimes such as posing a threat to national security, human rights abuse, terrorism and organized crime to less serious transgressions like working or studying without a permit.[1] While the notion of deporting immigrants who have committed crimes in Canada carries the intuitive appeal of removing potentially dangerous elements from Canadian society, these criminal deportees have sometimes lived in Canada for the majority of their lives and many are unfamiliar with their country of origin. Moreover, they frequently leave behind families who relied on them socially and economically. Thus, as a Canada Border Services Agency (CBSA) spokesperson noted, "the decision to remove someone from Canada is not taken lightly" (Keung, 2015a). Nonetheless, as one expert put it, forced deportation as a policy tool, "is a feature unique to all developed countries that are increasingly concerned, since the 1980s, about the inflow of illegal immigrants" (Charles, 2014).

As a political issue, deportation and crime became front-page news in the summer of 1994 following two particularly violent crimes committed by immigrants to Canada. The first was the "Just Desserts" shooting in April 1994, when an armed robbery left a 23-year-old patron dead. When it was discovered that the attackers were Jamaican citizens—even though they had arrived in Canada as children—there were widespread calls for tougher immigration legislation. The second violent crime was the murder of police officer Todd Baylis in June 1994 by a Jamaican national who was living in Canada illegally, having previously been issued a deportation order. Collective shock at these crimes resulted in amendments to immigration legislation designed to facilitate the deportation of criminals. Bill C-44, often referred to as the "Just Desserts Bill," gave the Minister of Citizenship and Immigration the power to deport a permanent resident who was deemed to constitute a "danger to the public" (Barnes and Seepersad, 2008). As scholars have noted, Bill C-44 was the first of several legislative changes in Canada designed to clamp down on criminal immigrants (*Ibid*., 30).

More recently, Bill C-43, or the *Faster Removal of Foreign Criminals Act* (FRFCA), which entered into law on June 20, 2013, redefined the criteria for inadmissibility on the grounds of serious criminality.[2] Under the bill, serious criminality is now defined as: a conviction (in Canada) of a crime for which you either *could have been given* a sentence of 10 years of more, or *were given* a sentence of 6 months or more; or if there is reason to believe that you have committed a crime outside of Canada, which, were it committed in Canada, could have carried a sentence of 10 years or more. In cases where the crimes are committed in Canada, the offender serves his or her sentence and is subsequently deported. For those believed to have committed

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[1] Interview with senior official, CBSA, March 6, 2015.
[2] In April 2013, then Immigration Minister Jason Kenney expressed frustration at the delays in removing foreign criminals from Canada, noting that with the passage of FRFCA, "We will be in a position to remove serious foreign criminals much more quickly" (see Morahib, 2013).

crimes outside of Canada, deportation may occur without any time served in Canadian prison. The legislation grants broad authority to issue deportation orders in cases where there are reasonable grounds to believe a permanent resident has committed an act that would be a crime in Canada: the individual does not need to be convicted of, or even charged with, that crime while abroad.[3] Previously, permanent residents who had spent fewer than two years in prison as a result of their crimes were eligible to appeal their deportation order with the Immigration Appeal Division (IAD) of the Immigration and Refugee Board (IRB).[4] After FRFCA, any permanent resident committing an offence that carries with it a custodial sentence of six months or more can be deported without appeal. Immigrants' rights groups, the media and the Canadian Bar Association criticized FRFCA for going too far in removing permanent residents' right to appeal decisions made by the CBSA and the Immigration Division of the IRB, neither of which consider humanitarian factors in making their determination (Canadian Bar Association, 2012).

Once a deportation order has been issued, the offender has the option to leave Canada willingly or be detained and removed forcibly by the CBSA. The exact experience of deportation varies on a case-by-case basis. The process begins with a pre-removal interview, which includes a risk threat assessment. Most deportees are then removed on commercial flights. Some may have their tickets paid for by the CBSA, and CBSA officials escort the more dangerous deportees to their destination. The CBSA must often secure travel documents to the destination country. Because of these procedural requirements, the removal process usually takes approximately two weeks when it involves air travel.[5] The level of coordination with the receiving country also varies. For certain high-risk deportees, the receiving country is notified by the assigned CBSA liaison officer that a deportee is scheduled to arrive. In those cases, the liaison officer will describe the grounds for deportation, including the nature of the criminality. In the past, criminal deportees to Haiti have been incarcerated as a precautionary measure upon their return to Haiti and held until a family member is able to vouch for them, though this practice reportedly no longer occurs (University of Miami School of Law, 2015). Criminal deportees themselves occasionally receive assistance—for instance, a supply of medicine or funds to support their transition— but this assistance is determined on an *ad hoc* basis. The CBSA's goal is to give deportees the ability to support themselves for two weeks.[6] Occasionally, the CBSA deports immigrants who lack local language skills. In those cases, CBSA liaison officers notify the receiving country to help ensure that social services can be provided.[7] These practical elements of deportation are especially crucial when a deportee is returning to a dangerous environment.[8]

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[3] Ibid.

[4] For instance, the IAD considers appeals on humanitarian and compassionate grounds, such as the length of time the person has lived in Canada, the potential hardship faced by the deportee's family, and the hardships they would face if forced to return to their country of origin. FRFCA reduced the severity of sentence required for deportation without appeal.

[5] Interview with senior official, CBSA, March 6, 2015.

[6] Ibid.

[7] Ibid.

[8] Two episodes in particular highlight the difficulty of safely deporting people to conflict-affected countries. The experiences of Saeed Juma and Mohamed Barre Bulle, both deported to Somalia, raised significant questions about how Canada conducts deportations to that country. Juma was deported to Somalia in 2012 and immediately captured by a gang which demanded a $2,000 ransom. Bulle was transported via Nairobi, where a small charter plane was to take him to Mogadishu. Instead, he and another deportee from Holland were abandoned on a

The Haitian-Canadian Context

Criminal deportation does not take place in a vacuum. It impacts the lives of the deportee's family and community in profound ways. Consequently, its effects on public safety in Canada are not limited to threats emanating from deportees themselves—the experience of deportation also influences risk factors associated with youth, gangs and crime. To put this issue in the proper perspective, we must consider the scale of criminal deportation of Haitian-Canadians. In 2013, there were 26 criminal deportations of Haitian-Canadians (compared to 84 for non-criminal violations); the numbers for 2012 were 39 criminal deportations and 123 non-criminal deportations (CBSA, 2015). This is a relatively small number in proportion to the total number of removals in 2013 due to criminality (1999) and the total number of removals overall (12,182) (*Ibid*.). The number of deportees is also not particularly high considering that Haitian-Canadians are one of Canada's largest immigrant communities, numbering 137,995 according to the most recent available data (Statistics Canada, 2014). It seems unlikely, given these figures, that criminal deportations have a broad, sweeping effect on the Haitian-Canadian community at large. The impact of deportations is instead more likely to be felt at the level of families and small communities.

The vast majority (85 percent) of Haitian-Canadians live in Montréal, with significant communities in Ottawa and Toronto. Haitians have become a central part of Montréal's urban fabric, with numerous associations, a strong presence in many neighbourhoods and a lively, multi-faceted cultural community. The Haitian-Canadian population is also growing rapidly, with immigration from Haiti increasing from around 1,600 per year a decade ago, to over 4,000 since the catastrophic earthquake in 2010 (Citizenship and Immigration Canada, 2014). Some of Canada's prominent public figures are of Haitian heritage, most notably former Governor General Michaëlle Jean and internationally renowned writer Dany Laferrière.

Migration is rarely an easy process, particularly for residents of impoverished countries, and Haitians have experienced their share of difficulties. Members of the so-called "second generation" (those born in Canada to Haitian immigrants) face unique challenges (see, for instance, Potvin 2010, 2012; Gabriel 2009). This is often true of immigrants who belong to one or several ethnic, racial or religious minority categories in Canada, as well as those in most immigrant societies, like the U.S., France or Australia. Potvin (2010), however, finds that second-generation Haitian Canadians do not differ significantly from the general Canadian population in terms of their aspirations, schooling and social and cultural lives. The second generation frequently feels the impact of racism and discrimination more heavily than their parents, since, as many authors have noted, they usually feel a strong sense of belonging to Canada, and expect to be treated similarly to other members of Canadian society (Potvin, 2010; Reitz and Banerjee, 2007). As a result, Haitian-Canadians tend to suffer from disproportionately low incomes and high levels of unemployment (Lindsay, 2007). Since about half of Haitian Canadians were born in Canada, and about the same proportion are under the age of 25, this sense of unmet expectations affects a large number of Haitian Canadians.

