

**Oct 29, 2021 Email from Naomi Meyer at GBLIS to Regional Food & Nutrition Service (FNS) re Haitian Entrant designation for recently arrived Haitian children with dual nationality**

I'm reaching out today about a SNAP immigrant eligibility issue that is arising in many cases of desperate Haitian families who have been crossing the southern border. They are generally either being paroled into the U.S. and/or put into removal proceedings. Unlike the rules for immigrants from other countries, documents showing either of these circumstances is sufficient to qualify them as Cuban-Haitian Entrants for benefits purposes.

In the cases our office is seeing, we are able to get DTA to approve SNAP (and TAFDC) for the parents. However, an issue has arisen regarding these families' children who were born in other countries, after the family had already fled Haiti (for example, many of the children were born in Chile). DTA is questioning whether they are Haiti nationals, which is a requirement for being considered a Cuban-Haitian Entrant, and so far has denied them benefits.

Under the [Haitian Constitution](https://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.htm),  
<https://pdba.georgetown.edu/Constitutions/Haiti/haiti1987.htm>

] these children are indeed Haitian nationals even if not born in Haiti. Title II, Article 11, provides: "Any person born of a Haitian father or Haitian mother who are themselves native-born Haitians and have never renounced their nationality possesses Haitian nationality at the time of birth."

It's worth noting that, while perhaps new to those of us focused on benefits, this is not a new issue in the immigration context. The thousands of Haitians who claimed TPS status also had to show Haitian nationality, and many also had children born outside Haiti. For this reason, this topic was addressed during a recent TPS webinar run by the Center for Gender and Refugee Studies at U.C. Hastings College of Law. [See slide 9 of the presentation](https://uchastings.app.box.com/s/jx1jare82ctufqoxv7l35yd5xh5fk1b7)  
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which explains that Haitian nationality is conferred by bloodline, a person born abroad to a Haitian parent is a Haitian national, and dual citizenship is permitted (i.e., the children's foreign passports do not mean they aren't also Haitian).

The law on this issue is quite clear. I have provided this information to DTA, but they have not agreed to approve benefits for these Haitian children without guidance from FNS.