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Document #2077043

IRB – Immigration and Refugee Board of Canada (Author)

Haiti: Availability of official documents since the 14 August 2021 earthquake, including the possibility of obtaining fraudulent documents; whether the authorities can issue documents such as birth and death certificates, police reports, and national identification cards (cartes nationales d'identité, CIN) (2021–June 2022) [HTI201065.FE]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

According to sources, the 14 August 2021 earthquake devastated the southern region of Haiti; more than 2,000 people died and more than 50,000 buildings—including homes and public institutions—collapsed (Doctors of the World 14 Feb. 2022; UN 21 Sept. 2021, 1; Haiti 4 Sept. 2021, 2, 3, 5). The International Organization for Migration (IOM) reports that [UN English version] "[t]he quake severely affected buildings and homes and damaged critical infrastructure and roads, cutting off access to some areas in the southwest" (UN 21 Sept. 2021, 1). The Permanent Secretariat for Disaster Risk Management (Secrétariat permanent de gestion des risques de désastre) of the Haitian government, in its report produced in this regard in September 2021, also states that [translation] "hospitals and health centres, schools, both public and private, bridges, facilities and other critical infrastructure were affected" (Haiti 4 Sept. 2021, 5). According to the same source, however, the Emergency Operations Centre (Centre d'opérations d'urgence, COU) [1] has received [translation] "[n]o report ... concerning the telecommunications infrastructure affected" (Haiti 4 Sept. 2021, 8).

The US Department of State's Reciprocity Schedule for Haiti indicates, regarding official documents, that "[b]oth original documents and extracts (Extraits) are available" (US n.d.). However, in an interview with the Research Directorate, the Director of Défenseurs plus, a collective that defends human rights in Haiti [translation] "to achieve a true democratic rule of law" (Défenseurs plus n.d.), stated that reliable official documents have become [translation] "increasingly inaccessible" in the region affected by the earthquake of 14 August 2021, and that they remain difficult to access throughout Haiti (Défenseurs plus 17 June 2022). In correspondence with the Research Directorate, the Program Director of the International Association of Women Judges (IAWJ), a non-profit organization led by

women judges and representing approximately 6,500 judges in 100 countries, indicated that access to documents has "probably" been reduced due to the earthquake and the ensuing insecurity, since it destroyed records and closed offices (Program Director 25 June 2022).

2. Issuance of Civil Status Documents

Sources indicate that copies of civil status documents can be obtained from local civil status offices [2] while extracts from their registers are available from the office of the National Archives of Haiti (Archives nationales d'Haïti, ANH) (US n.d.; AlterPresse 28 Jan. 2020; Défenseurs plus 17 June 2022), located in Port-au-Prince (Défenseurs plus 17 June 2022; AlterPresse 28 Jan. 2020).

The information in the following paragraph was provided in an article published in January 2020 by AlterPresse, a [translation] "Haitian alternative information network" (AlterPresse n.d.):

The ANH [translation] "constitute a decentralized structure" of the Ministry of Culture and Communication (ministère de la Culture et de la Communication, MCC) whose mission includes the preservation of duplicate civil registry documents. The ANH are facing

major problems, unresolved to date, in relation to securing documents, transferring and monitoring the work of civil registry officers, and congestion, due in large part to pending files, following their non-registration in the national archives [and] the invasion of the *raketè* [racketeers].

The structures responsible for managing the Haitian civil status registration system (the Ministry of Foreign Affairs for Haitians residing abroad and the ANH for national applicants) "only exist in name" insofar as they "are not functional, for lack of budget" and "[t]his situation gives officers free rein to manage offices without respect for the legal procedures in effect." Moreover, given the "low skill level" and the "lack of training for the tasks to be performed" of civil registry officers, they "often make mistakes in the content of birth certificates," typically regarding names and dates of birth, and these are not "easily detected" by parents with little education. "These same errors will later constitute enormous difficulties in obtaining another important document, such as a passport or a birth certificate extract from the archives, from the government" (AlterPresse 28 Jan. 2020).