However, it is important to note that empirical research on Canada and the U.S. has found that

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deserted airstrip just inside the Somali border and left without water or food. The other deportee died and Bulle barely survived. For a full account, see CBC, 2014.

immigrant communities tend to have lower crime rates than the population at large. As one study noted, there is now significant evidence that first-generation immigrants "commit significantly less crime than native-born counterparts" (Hagan et al., 2008:99). For the purposes of analysis, immigrant communities are often separated into first generation (immigrated after age 12), one and a half (immigrated after age 6) and second generation (born in Canada to parents who were born abroad). The literature demonstrates that the crime rates for one and a half and second generation immigrants are higher than for first generation immigrants. The important finding to note, however, is that even considering this increase in crime rate, one and a half and second generation immigrants still commit crimes at a lower rate than the rest of the Canadian population (see Hagan, et al., 2008). Immigration is frequently cited as a protective factor against crime and delinquency (for instance in Martinez, 2006; Perreault et al., 2008; and Charron, 2011). Regardless of the statistical data on crime and immigration, scholars have noted "a mythology of immigration and crime that has proven highly resistant to clarification and change" (Hagan et al., 2008).

While noting the important caveat above, the difficult conditions and sentiments of marginalization have led some Haitian youth to turn toward criminal activities. In Montréal, street gangs have been particularly visible and the topic of heated debates. Some police estimates have placed the number of Haitian-Canadian gang members at 1,500 (Goudou, 2007). As the Department of Justice (2015) noted, "most of the Montréal street gangs are made up of Haitian and Jamaican youth." While street gangs and related forms of organized crime have not reached the level of many other North American cities, it is nevertheless widespread, and has disproportionately affected the Haitian-Canadian community in Montréal. The gang question has divided the Haitian-Canadian community and led to much soul-searching about its causes and potential solutions (Drotbohm, 2011; Goudou, 2007).

Haitian communities have a long experience with deportation, both in Canada and the U.S., and have engaged in protracted, difficult debates within their own communities and with the social and political institutions of their host countries (Drotbohm, 2011). The negative impacts of deportations on the families and communities left behind are well known from other settings around the world (Dreby, 2012). In the U.S., where over 400,000 immigrants are deported annually, the most serious impact of those deportations is thought to be on the deportees' spouses and children (*Ibid*.). The very potential of deportation or "deportability" creates a sense of fear and anxiety about potential parental separation for many children. While the effect of deportations on the families and communities of Haitian immigrants in Canada is not well documented, a recent U.S. study on Haitians in the U.S. provides important new insights (University of Miami School of Law, 2015). The report, filled with detailed evidence from both Haiti and the United States, is unambiguous in its description of the "utterly devastating consequences" of deportation, both for deportees (some of whom are known to have died in prison shortly after returning to Haiti), and for the families left behind. It is also worth remembering that the deportation of Haitians has a long history in Canada. The threatened

deportation of Haitians in 1974 led to a protracted debate in Québec that had a durable influence on a range of social movements and on how immigration is framed in the province (Mills, 2013).[9]

The obvious commonality among all Haitian-Canadian deportees is that they have yet to become Canadian citizens at the time of their deportation. Therefore, an important question to consider is whether there are structural barriers to naturalization facing the Haitian-Canadian community. Across Canada, rates of naturalization are exceptionally high, with 71 percent of immigrants who have been in the country from six to ten years becoming Canadian citizens and 89 percent becoming citizens within 20 years of arriving (Picot and Hou, 2011; Adams et al., 2014). A recent report found that eight in ten respondents questioned about the difficulty of obtaining Canadian citizenship said that it was very (59 percent) or somewhat (22 percent) easy. The proportion stating that it was somewhat (8 percent) or very (4 percent) difficult was much smaller (Environics Institute, 2012). However, there is evidence that administrative barriers and costs to obtaining citizenship are causing fewer recent immigrants to seek out citizenship (Keung, 2015b). Moreover, stricter requirements on the immigration test have seen the pass rates for Caribbean applicants go down by 20 percent. At the same time, the fee for obtaining citizenship has increased twice in the last year, rising from CAD 100 to 300 in February 2014 to CAD 530 in December 2014 (Keung, 2015b). These barriers may cause more permanent residents to forego the naturalization process, increasing the numbers that may be deported—rather than just incarcerated—when they commit a serious crime. Indeed, when Caribbean stakeholders were surveyed in a 2008 research report, they expressed the view that "there was a need for Caribbean nationals living overseas to be better informed about matters related to citizenship status, and factors that may lead to their deportation" (Barnes and Seepersad, 2008).

Criminal Deportation and Organized Crime

Relevant Case Studies

Unintended and unwelcome consequences of criminal deportation have been noted in a variety of other contexts. The most recent and familiar example of deportation, circular migration and organized crime began with the deportation of thousands of members of Los Angeles-based Latino street gangs to their countries of origin in Central America. These criminal deportees played a key role in the establishment of the *maras* in El Salvador and, to a lesser extent, neighbouring countries. The *maras* are now part of vast organized crime networks that have spread throughout the region and indeed back into the U.S. and, more recently, Toronto (Henry, 2008) and Vancouver (Diebel, 2009). Consequently, the deportation of criminal immigrants to countries with widespread poverty, few employment opportunities, weak law enforcement capacity and an existing gang culture ended up generating transnational organized crime groups that now constitute a serious threat to U.S. public safety.

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[9] In 1974, the Haitian community mobilized to support the approximately 1 500 Haitian immigrants who had been threatened with deportation. The political activism of the immigrants and their supporters succeeded in rallying public opinion in Quebec around their cause.

The origins of Central American *maras* predate their deportation from the U.S. In the 1980s, thousands of Salvadorans and Guatemalans fled their homes to escape civil war. Many from those Diasporas settled in poor areas of Los Angeles, where youth coped with poverty and social exclusion by joining street gangs, most notably the 18th Street (M-18) and Mara Salvatrucha (MS-13) gangs. In an attempt to crack down on gang violence, U.S. authorities deported thousands of young gang members "back" to their countries of origin in Central America. Between 1998 and 2005, the U.S. deported 46,000 criminals to Central America (Rodgers, Muggah and Stevenson, 2009:7). Upon returning to Central America, gang members were again confronted with marginalization, unemployment and poverty. With few legitimate prospects, many of them relied on their affiliations with the M-18 or MS-13 gangs. Gradually, local street gangs began to coalesce around these two dominant groupings, joining either the M-18 or MS-13 "franchise." Owing to the explosion of gang activity, Central American countries now have among the highest rates of violent crime in the world, a situation that is in turn fueling an increase in irregular migration to the U.S. Today the *maras*, best seen as loose transnational networks of local gangs, are active throughout El Salvador, Guatemala, Honduras and Mexico, and in at least 42 U.S. states (Seelke, 2014, 5; Sullivan and Logan, 2010).

Another illustrative case study is the experience of criminal deportees to Jamaica. Beginning in the 1990s, the U.S., Canada and the United Kingdom deported increasingly large numbers of criminals of Jamaican origin. Each of these countries initiated a crackdown against a particular organized crime group, the Jamaican posse, whose involvement in violence and drug trafficking, most notably the dealing of crack cocaine, had come to be seen as a significant threat to public safety. Over the last 20 years, the number of criminal deportees to Jamaica has been so large that, as one study found, "in relation to the Jamaican population, deported criminal offenders now represent a ratio of 1 in every 118 persons" (Barnes, 2009:10).

