

DECLARATION OF DONNA HRINAK

The Report

1. I am the Deputy Assistant Secretary for Mexico and Caribbean Affairs, Bureau of Inter-American Affairs, U.S. Department of State. In this position, my responsibilities include oversight of U.S. relations with Haiti.
2. As is more fully detailed in the attached certified copy of the Coast Guard's daily report of Haitian boat migrant interdiction, almost 4,000 Haitian boat migrants have been interdicted by Coast Guard cutters since April 1. Of this number, 1,377 have been interdicted in the past four days alone, e.g. April 16-19. This represents a dramatic increase over the number of Haitians who took to the open sea before this lawsuit was filed and before the District court first issued injunctive relief in this case on March 27, 1992.
3. It is my considered judgment, as a representative of the State Department, that the injunctive relief ordered by the District Court in this case has contributed in significant part to the increased outflow of Haitians from Haiti.
4. Since the September 1991 coup d'etat in Haiti, the State Department through its Embassy in Port-au-Prince has monitored the economic and political conditions in that country -- including the level of violence and persecution.

based on our information, we have no reason to believe that the level of political violence in Haiti has significantly increased nor that economic conditions have markedly deteriorated since this lawsuit was filed in late March 1992.

5. Nonetheless, as indicated above, the number of interdictions of Haitian boat migrants has increased dramatically since this lawsuit was filed. Indeed, there is a general correlation between the number of interdictions made by the Coast Guard and the pendency of litigation in United States courts and the issuance of injunctive relief in this action and in Haitian Refugee Center v. Baker.

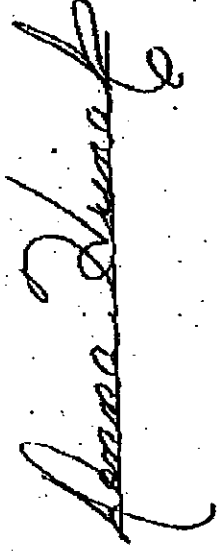
6. This correlation is startling As is demonstrated by the attached certified copy of the Coast Guard's interdiction report, in the two weeks prior to this Court's January 31, 1992 stay of the District Court's order in the Haitian Refugee Center v. Baker litigation, over 6,000 Haitians were interdicted by the Coast Guard. By contrast, in the two weeks immediately following this court's January 31 stay, only 360 Haitians were interdicted.

7. The same correlation exists in this litigation. In the first three weeks of March, there were only 211 Haitians interdicted. On March 24, the present action was filed, and on March 27, the District Court entered injunctive relief against the United States. During the last week of March, there were 947 Haitians interdicted.

8. The situation in April has grown even worse. In the first 15 days of April, there were 2,551 Haitians interdicted. In the last four days alone, there have been an additional 1,377 Haitians interdicted.

9. In my view, the mere existence of pending litigation, and particularly the existence of any kind of injunctive relief against the United States Government, acts as a magnet for Haitians to leave Haiti.

I declare under penalty of perjury that the foregoing is true and correct.



Washington, D.C.

April 20, 1992

INTERVAL # INTERVIEWED # SCREENED-IN SCREEN-IN PERCENTAGE

STATISTICS PROVIDED BY INS TO BERMAN

APRIL			
6-8	231	11	4.8
8-9	109	13	11.9
9-11	248	24	9.7
11-12	115	9	7.8
12-13	133	5	3.8
13-14	37	8	21.6
14-16	159	24	15.1
6-16	<u>1132</u>	<u>96</u>	<u>8.5</u>

STATISTICS PROVIDED BY STATE DEPT. TO BERMAN

APRIL			
1-8	466	45	9.7
8-12	1921	48	2.5
1-12	<u>2387</u>	<u>93</u>	<u>3.9</u>

NOTE: Figures from both the INS and the State Department indicate that the overall screen-in rate from the coup (9/91) until April 1, 1992 was 39%.

DATE No. INTERDICTED No. REPATRIATED COURT ACTION

MARCH

9	55	512	
10	134	0	
11	0	525	
12	22	0	
13	0	289	
14	0	0	
15	0	0	
16	0	0	
17	0	97	
18	0	0	
19	0	0	
20	0	0	
21	0	0	
22	0	0	
23	0	0	
24	0	0	
25	141	0	
26	61	0	
27	0	0	TRO entered
28	28	126	
29	231	0	
30	99	60	
31	387	0	

APRIL

1	135	0	
2	242	0	
3	84	0	
4	28	197	
5	18	0	
6	177	224	PI entered
7	350	0	
8	62	245	PI stay denied(DCt)
9	206	0	
10	273	206	
11	134	0	
12	34	0	
13	568	0	
14	142	260	PI stay denied (2d Cir)
15	98	0	
16	461	251	
17	297	0	
18	435	0	

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19	184	0
20	248	0
21	510	0
22	561	0
23	71	128
24	313 (I)	153 (I)
25	313 (II)	153 (II)
26	313 (III)	153 (III)
27	155	0
28		53
29		
30		

PI stayed (S. Ct.)

MAY

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9

* Roman Numeral(I,II, Etc.) mean that we have one number for those days combined, usually a weekend.

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