The Défenseurs plus Director also stated that civil status documents are among the [translation] "least reliable" documents in Haiti, particularly because officers are poorly trained and above all poorly paid (Défenseurs plus 17 June 2022). According to the same source, only the extract from the civil registry is [translation] "relatively reliable," but to obtain it, it is necessary to have the certificate properly registered beforehand at the local civil registry office and then to go to the ANH in Port-au-Prince, which is difficult or impossible for people living in the areas farthest away from the capital and/or affected by the earthquake (Défenseurs plus 17 June 2022).

The US Reciprocity Schedule reports that birth, death, marriage and divorce extracts are "primarily" blue and should bear the signature of the ANH Director, a blue stamp, and a dry seal in the upper right hand corner (US n.d.).

2.1 Birth Certificates and Birth Registry Extracts

Information on the issuance of birth certificates and birth registry extracts in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The US Reciprocity Schedule states that an original birth certificate "is issued only once when a birth is initially declared," by a regional civil office (US n.d.). The same source also states, without giving further

details, that "[g]enerally, original birth certificates (Acte de Naissance) are difficult to verify" (US n.d.).

The IAWJ Program Director stated that birth certificates are "difficult" to obtain (Program Director 25 June 2022). *Le Nouvelliste*, a Haitian newspaper, citing the statements of a coordinator of the Citizens' Initiative for Human Rights (Initiative citoyenne pour les droits de l'homme, ICDH), a Haitian organization (ICDH n.d.), states that there are [translation] "approximately" three million people without birth certificates in Haiti, because the system is "'very complicated'," the procedure is "'cumbersome and discriminatory'," and the officers have "'no logistical resources'" including registers; in addition, volunteer clerks "do almost all the work without receiving any compensation" (*Le Nouvelliste* 25 May 2021). AlterPresse also reports that despite [translation] "remarkable progress" in recent decades, "non-registration of births ... remains a widespread phenomenon" (AlterPresse 28 Jan. 2020).

The US Reciprocity Schedule explains that if additional certificates are required more than one year after the original birth declaration, requests must be made to the ANH for an "Extrait de Naissance" (US n.d.). According to AlterPresse, an extract is a copy of the register of the local office, recorded by a civil registry officer; each year, the officers are supposed to send a copy of the register to the ANH and the Ministry of Justice (AlterPresse 28 Jan. 2020). The same source states that [translation] "some officers, particularly in cities and provincial towns, can go years without forwarding the registers to the central office" of the ANH (AlterPresse 28 Jan. 2020).

2.2 Death Certificates, Death Certificate Extracts and Funeral Documents

Information on the issuance of death certificates, extracts of death certificates and funeral documents in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The information in the following paragraph was provided in the US Reciprocity Schedule:

"An original death certificate (Acte de décès) is issued only once at the time the death is initially declared" by a regional civil office. "Generally," such death certificates are "hard to verify." In order to verify a death, a death certificate must be requested, which becomes available one year after the date of death. Before that date, funeral documents, known as "'pompes funèbres'" can be requested (US n.d.).

2.3 Marriage and Divorce Certificates

Information on the issuance of marriage and divorce certificates in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The information in this section was provided in the US Reciprocity Schedule:

"An original marriage certificate (Acte de Marriage) is issued only once at the time of the wedding[.]" "Generally," original marriage certificates are "hard to verify." "A marriage is declared by both parties at a civil office or by the religious officiant" and the marriage certificate specifies whether the ceremony was civil or religious. The date the wedding occurred and the date the wedding was registered should be the same for civil marriages, whereas civil registration at a later date is more common for religious marriages. If any additional certificate is required, after one year of the wedding taking place, requests must be made to the ANH for a marriage certificate extract.

Divorce certificates may "be obtained personally or by a representative of the interested party" from a civil office. After one year, the divorce certificate can be found on record at the ANH, at which point an "Extrait de divorce" can be produced. Divorces between non-Haitians are documented at the Office du Divorce des Étrangers, which can also provide extracts (US n.d.).