Studies and government reports (and indeed popular perception) in Caribbean countries hold that criminal deportees have contributed to organized crime in their societies. In a study of criminal deportees in four Caribbean countries (Antigua, Guyana, Jamaica and Trinidad and Tobago), law enforcement officials responsible for criminal intelligence "identified the involvement of deported persons in local gangs as a major challenge to law enforcement" (Barnes and Seepersad, 2008). The same officials noted that some criminal deportees' attempts to assume leadership over gangs either by leveraging their access to financial resources or engaging in violent conflicts had escalated into "major increases in crime and violence in affected communities" (*Ibid.*, 23). Interestingly, community leaders and security officials in all four countries noted the influence of criminal deportees on youth, based on their appeal as role models to youth from disadvantaged communities (*Ibid.*, 23). As one report noted: "there is a widely held belief in the Caribbean (as well as in Central America) that recent crime troubles can be tied directly to the activities of deportees 'schooled' in crime in the developed countries, especially the United States, Canada, and the United Kingdom" (UN Office on Drugs and Crime and World Bank, 2007). Politicians in Caribbean countries have consistently argued that criminal deportees have fuelled gang violence in the region (Owen and Grigsby, 2012). For instance, in 2009, Jamaica's Minister of National Security, Dwight Nelson, "attributed rising gang activities in Jamaica to the deportation of criminals from the United States, Canada, and the United Kingdom (*Ibid.*). In Guyana, President Bherrat Jagdeo and the Guyana Police Force "have often blamed the deportees for making the country more violent" (*Ibid.*). Many deportees interviewed for a 2008 study "felt that 'deportees' were being used as scapegoats to explain escalating crime, and argued that it was unfair for them

to be blamed for high crime rates because 'a lot of crimes are ongoing feuds that deportees don't even know about." (*Ibid*.).

Regardless, recent scholarship on Jamaica appears to support a correlation between the policy of deportation beginning in the mid-1990s and a rise in gang-related criminality. As Williams and Roth (2011) note: "The large influx of criminal deportees from the United States, Great Britain and Canada to Jamaica throughout the 1990s and after coincided with a significant escalation in the rates of violent crimes in Jamaica. Based on official police data, the Jamaican murder rate of 22 per 100,000 inhabitants in 1990 rose rapidly to 31 per 100,000 in 1995, and then to 39 per 100,000 in 2000. By the end of 2004, the murder rate had climbed to a record of 64 per 100,000." One analysis of the correlation between deportation and murder rates in Jamaica between 1990 and 2004 found that murders were strongly and positively correlated with the total number of deportations, deportations for drug related charges, deportations for murder/manslaughter and deportation for firearms related offenses (Barnes, 2009).

The phenomenon identified in Jamaica and throughout the Caribbean region could be described as crime displacement on an international scale. Nonetheless, a direct causal link between criminal deportations and increases in organized crime in the receiving country, while intuitive, is often difficult to establish empirically. The stigma associated with being a criminal deportee often limits career options, making the deportee's transition back to the country of origin even more difficult. In some cases this marginalization may prompt a return to crime. Moreover, while there is a clear correlation between the policy of criminal deportation and a rise in crime throughout the Caribbean since the 1990s, deportees may be but one part of a more complex picture involving poverty, alienation, drugs and fragile rule of law.

Nonetheless, the two cases share one trait that is directly relevant to Haiti. The experience of deportees in Central America and Jamaica is characterized by social stigma, marginalization, unemployment and poverty. In many cases, deportees had lived most of their lives in Canada, the U.S. or the UK, and had few family ties in the country they were being deported to. The inability to reintegrate in their country of origin left many of them with few non-criminal options. Many decided that rejoining gangs was their best option to meet their basic needs for economic opportunity and social belonging. As the next section will demonstrate, street gangs in Haiti meet many of the same basic needs, and may entice deportees who face similar struggles adapting to life in Haiti.

Organized Crime and Law Enforcement in Haiti
Youth, Gangs and Politics

Haiti's gangs (or *baz* in Haitian creole) are as much a sociological as a criminal phenomenon. The country's urban slums, with their appalling socio-economic conditions, are prolific incubators of gang violence and criminality. Socially marginalized and facing a future without economic opportunity, hundreds of young men in neighbourhoods such as Cité Soleil, Bel Air and Martissant have been driven in recent years toward armed gangs as a means of both survival and solidarity (Willman and Marcelin, 2010). For many of these young men, gang membership "provides entry into a potentially rewarding distributive network and promotions in social status for youth who have a limited scope for upward mobility" (Erickson, 2014:17). Criminal deportees

share many characteristics with marginalized youth in slum neighbourhoods, and are therefore also likely to be attracted to the sense of community and economic opportunity offered by membership. In the absence of alternative mechanisms through which social cohesion can emerge, gangs have increasingly stepped into the breach, gaining local-level legitimacy by redistributing resources, providing a measure of public order (albeit through protection rackets) and delivering social services such as paying for school or providing food (Lunde, 2012:31). In these communities, police continue to be viewed as oppressors rather than protectors or public servants, a manifestation of a larger crisis of state-society relations that has long characterized Haitian politics. There is, finally, a widespread consensus that there is no sustainable solution to Haiti's gang problem that does not involve a profound socio-economic transformation of the capital's slum neighbourhoods, both in terms of improved public services and enhanced employment opportunities.

While primarily associated with particular local environments (slums in Port-au-Prince), Haiti's gangs have political connections at the national level. Haiti's urban gangs have emerged as both political and economic actors and, in many cases, serve as informal mechanisms of governance in the communities they control. Much of the violence that has afflicted the urban slums of the capital in recent years has been the result of turf wars among rival gangs vying for territorial control. In addition to operating violent protection rackets within their communities, local gangs also appear "to have become indirectly connected to regional drug and arms smuggling networks, through patrons in Haiti's political and business elites" (Cockayne, 2009:78).

Over the past two decades, Haiti has exhibited many of the characteristics of a war economy, featuring weak, corrupt institutions and the corrosive presence of organized criminal elements linked to local-level gangs, national-level political forces and transnational networks (particularly in relation to the international trade in illegal narcotics). Such trends have been exacerbated by Haiti's long-standing status as a "predatory state" —where holding public office has been seen primarily as an opportunity for private wealth accumulation—and by the enormous concentration of the country's wealth in the hands of a handful of elite families (see, for example, Fatton, 2006). Current patterns within Haiti's clandestine political economy can be traced back to 2000–04, a turbulent period that culminated in President Jean-Bertrand Aristide's departure from office in February 2004. [10] In conditions of deep political uncertainty (with fierce contestation over the legitimacy of the Aristide government), as Michael Dziedzic and Robert Perito (2008:2) have noted, "powerful elites from across the political spectrum…exploited gangs as instruments of political warfare, providing arms, funding and protection from arrest." The most notorious of these groups was the so-called *chimères,* funded by the Aristide government. After Aristide's departure, the *chimères* coalesced into organized gangs that took control of poor neighbourhoods such as Cité Soleil. Since this period, a complex and shifting form of clientelism has developed between urban gangs and national-level political forces (the so-called "hidden hand of politics" to which ordinary Haitians often refer), in which violence is deployed strategically as an instrument of political influence. Haitian politics continues to be afflicted by what one politician has termed the *force de frappe*: "mob intimidation generated by a political base of poor unemployed urban

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[10] For a more complete historical account tracing Haiti's political economy of violence back to President Duvalier's "tonton maccoutes" and all the way back to colonialism, see Roberson, 2013.

dwellers manipulated by politicians to force demands during elections and at moments of crisis and unrest" (International Crisis Group [ICG], 2013:7).

While the post-earthquake period has seen a dramatic resurgence of gang activity (and the emergence of especially ruthless configurations such as the so-called "117" gang), there has been a shift in the way gangs are structured, with a proliferation of smaller, less hierarchical gangs featuring less discipline and greater fluidity.[11] At the same time, the motivations of contemporary gangs appear to be more economic than political, with fewer explicit connections between gang leaderships and prominent political forces. Indeed, the current administration of Michel Martelly is reported to have cut off lines of communication with prominent gang leaders (Erickson, 2014: 5, 20). While fears that Haiti "risks becoming a narco-state"[12] may be overblown, the gangs of Port-au-Prince continue to dominate large swaths of the urban environment and remain key drivers—through inter-gang turf wars and their involvement in kidnappings, protection rackets and the illegal trade in drugs and weapons—of violence and insecurity.[13] As Haiti once again suffers through a prolonged political crisis, the possibility that gangs may re-emerge as political actors, providing political muscle for hire to elite patrons, should also not be discounted.

Law Enforcement Capacity

The international presence of soldiers and police, which has helped stabilize Haiti for the last decade, is winding down. Last fall, the mandate of the UN mission in Haiti (MINUSTAH) was extended to October 15, 2015, but its authorized force levels were reduced to 2,370 troops (two mechanized battalions) and 2,60l police (UN Security Council, 2014). Only the UN has the helicopters and heavy vehicles required to move security forces around the country. The drawdown will leave Haiti increasingly dependent on the Haitian National Police (HNP), the country's only security force, even though events of the last year have demonstrated that the HNP is not up to the task of assuring Haiti's security. In 2014, the HNP was forced to call on UN military and Formed Police Units to help restore order in over a third of public demonstrations. UN military forces were required to conduct armed patrols and operate checkpoints to deter gang activity and respond to an increase in homicides due to gang violence.