3. Issuance of National Identification Cards (cartes nationales d'identité, CIN)

Information on the issuance of CINs in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources report that CINs are issued by the National Identification Office (Office national d'identification, ONI) (Défenseurs plus 17 June 2022; Program Director 25 June 2022). The IAWJ Program Director states that having a CIN "require[s]" a birth certificate, baptism record, or an extract from the national archives (Program Director 25 June 2022). According to its website, the ONI is the government organization responsible for producing and issuing CINs; it is [translation] "under the responsibility" of the Ministry of Justice and Public Safety (ministère de la Justice et de la Sécurité publique) and its mission is to "manage the identification of citizens and maintain a register containing all data on the population" (Haiti n.d.a). According to the ONI, the CIN serves as an identification document, as proof of identity to vote, and as a replacement for the tax identification card (Haiti n.d.a). Regarding security characteristics, the same source indicates that the CIN contains [translation] "multi-biometric" data that make it possible to guarantee the "permanence' of the identification of citizens," including a photo, [finger]prints and facial and iris recognition (Haiti n.d.a). The Défenseurs plus Director also stated that the new identity card is the [translation] "safest" and "most reliable" official document, or even "more tamper-proof than the passport" in Haiti because of the biometric data it contains (Défenseurs plus 17 June 2022).

AyiboPost, an online media platform that focuses on [translation] "explanatory journalism" on Haiti (AyiboPost n.d.), states that on 19 April 2017, a bill was adopted in the Council of Ministers by President Jovenel Moïse to replace the CIN with the unique national identification card (carte d'identification nationale unique, CINU), thus sweeping away [translation] "the entire history [of] the CIN and also the funds released to create, update and optimize" the CIN system (AyiboPost 13 Oct. 2019). The bill in question, known as the Bill Establishing the Unique National Identification Card and Relating to the Protection of Personal Data (*Projet de loi instituant la carte d'identification nationale unique et portant sur la protection des données personnelles*) is available online (Haiti 2017).

According to the Défenseurs plus Director, the 2017 bill was followed by a decree adopted in 2020 that officially established the CINU and made the CIN [translation] "invalid" (Défenseurs plus 17 June 2022). The same source also stated that the new CINU is [translation] "much more secure" than the former CIN, but is still managed by the ONI; most of the provisions of the decree that put it in place in 2020 were "broadly inspired" by the 2005 decree that governed the CIN (Défenseurs plus 17 June 2022). However, the article published in *Le Nouvelliste* in June 2020 indicates that the abbreviations CINU and NINU (unique national identification number, numéro d'identification nationale unique) are no longer used under the new version of the Decree on the Unique Identification Number and the National Identification Card (*Décret sur le numéro d'identification unique et la carte d'identification nationale*) published in *Le Moniteur*, the official gazette of the Republic, on 18 June 2020 (*Le Nouvelliste* 19 June 2020). According to the same source, the CIN must be renewed every ten years; cards issued under the Decree of 1 June 2005 relating to the National Identification Card (*Décret du 1er juin 2005 relatif à la carte d'identification nationale*) remained valid until 16 October 2020 (*Le Nouvelliste* 19 June 2020). A copy of the Decree on the Unique Identification Number and the National Identification Card could not

found among the sources consulted by the Research Directorate within the time constraints of this Response.

4. Issuance of Driver's Licences

Information on the issuance of driver's licences in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

Sources stated that driver's licences are issued by the Traffic and Highway Police Directorate (Direction de la circulation et de la police routière) (Défenseurs plus 17 June 2022; Program Director 25 June 2022). However, the website of the Consulate General of Haiti in Montréal states that the Haitian driver's licence is issued by the Motor Vehicle Traffic Department (Service de la circulation des véhicules automobiles) (Haiti n.d.b). The website of the Administrative Information Centre (Centre de renseignements administratifs, CRA) of the Government of Haiti also sets out the four steps to be followed to obtain a driver's licence:

- 1. Be issued a certificate from a driving school
- 2. Obtain a [translation] "[t]ax registration number" at a cost of 50 Haitian gourdes (HTG) [C\$0.56]
- 3. Have your picture taken
- 4. Complete theoretical and practical examinations at the Traffic and Highway Police Directorate (Direction de la circulation et de la police routière) (Haiti n.d.c).

According to the Défenseurs plus Director, driver's licences are among the [translation] "least reliable" official documents because they are not secure (Défenseurs plus 17 June 2022). The same source stated that a driver's licence is "fairly accessible," whether obtained legally or illegally, by paying an amount ranging from approximately 5,000 HTG [C\$56] to nearly 10,000 HTG [C\$112], depending on the category of licence sought and the person helping to obtain the licence (Défenseurs plus 17 June 2022).

5. Judicial Warrants

Information on the issuance of judicial warrants (summons to appear (mandats de comparution), bench warrants (mandats d'amener), warrants of committal (mandats de dépôt) and arrest warrants (mandats d'arrêt)) was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The Haitian Code of Criminal Procedure (*Code d'instruction criminelle*) sets out the terms and conditions relating to summons to appear, bench warrants, warrants of committal and arrest warrants:

[translation]

CHAPTER VII

SUMMONS TO APPEAR, BENCH WARRANTS, WARRANTS OF COMMITTAL AND ARREST WARRANTS

Art. 77. – When the accused has a fixed residence and the act is of a nature to give rise only to a correctional sentence, the examining judge (juge d'instruction) may, if the judge deems proper, issue

only a summons to appear against the accused, and after having interrogated them, convert this summons into any other kind of warrant necessary.

If the accused fails to appear, the examining judge will issue a bench warrant against them.

The judge will also issue a bench warrant against any person of whatever character accused of any act incurring afflictive or defamatory punishment.

- **Art. 78.** The judge may also issue bench warrants against the witnesses who refuse to appear upon summons given them, in accordance with article 67, and without prejudice to the fine set forth in that article.
- **Art. 79.** In case of a summons to appear, the judge will interrogate at once; in case of bench warrant, within twenty-four hours at the latest.
- Art. 80. After the interrogation or in the event of escape by the accused, the judge may issue the warrant of committal or arrest warrant when the act involves a sentence of imprisonment or a stronger penalty.

The judge may not issue an arrest warrant until after hearing the government commissioner.

In the course of the examination, the judge may, upon the motion of the government commissioner, and whatsoever be the nature of the accusation, cause the withdrawal of any warrant of committal, charging the accused to present themself at every act of the procedure and for the execution of the judgment as soon as they are required to do so.

The withdrawal order may not be attacked by opposition.

Art. 81. – Summons to appear, bench warrants and warrants of committal will be signed by whoever issued them and bear their seal.

The accused will be named and designated therein as clearly as possible.

- Art. 82. The same formal ties will be observed in the arrest warrant; this warrant will also state the act for which it is issued, and cite the law declaring that such an act is a crime or misdemeanour.
- **Art. 83.** Summons to appear, bench warrants, warrants of committal and arrest warrants will be served by a bailiff, or by a law enforcement officer, who will show it to the accused and provide them with a copy.
- Art. 84. Bench warrants, summons to appear, warrants of committal and arrest warrants may be executed in any part of the Republic.

If the accused is found outside of the jurisdiction of the officer who issued the warrant, the accused will be conducted before the justice of the peace or their substitute who will certify the warrant, without power to prevent its execution.

Art. 85. – The accused who refuses to obey a bench warrant or who, after having declared that they are ready to obey, attempts to escape, must be restrained.

The bearer of a bench warrant will employ, if need be, the law enforcement of the nearest place, which must go, upon the requisition contained in the bench warrant.

Art. 86. – If in the course of the examination, the judge charged with the case issues an arrest warrant, the judge may order by this warrant that the accused be transferred to the jail of the place where the examination is held.

If the judge does not set forth in the arrest warrant that the accused shall be so transferred, the accused will remain in the jail of the commune in which they were found, until it has been ruled upon by the examining judge in accordance with the provisions of Chapter IX of the present law.

- Art. 87. If the accused against whom a bench warrant has been issued cannot be found, the warrant will be exhibited to the justice of the peace of the residence of the accused, who will put their stamp upon the original of the act of notification.
- Art. 88. Every law enforcement officer, and even every person, will be obliged to apprehend the accused caught in the act, or pursued by public clamour, or in any cases akin to being caught in the act, and to conduct them before the justice of peace, the government commissioner or the examining judge, without need of a bench warrant.
- Art. 89. Upon the exhibition of a warrant of committal, the accused will be received and committed in the jail established for the correctional court; the jailor will remit to the law enforcement officer charged with the execution of the warrant an acknowledgement of the delivery of the accused.
- **Art. 90.** The officer charged with the execution of a warrant of committal or arrest warrant will ensure that they are accompanied by a force sufficient to assure that the accused does not escape the law.

This force will be taken from the place nearest to that where the warrant of committal or arrest warrant is to be executed, and it must go, upon the direct requisition made to the commander and contained in the warrant.