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[11] Many gang leaders who were incarcerated in the National Penitentiary escaped following the January 2010 earthquake and have not been recaptured.

[12] As argued, for instance, in Cockayne 2009, 9.

[13] It is worth remembering that from 2006 to 2007, there was a major security crisis that threatened to destabilize the Government of Haiti and overwhelm the UN peacekeeping force. Heavily armed criminal gangs carried out a campaign of kidnapping for ransom and engaged in murder, rape, narcotics and weapons trafficking and extortion. The gangs operated from fortified positions in Cité Soleil, Port-au-Prince's most notorious slum. At the height of their power, the gangs attacked traffic on the adjacent airport road and threatened Haiti's principal port and industrial area. The HNP was overmatched by the gangs' firepower and was often implicated in their activities. In 2007, following then-President René Préval's ultimatum to gangs to "disarm or die," UN military and police forces carried out a sustained campaign that resulted in the arrest of the principal gang leaders and 800 of their followers (Dziedzic and Perito 2008). While much-criticized for their heavy-handedness, these operations both disrupted and decapitated Haiti's urban gangs, and the security situation in the capital's urban slums improved markedly in their aftermath. The earthquake that struck Haiti on January 12, 2010 reversed much of this progress, by devastating already-impoverished communities, liberating hundreds of incarcerated gang members from the damaged National Penitentiary and eroding the already-limited law enforcement capacities of the HNP.

The HNP relies on the UN military and police because of problems with leadership and a shortage of personnel, equipment and vehicles. At the end of 2014, the HNP had a total complement of 12,000 officers for a population of 10.5 million people. This gave Haiti a police-to-population ratio of slightly more than 1 policeman for every 1,000 inhabitants or less than half the UN-recommended minimum of 2.22 officers.[14] Since two-thirds of the HNP are stationed in Port-au-Prince, the police-to-population ratio in the rest of the country is 0.5 officers per 1,000 inhabitants, which means there is little police presence outside of secondary cities and large towns. Fulfilling HNP plans for a total force of 15,000 by 2016 would require doubling current rates of recruiting, training and deployment over the next two years, an unlikely prospect given the government's current problems (UN Security Council 2014). Even with 15,000 personnel, the HNP will not be the national security force required to protect the country's borders and deal with the combined challenges of political unrest, gang violence and international organized crime.[15]

The Impacts of Criminal Deportation on Organized Crime

Criminal Deportation and Organized Crime in Canada

Criminal deportation naturally reduces the number of people either convicted of (or suspected of committing) serious crimes in the jurisdiction from which they are deported.[16] In particular, those committing serious crimes are often chronic offenders who commit a larger volume of other less serious offenses. Though exact figures vary, research shows that chronic offenders make up a small percentage of the population but commit a disproportionately large number of crimes. As one example, between 2001 and 2006, a group of 379 chronic offenders in Vancouver "cumulatively accounted for 26,755 police contacts and 12,418 charges on the police records database, with an average of 71 contacts and 33 charges each" (Vancouver Police Department, 2008). Thus it can safely be assumed, particularly in the case of chronic offenders, that by physically removing perpetrators from Canadian society, the policy of criminal deportation would have the effect of reducing criminality and victimization, with two important caveats.

First, as a strategic policy option, targeted deportations (what has been called "headhunting") of certain criminal groups may not have a lasting effect on criminality, if underlying conditions and demands for illegal narcotics remain. Criminological literature focusing on the mass deportation of Jamaican posse members from the U.S. has focused on the fact that deportation "had little if any impact on American criminal markets, simply for the fact that there were always other

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[14] There are also an estimated 12,000 private security agents operating in Haiti (for a more detailed analysis of private security in Haiti, see Burt, 2012).

[15] The HNP is essentially a metropolitan police force modelled on city police forces in the United States. It does not have the effective border patrol, coast guard, aviation and ground transport, rapid reaction, and natural disaster response capabilities that may believe Haiti requires. In addition, the HNP has been stalked by charges of abuse, corruption and incompetence, and there is little public trust in the police (for a longer discussion of the state of the Haitian National Police, see Mehrag and Arnusch, 2010.

[16] Globally, it produces a displacement to the country receiving the deportee, rather than a reduction.

players ready to fill the void. There might be a temporary vacuum as the criminal enterprise passed from one group to the other, but the demand for the product was always there" (Williams and Roth, 2011). In other words, headhunting, as a strategy to target particular ethnically based organized crime groups by arresting and deporting their leaders, did not have an enduring impact on the availability of drugs in the U.S. or the presence of transnational organized crime, in spite of the success of the policy in deporting large numbers of posse members to Jamaica.

The Director General of the Criminal Intelligence Service Canada, Donald R. Dixon, was quoted in a report of the House of Commons Standing Committee on Justice and Human Rights as saying:

> Where law enforcement successes have disrupted or dismantled specific crime groups, this impact tends to be short-term. It creates a temporary void into which market expansion occurs, or creates opportunities for well-situated organized criminal groups to exploit. In general, criminal markets are highly resistant to long-term disruption, as consumer demand in Canada is large enough for criminal networks to continue their activities and for other criminal groups to take the place of those broken up by police. (House of Commons, 2012)

Second, gains in public security associated with criminal deportation may be offset, in part, by the strain that the process of deportation places on already-marginalized communities in Canada (such as Haitian-Canadian communities in Montréal, discussed earlier). RCMP research on youth gangs in Canada has noted that many gang members come from marginalized and disadvantaged ethnic minority groups. In particular, the report cited "socio-economic (poverty and unemployment, actual or perceived disadvantage) [and] family-related (dysfunctional, abusive or negligent family)" as risk factors that contribute to the emergence and continued existence of youth gangs (Chatterjee, 2006). Though anecdotal, interviews with deportees found that "deportation had resulted in severe damage to family relationships, and had negatively affected their family members who remained overseas. [In particular,] the deportation of parents was perceived as having contributed to behavioral problems in children who had been left overseas, leading in some instances to the onset of criminal behavior" (Barnes, 2009). One of the other findings from these interviews was that most deportees had been the main income earners for their households and extended families. Respondents agreed that they would no longer be able to provide any financial support to their families once deported (*ibid.*).

Criminal Deportation and Organized Crime in Haiti

As was noted in the earlier discussion of the Caribbean region, criminal deportees are often seen as a source of insecurity, crime and violence in their countries of origin. Haiti is no exception, with scholars, UN officials, members of the Government of Haiti and the police expressing this view. In a UN Human Rights Committee report, an expert—recommending that deportations be suspended in the aftermath of the earthquake—cited security as one of the reasons, stating "Officials claim that deportees from Canada and the United States have been involved in criminal activities or have joined gangs in Cité Soleil and other areas and have thus increased the level of insecurity in the country" (UN General Assembly Human Rights Council, 2012). Another report, citing estimates by local researchers and individual agencies working with the weak juvenile system argued that more than half of deportees end up involved in gangs or gang-related activities (Page and Marcellin, 2003).

Another theme common to the Caribbean and Haiti is the stigma and shame criminal deportees face, and their difficulties reintegrating into their country of origin. Deportees face particularly bleak prospects upon their return to Haiti, as a marginalized population within an extremely poor country. One radio documentary, which followed the lives of several Canadian criminal deportees, cited a number of reasons for the difficulty of reintegration: "Firstly, deportees are stigmatized in Haiti. Secondly, there are no programs in place to facilitate the integration of deportees. Thirdly, the prospects in Haiti to rebuild one's life away from crime seem bleak. There seems to be no mechanisms in place to facilitate the reintegration of deportees in Haiti thus no mechanisms to prevent the continued involvement in criminal activities of deportees" ("Rue de l'enterrement", 2002). As one report noted:

> As we had already mentioned, deportees are individuals rejected and thrown back into the country without any kind of legal proceedings, most of the time without any moral or financial support, separated from their next of kin and friends who have stayed in the United States. Some of them, from the very beginning, are homeless and have no means of livelihood to meet their everyday needs….It is a fact that many deportees lapse back into delinquency because they are unable to find another means of reinsertion. (Charles, 2014:6)

One common theme in reports on the situation of criminal deportees in Haiti is that Haitian systems of law enforcement, criminal justice and social support are unable to accommodate the large influx of deportees. A recent report by the University of Miami and the University of Chicago law schools criticized the U.S. government practice of deporting convicted Haitian criminals to Haiti despite the general designation of a Temporary Protected Status for Haitians following the 2010 earthquake (University of Miami School of Law, 2015). The report noted Haiti's political unrest, fragile security forces, dysfunctional justice system and ongoing humanitarian crisis as reasons why it was both unwise and inhumane to return such persons to a country that is unable to cope with their presence. Criminal deportation impacts Haiti with particular force, since the Haitian police, justice system and social services are incapable of adequately responding to the influx of deportees from Canada and the U.S. or providing them with the support needed for successful reintegration (Perito, 2007). In light of these dynamics, criminal deportation is one of the most problematic counterpoints to international support to Haiti that is intended to help stabilize the country.

Transnational Threats to Canada

Organized Crime

The threat of transnational organized crime originating in Haiti and threatening Canada's public safety is often referred to as a possibility or potential threat rather than as a proven, documented reality. For instance, a 2007 ICG report suggested that some deported Haitian-Americans and Haitian-Canadians may have played a "bridging" role for drug trafficking from Haiti to the U.S. and Canada, but that their numbers were difficult to estimate (ICG, 2007b). These kinds of reports focus on the *plausibility* of deported Haitian Canadians using their connections in Canada to facilitate the creation of trafficking networks, rather than pointing to specific documented cases. With respect to Haiti, research suggests that the re-importation into Canada of organized crime groups made up of, or led by, deported Haitian Canadians is unlikely. A number of factors may explain this, including competition from other locally based organized crime groups,

successful local law enforcement and more prosaic organizational issues such as maintaining discipline and loyalty over long distances.

Recent scholarship suggests that the type of relationship implied in the Haiti-Canada case—"the strategic displacement of criminal groups from geographical locations with high impunity to those with low impunity (or high law-enforcement controls)—is more difficult to achieve than commonly believed" (Morselli, Turcotte and Tenti, 2010). In other words, organized crime groups have found it challenging to generate stable transnational criminal networks in countries with relatively robust law enforcement capacity, such as Canada. One report noted that "while many claim that criminal organizations are intentionally or strategically mobilizing themselves to seize opportunities in various geographical locations across the world, empirical demonstrations supporting such claims are lacking, with most restricted to anecdotal illustrations" (*Ibid*., 10). This may be explained by what Morselli, Turcotte and Tenti refer to as the emergent (as opposed to strategic) quality of organized crime groups. Whereas popular perception sees transnational organized crime groups as strategically seeking out all available opportunities to expand their operations as widely as possible, organized crime groups tend to emerge and evolve as a result of "the constraints and opportunities surrounding them" (*Ibid*., 11). Thus, "many factors have to be in place for criminal groups to successfully move or emerge. Expansion may be an ambition shared by any criminal group, but what past research has demonstrated is that the mobility or transplantation of criminal groups across settings (i.e. geographical, industrial, etc.) is easier said than done" (*Ibid*., 37).

Analysts of gang activity classify gangs into "generations": First generation gangs, or "street gangs" engage in opportunistic criminal activity and inter-gang rivalry on a limited scale, often tied to a particular neighbourhood or "turf." Second generation gangs are more sophisticated, pursuing opportunities in a coordinated way, such as controlling a particular market (e.g. for cocaine) rather than just a territory. They are often national in scale but rarely engage in transnational organized crime. Third generation gangs have regional or global reach, and may employ tactics such as terrorism to pursue quasi-political goals. As one report put it: "[Haiti's gangs were not sophisticated and far-reaching "third generation" gangs such as Colombian drug lords or Jamaican "posses" that operate illicit networks across several countries. They were at best "second generation" gangs—established nationally, but not internationally. They were ruthless, but also closely tied to their community—preoccupation with turf was an indicator of the importance of community" (Becker, 2011).

Movement of Drugs

Haiti is frequently referred to as a popular transshipment point for cocaine originating in Colombia and Venezuela and destined for consumer markets in the United States and Canada. However, figures provided by the CBSA suggest that Haiti is not a major source country for drugs finding their way to the Canadian market. Neighbouring Dominican Republic is the largest source of cocaine to Canada, arriving by commercial aircraft and maritime cargo. An RCMP Criminal Intelligence Report from 2009 noted an increase in the frequency of smuggling cocaine from the Caribbean by air—including commercial airliners: "There has been an increase in cocaine seizures made in the air mode that transited the Caribbean, particularly the Dominican Republic" (RCMP, 2009). The Dominican Republic is thus a hub for drug shipments arriving in Canada both by commercial air (smaller quantities of cocaine at more frequent intervals) and marine cargo (larger quantities at a time).

Haiti and the Dominican Republic share a porous land border on the island of Hispaniola, raising the question of whether Haiti serves as a transshipment point for drugs that land in Haiti and are sent through the Dominican Republic, a country with better roads and airports, where locals share a common language with South American traffickers. Published reports suggest that this dynamic is in fact already taking place, as "Andean-produced cocaine (as well as a limited amount of heroin and marijuana) is trafficked either by sea or air direct from South America, or indirectly via Haiti's land border with the Dominican Republic. It is then directed either towards the EU or North America, via the Dominican Republic, Puerto Rico or other Caribbean islands" (HIS, 2015: article 2, p. 5). The same report notes that Haiti's porous land and sea borders, and proximity to the Dominican Republic, make it an attractive transshipment point: "The border remains a weakness in Haiti's internal security situation, along with the almost completely unpatrolled 1,810 km of coastline" (*Ibid*., article 5, p.4).

Nevertheless, according to a senior CBSA official, cocaine is not thought to arrive in the Dominican Republic by way of Haiti.[17] However, it is worth considering the possibility that if interdiction efforts off the coast of the Dominican Republic gain traction, drugs could be shipped into Haiti, trafficked across the border and repackaged and shipped from the Dominican Republic to Canada. In other words, even if Haiti is not presently a source country for drugs intended for Canadian markets, it is possible that this could change in the future depending on shifting enforcement pressures. While there is no published literature on the extent of trafficking patterns between Canada and Haiti, a report on deportation and crime in the Caribbean noted that Canada, the U.S. and the UK are affected by cocaine and cannabis imported through the Caribbean and by Caribbean nationals (UN Office on Drugs and Crime and World Bank, 2007).

To counteract this threat, the CBSA has a liaison officer stationed in the Dominican Republic, who is also responsible for Haiti and Cuba. However, the Dominican Republic is the country of focus for the CBSA, since it is such a large source of cocaine trafficked into Canada.[18] When shipments are intercepted, the CBSA liaison officers—as well as the RCMP—coordinate with local law enforcement authorities to attempt to apprehend those responsible for the trafficking.[19]

Movement of People

Once an immigrant is deported after committing a serious crime in Canada, the greatest threat to public safety may be related to their unauthorized return to Canada. Officials agree that attempts by deported former permanent residents attempting to re-enter Canada are fairly common.[20] Research on Jamaican deportees from the U.S. found over 500 cases where a subject was being deported for at least the second time over the six years (1997 to 2003) covered by the study (UN Office on Drugs and Crime and World Bank, 2007). The total size of this study was 5 000 deportees, implying that at least ten percent of deportees had already been deported previously (UN Office on Drugs and Crime and World Bank, 2007). There is little reason to believe that the situation of Canada and Haiti would be markedly different than that of the U.S. and Jamaica. One report on Haiti claimed to have "documented gang members in Miami who have been deported to

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[17] Interview with senior official, CBSA, March 10, 2015.
[18] Interview with senior official, CBSA, March 10, 2015.
[19] Ibid.
[20] Ibid.

Haiti, had been recruited in a heavily armed and criminally involved gang in a neighborhood called 'Cite Soleil,' eventually to find their way back to the United States!" (Page and Mercellin, 2003). The authors of a report on drugs and crime in the Caribbean argue that "deportation thinking seems to rest on the premise that the borders are impregnable, when anyone involved in immigration enforcement knows that this is far from the case" (UN Office on Drugs and Crime and World Bank, 2007).