Art. 91. – If the accused cannot be seized, the arrest warrant will be served at their last place of residence; and report of summons will be produced.

This report will be produced in the presence of the two nearest neighbours of the accused that the bearer of the warrant can find; the neighbours will sign it, or if they do not know how to sign, cannot or do not wish to, mention thereof shall be made as well as of the fact that they were requested to do so.

The bearer of an arrest warrant will then have the report certified by the justice of the peace or their substitute and will leave that person a copy.

The arrest warrant and the report will then be delivered to the registry of the court.

Art. 92. – The accused seized by virtue of an arrest warrant to arrest or warrant of committal will be conducted, without delay, to the jail indicated by the warrant.

Art. 93. – The officer charged with the execution of an arrest warrant or warrant of committal will deliver the accused to the jailor of the jail who will give the officer a receipt, in the form prescribed in article 89.

The officer will then deliver to the court registry the documents relative to the arrest and receive acknowledgement thereof.

Art. 94. – (*Law of 12 July 1920*). The failure to observe the formalities prescribed for the summons to appear, bench warrant, warrant of committal and arrest warrant will always be punished with a fine of twenty gourdes [approximately C\$0.22] at least against the clerk, and if necessary a formal warning to the examining judge and the government commissioner, or, if there be cause, prosecution against them. [(Haiti 1835)]

According to sources, judicial warrants are issued by examining judges (Défenseurs plus 17 June 2022; Program Director 25 June 2022) and government commissioners (Défenseurs plus 17 June 2022). The Défenseurs plus Director stated that summons to appear, bench warrants, warrants of committal and arrest warrants are official documents that are [translation] "moderately reliable," insofar as their falsification is "relatively rare" (Défenseurs plus 17 June 2022). The same source reported that the falsification of these warrants is [translation] "generally" for use abroad, particularly in Canada and the US (Défenseurs plus 17 June 2022). The source also stated that these documents have always been [translation] "rarely" accessible due in particular to the prevailing corruption and disorganization in the Haitian judicial system, but that the 14 August 2021 earthquake aggravated this situation as it destroyed roads and damaged some public infrastructure, including the Cayes courthouse (Défenseurs plus 17 June 2022).

6. Availability and Accessibility of Fraudulent Documents

Information on the availability and accessibility of fraudulent documents in Haiti was scarce among the sources consulted by the Research Directorate within the time constraints of this Response.

The US Reciprocity Schedule states that "[d]ue to inconsistent issuance standards and high levels of fraud surrounding Haitian civil documents, original documents are generally considered unreliable"; there are "many 'document vendors'" in Haiti that provide fraudulent documents (US n.d.). The same source reports a "relatively high level of fraud surrounding" Haitian divorce and death documents (US n.d.). The source further reports the following regarding extracts from the birth certificate registry:

An Extrait de Naissance will list two dates: the date the person was born and the date that the birth was registered. A difference of more than two years between when a person was born and when that person was registered could be an indicator of fraud. (US n.d.)

The IAWJ Program Director stated that "many" official documents would be easy to acquire if the person could pay a "fixer that has access to the responsible entity" (Program Director 25 June 2022). According to the same source, these false documents can be acquired from the very entity [responsible] as well as from criminal networks (Program Director 25 June 2022).

AlterPresse states that racketeers take advantage of parents' ignorance of the fact that birth certificates are free of charge and pass themselves off as facilitators for obtaining these documents by [translation] "sometimes pretending to be lawyers" (AlterPresse 28 Jan. 2020). The same source indicates that these racketeers promise to [translation] "facilitate the granting" of documents in

exchange for payment, but in fact "often" provide documents that are "false, with invalid seals and have not been registered in the archives of the national civil registry system" (AlterPresse 28 Jan. 2020). In the same vein, *Le Nouvelliste* also explains that, according to one of its sources who is a civil registry officer, [translation] "'applicants for birth certificates pay out of ignorance'" by being "deceived" by individuals "who scam them in the name of the civil registry officer" (*Le Nouvelliste* 25 May 2021). According to the Défenseurs plus Director, criminal gangs have allied racketeers who have established a parallel system of false civil status documents or have [translation] "infiltrated" government services to monetize illicitly obtained authentic documents (Défenseurs plus 17 June 2022).