Haiti's insecurity is itself a push factor for migration. As it worsens, the number of Haitians attempting to migrate to Canada to pursue economic opportunities and escape instability will grow. Those who have been involved in crime in Haiti, but either have no criminal record or are travelling with false documents, may evade the CBSA's detection. Thus, the movement of criminals into Canada is in some ways an unavoidable part of the regular migration flow. The CBSA has liaison officers stationed throughout the world to help stymie these attempts at their source. Former deportees occasionally return to Canada with a changed identity and fraudulent documents. When they are apprehended, it is usually because of a fingerprint match. If the official at the point of entry has reason to believe that the person is not who they say they are, they will be fingerprinted and those fingerprints compared to databases, which include deportees deemed inadmissible to Canada.[21] CBSA officials believe that a move toward greater gathering of biometric information will help in this regard.[22]

Mitigation Strategies at Home and Abroad

Fostering Community Resilience in Canada

As the House of Commons Committee on Justice and Human Rights (2012) noted in a report, the danger of gangs in Canada is "their attractiveness in furnishing a ready-made social network." According to the manager of a gang prevention intervention program, youth who are vulnerable to joining gangs often suffer from a profound lack of connection to other activities in their community; anti-gang programming, in that context, often focuses on fostering a sense of connection between youth and their communities (*Ibid.*). In Montréal, there are a number of social programs designed to target youth who have been identified as belonging to high-risk communities for gang membership. While these programs do not specifically target any particular ethnic community, Haitian-Canadian youth are often among their beneficiaries, depending on the community's geographic location. The Leadership Resilience Program (LRP) was a significant school-based project targeting youth who had dropped out of school, and has become a model for other programming. The project ran from 2011 to 2014 and was implemented by Centre des jeunes l'Escale de Montréal-Nord with the support of Public Safety Canada (PS).

A related program called Prévencité is implemented by Centre des jeunes l'Escale in the Amos school situated in North Montréal. This project encourages the participation of youth between the ages of 16 and 20, offering them the opportunity to complete their studies without entering the

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[21] Interview with senior official, CBSA, March 6, 2015.
[22] *Ibid.*

adult education system. The students are socio-economically disadvantaged and tend to suffer from behavioural problems linked to drug use and violence.

Prévencité follows the LRP approach and reaches 125 students, close to half of whom are female. The project includes: 21 workshops of 3 hours each on resilience (63 hours); 8 volunteering activities of 3 hours each in the community (24 hours); 4 outdoor and adventure activities of 3 hours each and 1 of 24 hours (36 hours). The workshops on resilience aim to develop leadership and resilience, as well as social skills and healthy relationships. They seek to enhance self-knowledge and inner strength and improve understanding of drugs and alcohol-related issues (Gagnon 2013). There is a focus on preventative measures (addressing, for instance, sexuality, drug abuse, anger and stress management) (*Ibid*.). The aims are to change the students' perceptions, develop their skills and reinforce their self-esteem. The desired end results are to improve attendance and diligence at school, increase the graduation rate and reduce disciplinary actions (Table Paix & Sécurité urbaines 2013). An evaluation of the project found that it had impacted 145 students, with a retention rate of 88 percent and an 84 percent attendance rate at activities (Gagnon, 2013). Prévencité is seen as a model program and was awarded the Award of Excellence by le réseau de la santé et des services sociaux (Gouvernement du Québec, 2012).

Other social programs have specifically targeted youth who have already become involved in gangs. For instance, the Programme de suivi intensif de Montréal (Gangs de rue) project ran from 2009 to 2011 and worked with young people between the ages of 15 and 25 who were at risk or already involved in gang activities. Interventions included clinical support and the provision of employment and educational opportunities. The program was implemented by Centre jeunesse de Montréal - Institute universitaire and supported by PS and the National Crime Prevention Centre's Young Gang Prevention Fund. It combined intensive monitoring with social integration activities. The involvement of families was seen as crucial to the success of the program. The Gangs de rue project was based on evidence from the Philadelphia Youth Violence Reduction Partnership and the Office of Juvenile Justice and Delinquency Prevention Comprehensive (or "Spergel") Model (PS, 2014).

All of these social programs target communities facing the conditions described in the House of Commons committee report—poverty, problems at school, difficulties in family life, poor social skills and a lack of coping mechanisms—in an attempt to preventatively address the appeal of gang membership and provide alternatives to at-risk youth. To the extent that these programs succeed in addressing youth crime and promote community resilience, they will help reduce the numbers of Haitian-Canadians who end up being deported due to serious criminality.

Reintegration and Capacity Building in Haiti

In spite of its limited capacity, the Government of Haiti has, for the last year, been the only provider of social services for deportees, although such services are limited to providing information to deportees upon their arrival.[23] In the past, the government has received support

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[23] The Government of Haiti provides information to deportees about requirements for securing identity papers. It has been recommended that the government set up "information centres" which could give deportees other information about employment opportunities, access to healthcare and other related issues (see Charles 2014).

from the United Nations Development Programme and the International Organization for Migration (IOM) for a project entitled Reinsertion, Rehabilitation and Reintegration of Haitian Deportees, which aimed to "prevent and reduce criminal activity in this population group by providing one thousand of them with a series of opportunities" (Charles, 2014:3). The IOM program was "designed to reduce the likelihood of deportees moving immediately into criminal activity" (ICG, 2007a). In the framework of its assistance to deportees, the IOM has conducted an awareness-raising campaign to combat the stigma associated with deportation. The IOM program worked with Haiti's Ministry of Social Affairs and Ministry of Interior to "address issues [like] micro-enterprise support and language training" (Deibert, 2009). In 2015, these and other related projects have come to an end. A recent report on American criminal deportees to Haiti emphasized that there are currently no programs in place to care for or rehabilitate deportees, suggesting that there may be a strong humanitarian argument against deportation to Haiti (University of Miami School of Law, 2015).

Deportee populations face significant hardships in reintegrating into society. A study of criminal deportees in four Caribbean countries found that deportees experienced, among other problems, financial hardship, and difficulty meeting basic needs for food, shelter and clothing. They also tended to suffer from depression, insecurity, lack of medical treatment and unemployment (Barnes and Seepersad 2008, 15). In general, deportees felt that their governments (the U.S., Canada and the UK) should have done more to provide support prior to deportation, and that their main needs upon arrival were health care, housing, employment, food and clothing, as well as financial support (ibid., 19). Of course, in a country like Haiti, those needs are nearly universal in some communities, so it may be unreasonable to expect the Government of Haiti to be able to easily provide them to the criminal deportee population.

There are a number of past programs that may serve as a model for supporting the reintegration of criminal deportees. In 2006, the U.S. established a program designed to promote successful reintegration of criminal deportees, which provided "job training, cell phones, medical services, and in-kind assistance for start-up businesses" (UN General Assembly, Human Rights Council 2012). This program was relaunched after the earthquake, and operated until 2014 as the only bilateral assistance program for criminal deportees to Haiti. In 2006, the IOM began to offer services to criminal deportees in Haiti as well. The IOM's project, which has also come to an end, provided "resettlement and reintegration services for Haitians [ranging] from counseling and vocational training to skills development and micro-credit lending.

For non-criminal deportees, IOM's Assisted Voluntary Return and Reintegration (AVRR) "has been working with local Government of Haiti authorities to provide for the most basic and urgent needs of these returning migrants" (IOM, 2015). The intention of the IOM program is to facilitate a handover of responsibility for the management of returning migrants to the relevant Haitian authorities by the time the project concludes (*Ibid*.). Nevertheless, it is likely that Haitian institutions will continue to require international resources to provide sufficient support to these populations. Notably, these programs are not intended to target criminal deportees, but rather provide support for migrants who return willingly.

The UK has participated in a joint project with the IOM, the Voluntary Assisted Return and Reintegration Program (VARRP). VARRP targets asylum seekers in the UK whose applications have failed. It is intended to be a cost-effective and dignified alternative to enforced removal. An evaluation of the program found, unsurprisingly, that VARRP participants who had received cash

allowances had less difficulty than non-VARRP participants in securing accommodation on their return to their home country. Small business start-up support provided by VARRP was found to be the most popular reintegration assistance offered through the program (Evans 2010). Reports note:

> Reintegration assistance under VARRP is tailored to meet the needs of the individual and the country of return. In conjunction with the applicant, IOM draws up an Individual Return Plan, which specifies the most appropriate form of reintegration support for both individuals and individual family members (e.g. job placement support, training, education or assistance with starting up a small business). (Poppleton, and Rice, 2010)

On a related basis, the UK has established a program specific to Jamaica, the Jamaica Rehabilitation and Reintegration Programme, to provide targeted interventions relevant to that particular context (IOM 2012). Canada has participated in pilot programs modelled on these initiatives, which aim to provide non-criminal deportees (who leave the country freely) the opportunity for training, or access to funds in order to ease their transition (CBSA, 2014b); however, these programs have not been made available to criminal deportees.

Resumption of Criminal Deportation to Haiti

Canada has a policy of not forcibly returning individuals to countries where their lives could be at risk due to conflict, insecurity or persecution. Concerned with the level of insecurity and conflict in the country, as well as the conditions facing deportees, Canada imposed a Temporary Suspension of Removals (TSR) for Haitian nationals in 2004. The TSR did not—and does not now—apply to those considered a security threat, or those who have been convicted of a crime (UN General Assembly, Human Rights Council 2012).

After the tragic earthquake in 2010, Canada temporarily suspended all removals, including those involving criminal deportees not qualifying for the standing TSR order. This was a reflection of the crisis situation facing the country, and the Government of Haiti's inability to provide social services, the rule of law and protection from crime to its population. It was felt that the safety of deportees returned to Haiti would be seriously jeopardized and that, on humanitarian grounds, Canada could not return them until the situation on the ground had improved. Moreover, Canada did not want to place an additional burden on Haiti's systems of law enforcement and social services at a time when they were stretched far beyond their capacity and struggling to recover from the loss of human life and critical infrastructure. The suspension of criminal deportation to Haiti was short lived, however. Canada resumed removals to Haiti on May 4, 2011, less than one-and-a-half years after they were suspended. Even in circumstances where a TSR has been issued, those deemed inadmissible on the grounds of serious criminality may qualify as exceptions and, if they have been convicted of a crime, may be removed from Canada without recourse to an appeal on humanitarian grounds (*Ibid*.).

As is often the case leading up to elections, Haiti is currently suffering through a period of acute political instability. The newly formed election commission has announced that parliamentary elections will be held on August 19 and presidential elections on October 25, with an expected runoff on December 27 (Voice of America News, 2015). In the meantime, there is no elected

parliament, no elected mayors or local officials, no chief justice of the Supreme Court and no governor of its Central Bank. The government is run by a recently appointed prime minister whose predecessor was forced to resign (Charles, 2015). However, barring a catastrophe, elections are likely to unfold as planned. Daily demonstrations demanding President Martelly's resignation have been blunted by the initiation of the electoral cycle and his promise to leave in February 2016.

In light of these conditions, it is worth re-considering the rationale provided by the Government of Canada in ending the moratorium on deportations to Haiti. The government indicated that Haiti was "not in a state of war or extreme civil strife; general living conditions, political stability and the level of security have improved; France, Brazil, Peru, Ecuador and French Guiana are removing individuals to Haiti; displaced persons are being resettled into safer housing; and that Canada has committed over CAD 1 billion since 2006, which helps stabilize conditions in the country" (Keung, 2014). The conditions facing deportees in Haiti, discussed at length in earlier sections of this paper, call into question these assumptions. From the perspective of Haiti, Canada's investment, while welcome, has not been sufficient to stabilize conditions in the country. The social and law enforcement challenge posed by deportees is an unwelcome additional burden for the Government of Haiti, which is still struggling to fulfill its mandate. From the perspective of deportees, conditions have improved little since the aftermath of the earthquake. In fact, deportees continue to face harsh living conditions and are frequently the target of violent crime (see University of Miami School of Law, 2015).

Security Sector Reform and Community Violence Reduction in Haiti: Canada's Role

Criminal deportation to Haiti should be seen as part of a broader security engagement between the two countries that dates back over two decades. If Haiti is to deal effectively with the law enforcement challenge posed by criminal deportees, Canada will have a role to play through its engagement in police reform and security sector governance. Canada is a long-time partner of the Government of Haiti and has supported attempts to reform Haiti's security and rule of law system dating back to 1994, when Ottawa participated in several UN peace missions and provided bilateral assistance to create the HNP. In early 2004, Canada participated in the U.S.-led military intervention that sent former President Aristide into exile, installed a government of transition and paved the way for MINUSTAH. During the violent years of 2004–2006, Canada participated in MINUSTAH and supported the elaboration of a new HNP reform plan. In 2006, President Preval was elected and formed a more legitimate government. He approved a modified version of the *HNP Reform Plan* drafted by the United Nations. That plan displaced the "Canadian plan," becoming the framework for HNP reform from 2007 to 2011. In 2012, the successor government of President Martelly approved a new HNP Development Plan. That plan is the key foundation for current (2012–16) cooperation in the area of security.

On that basis, the Canadian government devised a three-pronged strategy to support security sector reform, focusing on the reform of the HNP, the improvement of prison conditions, and support to borders and customs reform.[24] The Department of Foreign Affairs and International

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[24] For a detailed picture of Canada's security assistance to Haiti from 2004 to 2014, please see Annex 1.

Trade (DFAIT)/Stabilization and Reconstruction Task Force (START), PS and the RCMP supported HNP reform by deploying 80–100 Canadian police officers per year through MINUSTAH, mostly to mentor the HNP. DFAIT/START also financed the construction of new HNP facilities such as the Office of the Inspector General, as well as the refurbishment of approximately 15 police stations countrywide. The Canadian International Development Agency (CIDA) supported the delivery of an innovative program for the Initial Training and Professional Development of HNP Managerial Staff (FIPCA-PNH)[25], including the construction of new facilities at the Police Academy. It also attempted, without success, to finance the construction of a new academy in Ganthier.

On prisons, DFAIT/START became a key supporter of reform in this sub-sector (officially under the responsibility of the HNP), by funding the professionalization of the Directorate of Prisons Administration (DAP); the construction of a model detention centre at Croix-des-Bouquets; and the refurbishment of smaller detention centres across the country, notably in Cap Haitien. DFAIT/START also financed the deployment, by Correctional Services Canada and through MINUSTAH, of a growing number (from 6 in 2008-2009 to about 25 per year from 2010 to 2013) of corrections officers to mentor DAP and prisons personnel. In addition, DFAIT/START provided substantial funding to refurbish control posts along the border with the Dominican Republic. It also funded the construction of a new Coast Guard facility in the southern coast city of Les Cayes, as well as the modernization of Ministry of Interior and Immigration management capacities.

Canada has supported complementary programming on community violence reduction (CVR) and rules of law, which has affected citizen security. Such initiatives included: DFAIT/START and CIDA funding to Viva Rio's CVR program in Bel Air, a poor and quite violent neighbourhood of Port-au-Prince; CIDA support to law and justice reform, via La Francophonie, to draft three new laws and professionalize Justice of the Peace services; support for citizen engagement in rule of law and policy reform processes, through the (now closed) Canadian Crown Corporation Rights and Democracy; and DFAIT/START support for the "Front Line justice Project" run by Avocats sans frontières.

Given this long-standing investment in law enforcement and the rule of law in Haiti, Canada should consider committing to further research investigating the best methods to assist the Government of Haiti in reintegrating deportees. Canada is well positioned to support the Government of Haiti's attempts to monitor and reintegrate criminal deportees into Haitian society, either through direct support to programming or via the IOM. More detailed data on the effectiveness of past integration programming and the capacity of the Government of Haiti government is needed before any policy decisions can be made. Continued Canadian support for security sector reform and rule of law development will also provide the Government of Haiti government with greater capacity to mitigate the adverse security impacts caused by the deportee arrivals. This support will represent a continuation of Canada's robust multi-annual contributions to SSR and rule of law initiatives in Haiti.

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[25] Commonly known by its French acronym, the full name of this program is "Formation initiale et perfectionnement professionnel des cadres de la Police nationale d'Haïti" (FIPCA-PNH).

Conclusions

The process of deporting those who have been deemed inadmissible to Canada on the grounds of serious criminality has consequences for more than just the deportees themselves: it impacts the families and communities they leave behind in Canada and the safety and security of their country of origin when they return. Moreover, in the event that the deportee engages in organized criminal activity and either returns to Canada or leverages their connections in Canada to remotely facilitate the expansion of foreign criminal activity into the Canadian marketplace, it can impact Canadian national security.