With respect to driver's licences in Haiti, a November 2019 AyiboPost article states that [translation] "forged licences have become commonplace"; even a traffic officer cannot ascertain whether a licence is genuine and ordinary people can have forged licences without knowing it (AyiboPost 1 Nov. 2019). The Défenseurs plus Director also stated that a driver's licence is the official document that is the most accessible through fraudulent means and is [translation] "probably" the most used for fraudulent purposes, insofar as it is easily reproducible, is always in high demand, can be used in other offences and is "rather profitable" for forgers, gangs and corrupt government employees (Défenseurs plus 17 June 2022). According to the Director, criminal gangs are behind most forged driver's licences or authentic licences obtained fraudulently in Haiti; some have branches specialized in making them and/or go so far as to create bogus driving schools issuing bogus certificates to obtain real driver's licences (Défenseurs plus 17 June 2022).

With regard to judicial warrants, the Défenseurs plus Director stated that such warrants are sometimes entirely falsified by criminal gangs that have taken control of certain courthouses where such documents are issued (Défenseurs plus 17 June 2022). The source cited the Port-au-Prince courthouse as an example and reported that it had been under the control of the Village-de-Dieu gang for approximately one week as of 17 June 2022 (Défenseurs plus 17 June 2022). According to the same source, although the gang seized the courthouse after an attack carried out in plain sight following the [translation] "significant deterioration" of the current security situation in Port-au-Prince, criminal gangs "are accustomed to operating underhandedly" to control the Haitian judicial system, which allows them to control "the entire chain" of document fraud affecting judicial warrants issued in certain courthouses (Défenseurs plus 17 June 2022). For further information on criminal gangs in Haiti, see Response to Information Request HTI201064 of June 2022.

The Défenseurs plus Director reported that these forged judicial warrants are [translation] "very rarely" used in Haiti, but are rather sold to the Haitian diaspora or to those who leave the country, particularly to serve in refugee protection or asylum claim procedures in countries such as Canada and the US (Défenseurs Plus 17 June 2022). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] The Emergency Operations Centre (Centre d'opérations d'urgence, COU) and the ten Departmental Emergency Operations Centres (Centres d'opérations d'urgence départementales, COUD) are

structures composed of a command unit and a coordination site, which were set up by the General Directorate of Civil Protection (Direction générale de la protection civile) of the Ministry of the Interior and Territorial Communities (ministère de l'Intérieur et des Collectivités territoriales, MICT), to respond to disasters (Haiti n.d.d).

[2] According to AlterPresse, civil registry offices [translation] "are traditionally located in the country's urban centres and towns, leaving the communities in communal sections without sufficient resources" (AlterPresse 28 Jan. 2020).

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Associated documents

Document ID 2077043 Translation / language version

6 July 2022 | IRB – Immigration and Refugee Board of Canada (Author)

Haiti

Query response on Haiti: Availability of official documents, including forged documents, since the earthquake in 2021 (2021 - June 2022)

Haïti : information sur la disponibilité des documents officiels depuis le séisme du 14 août 2021, y compris sur la possibilité de se procurer des documents frauduleux; information indiquant si les autorités peuvent délivrer des documents tels que les actes de naissance et de décès, les rapports de police et les cartes d'identité nationales (CIN) (2021–juin 2022) [HTI201065.F] (Response, French)

fr

ID 2077044

ecoi.net description:

Query response on Haiti: Availability of official documents, including forged documents, since the earthquake in 2021 (2021 - June 2022)

Country:

Haiti

Source:

IRB – Immigration and Refugee Board of Canada (Author)

Original link:

https://irb-cisr.gc.ca/en/country-information/rir/Pages/index.aspx?doc=458649&pls=1

Document type:

Response

Language:

English

Published:

6 July 2022

Document ID:

2077043

Austrian Red Cross
Austrian Centre for Country of
Origin and Asylum Research and
Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien T +43 1 589 00 583 F +43 1 589 00 589 info@ecoi.net Contact Imprint & Disclaimer F.A.Q. Data Protection Notice

ecoi.net is run by the Austrian Red Cross (department ACCORD) in cooperation with Informationsverbund Asyl & Migration. ecoi.net is funded by the Asylum, Migration and Integration Fund, the Austrian Ministry of the Interior and Caritas Austria. ecoi.net is supported by ECRE & UNHCR.