Canadian policy with respect to criminal deportees must balance a number of competing priorities. The main mandate of PS and domestic law enforcement agencies is to ensure the safety and security of those living in Canada. Accordingly, the principal consideration for deportation policy must be whether segregating past criminal offenders through forced deportation has a positive impact on the level of serious crime in Canada. In this respect, the report discussed balancing the obvious benefit of separating past perpetrators from Canadian society against the risks of alienating communities where youth involvement in gangs is common, or creating family conditions that are known to contribute to delinquency. It is difficult to quantify the relative weights that should be afforded these two considerations. Quantitative statistical studies of this criminological phenomenon have not yet been done in Canada. Nonetheless, there is growing recognition of the benefits of advancing policies and programs that aim to mitigate the deleterious consequences of criminal deportations, such as the anti-gang social programs operating in at-risk neighbourhoods in Montréal.

In the case of PS, the department's domestic security mandate has been expanded in recent years to include the scope to intervene in situations outside of Canada's borders when it can mitigate transnational security threats, for instance, by providing police mentors to help stabilize fragile and conflict-affected states.[26] As a result, any policy discussions surrounding criminal deportations must also consider their potential impacts on security dynamics in host countries and, in turn, the possibility that insecurity and instability could be re-exported to Canada. As one scholar noted:

> Whereas the immediate domestic advantages of deportation are obvious for the deporting country that benefits from the banishment of a cohort of criminal offenders, the potentially negative repercussions could hardly be seen as enhancing global security. If global concerns about security are to be taken seriously, it seems counter-intuitive that the nations at the forefront of the charge to create a safer global community would deliberately engage in action that effectively shifts the burden of maintaining that security to countries that are the least equipped to do so. (Barnes, 2009: 444)

In the case of Canada and Haiti, the direct threat to Canada from Haiti's gangs appears to be minimal. As discussed earlier, the gangs of Port-au-Prince are not sophisticated, transnational actors capable of establishing operations in Canada. The risk of deportees returning to Canada

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[26] For a discussion of PS's domestic and international mandates, see Sedra and Burt, 2011.

again becoming involved in criminal activity on an individual basis is higher, but has less far-reaching implications for Canada's public security in general.

Considering that the deportation of those involved in serious crimes is a standard practice of all OECD countries, it is highly unlikely that the practice will be ended in Canada in the near future. High-risk communities in Montréal with large Haitian-Canadian populations are likely to continue to require targeted anti-gang interventions and other forms of specialized social assistance. It is also likely that Canada will continue to be an important bilateral aid donor to Haiti, and remain engaged in the country's long-term stabilization and state-building process. As a result, the policy of criminal deportation must be matched with policies mitigating its negative consequences at the local, national and international levels. As one report on deportation and crime in the Caribbean noted: "it is not possible for [Canada, the U.S. and the UK] to simply export their crime problems south. Coming to terms with transnational crime will require dealing with problematic migrants cooperatively" (UN Office on Drugs and Crime, and World Bank, 2007). A new research agenda is needed that will both explore the nature of the problem of criminal deportation and circular migration and develop potential policy and programmatic options to mitigate and even curtail some of the perverse and unintended consequences of criminal deportations. Such research will help the Canadian government and its global partners develop more tailored and nuanced strategies to address this complex problem.

Greater support to the Government of Haiti in reintegrating criminal deportees could be an aspect of this proactive mitigation strategy. Some experts have suggested that supporting reintegration for criminal deportees would be a cost-effective way of supporting security and justice in Haiti (see, for instance, UN General Assembly Human Rights Council, 2012). Future research could attempt to determine how support to deportees and reintegration assistance to the Government of Haiti could fit into the current multi-agency, whole-of-government strategy that includes PS, the Department of Foreign Affairs, Trade and Development, and the CBSA. These studies could assess whether there is potential for reintegration programming to complement existing mitigation strategies focused on law enforcement, border security and the interdiction of trafficked drugs. A comprehensive approach is required that will balance domestic and external interventions—rooted in substantive empirical research—and will seek to safeguard the security of Canadians while minimizing harmful impacts on Canada's international partners.

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Appendix 1: Total Canadian Security Assistance to Haiti, Millions of CAD, 2004–2014

Figure 1: Total Canadian Security Assistance to Haiti, Millions of CAD, 2004–2014
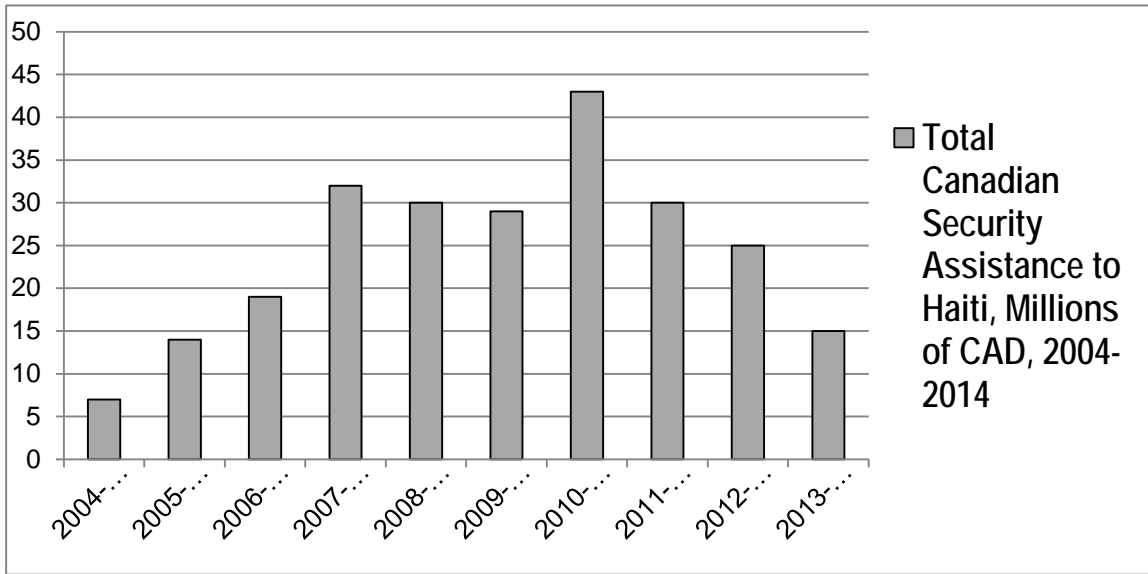
Prepared by Stephen Baranyi (University of Ottawa) and provided to the Security Governance Group.

Table 1: Canadian Security Assistance to Haiti, 2004–2014

Years	Global Peace and Security Fund (GPSF) (Millions of CAD)	Total Security Assistance (Millions of CAD)	Percentage of Total Government of Canada International Assistance
2004–2005	0	7	11
2005–2006	0	14	12
2006–2007	3	19	13
2007–2008	16	32	17
2008–2009	14	30	17
2009–2010	13	29	12
2010–2011	20	43	11
2011–2012	7	30	11
2012–2013	10	25	15
2013–2014	1	15	15
Totals	**84**	**244**	**13**

Source: START/GPSF figures are based on DFATD. "Payments by Country — Projects (Vote 10). Haiti." 2014. Unpublished document. Ex-CIDA project disbursements (e.g., Viva Rio, FIPCA) and RCMP contributions to Canadian Police Arrangement deployments in Haiti have been estimated based on interview data as well as Baranyi (2014) and Baranyi and Binette (2015).

Appendix 2: Acronyms

Canada

CBSA   Canada Border Services Agency
CIDA   Canadian International Development Agency
DFAIT   Department of Foreign Affairs and International Trade
FRFCA   *Faster Removal of Foreign Criminals Act*
IAD   Immigration Appeal Division
IRB   Immigration and Refugee Board
IRPA   *Immigration and Refugee Protection Act*
PS   Public Safety Canada
RCMP   Royal Canadian Mounted Police
START   Stabilization and Reconstruction Task Force
TSR   Temporary Suspension of Removals

Haiti

DAP   Directorate of Prisons Administration
FIPCA-PNH   Formation initiale et perfectionnement professionnel des cadres de la Police
            nationale d'Haïti
HNP   Haitian National Police

General

ICG   International Crisis Group
IOM   International Organization for Migration
LRP   Leadership Resilience Program
MINUSTAH   United Nations Mission in Haiti
OECD   Organization for Economic Cooperation and Development
UK   United Kingdom
UN   United Nations
U.S.   United States
VARRP   Voluntary Assisted Return and Reintegration Program