

# Gulf Coast Center for Law & Policy

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*Tuesday, May 17, 2016,*

## ***RE: House Natural Resources Committee forum on climate refugees.***

*“Confronting a Rising Tide: The Climate Refugee Crisis,” will examine current and future climate change-related migration, displacement and planned relocation efforts in the United States, its territories and freely associated states.*

Chairman Bishop, Ranking Member Raúl M. Grijalva , members of the House Natural Resources Committee, and colleagues from the frontlines of the climate crisis.

My name is Colette Pichon Battle and I am the Executive Director of the Gulf Coast Center for Law & Policy (GCCLP) headquartered in Slidell, Louisiana. GCCLP is a non-profit, public interest law firm and justice center working to promote structural shifts toward ecological equity that benefit communities of Color on the frontline of climate change. Our work is rooted in communities that span the Gulf South from Texas to Florida. Our vision is to achieve climate justice for all residents of the region.

My current work is an out-growth of my personal story. I’m a proud Louisiana native, raised in Bayou Vincent, who returned home in the aftermath of Hurricane Katrina to assist with recovery and rebuilding efforts. My family and community have been on the north shore of Lake Ponchartrain since the 1770’s. We were hit with a tidal surge that came off the ocean and up the lake. There were no levees on the north shore or the adjacent Mississippi coast as the eye of Hurricane Katrina turned to make its direct hit on us.

Those engaged in what was then deemed as the largest US disaster of our time will never forget the impact of 2005. That year, was the most active hurricane season on record. Before and after Hurricane Katrina we dealt with more than usual rainfall and flooding, hotter than usual temperatures and various invasive species of plants, insects and animals. In the midst of disaster recovery, there is not a lot of time to ponder the broader picture. As bayou folks we turn to helping our neighbors, clearing our waterways and practicing the traditions of coming together to share information and heal. It was not until five years after Katrina that I was able to connect the dots to help understand the broader picture.

While the atrocities seen in New Orleans after Katrina were no doubt painful manifestations of historic discrimination and government failure- many of the experiences outside of that metro area were part of a global trend of extreme weather and climate disruption.

The BP Oil drilling disaster highlighted the spectrum of the global crisis. Extreme energy extraction (e.g. deep water oil and gas drilling) is not only an actual hazard for coastal communities, but is a significant contributor to large quantities of CO<sub>2</sub> in the ocean and in the air. In the course of five years, communities of South Louisiana experienced the perils of both extremes of the climate disruption spectrum. The negative economic, health and ecological impact of extreme energy extraction and the political, legal and social injustices riddled throughout climate-based disaster recovery.

As a member of an historic Louisiana community and as an immigration attorney, one clear connection between the BP oil drilling disaster and the hurricanes of 2005 was the amount of human migration that continues to occur in the region. Thousands of families were forced out of their homes, their communities and their states to escape the unknown impact of the storms. Many of these families remain displaced in cities like Atlanta, Jackson, Baton Rouge, Houston and Dallas due lack of opportunity and infrastructure support in their home towns. In these neighboring southern cities, folks fleeing Katrina were demonized and stigmatized- often with children in new schools paying the price. My first call for legal support was a displaced mother whose child was being beaten by the bus driver and being called a Katrina refugee.

The term refugee was summarily rejected and replaced, as I am often reminded by retired General Russell Honore, with the word survivor. As an immigration attorney, I tried to objectively analyze what was attempting to be conveyed by the term “refugee”.

And the survivors were right. Post Katrina, the term refugee was being incorrectly used to label as folks who are forced to move within their country borders. A more accurate term would be “internally displaced persons or IDP”. It matters, because using one term versus another offers a different set of legal protections and rights. Still, as survivors defensively differentiated themselves from refugees or non-citizens, the foundation for race tensions among Black and immigrant laborers whose income earning potential is disproportionately relegated to low-skilled jobs, was laid.

While local families were being moved out, thousands of immigrants were lawfully brought in to help with the clean-up and reconstruction in the region- many leaving their families to follow the economic opportunities of disaster. Unfortunately, the broken US immigration system mandated the loss of lawful immigration status (for those on H2A/B visas) upon termination of employment- which many immigrants experienced as they organized to demand that payment of back wages owed from hurricane recovery work. Ten years later, the Loyola University Law School Workplace Justice Project, established by professor Lus Molina in the aftermath of Katrina, still takes calls to get workers their paycheck. On the Mississippi coast, immigrant casino workers were brought into the US on valid visas (often J-1) to have a cultural exchange as service employees- helping to permanently displace the previous US workforce throughout the south.

The Gulf South’s migration continued in the wake of the BP oil drilling disaster as blue color workers tied to fishing or coastal tourism industries were often forced to move from their families to find alternative work outside of the region. Our offices provided free legal services and had the unfortunate front row view of families forced to seek other economic opportunities and split across states because the 2005 hurricanes had wiped out the community networks that would normally be employed to support such economic shocks.

US citizens displaced by Katrina, global citizens migrating toward the economic opportunities of disaster and Gulf South blue collar workers displaced by the BP oil drilling disaster have provided us with important information on the faces of climate-based disaster migration. Of the numbers to return to the region after these catastrophic events, those permanently displaced are often low-income, Black or Brown and rooted in communities on the frontline of climate disruption.

The Gulf Coast Center for Law & Policy is now working with partners, like the Foundation for Louisiana to assist coastal communities in long-term planning for continued climate disruption. Tribes like the 17,000 member Houma Nation now have to contemplate relocation as part of their adaptation to the climate disruption and sea level rise that is fueling the globe's most rapid land loss. Community elders like my mother Mary Pichon Battle - who still displaced in the Dallas area since Katrina- experience first-hand what plans municipalities have not made to support those forced to relocate. Cities like New Orleans are convening community stakeholders to begin climate adaptation talks following the leadership and declaration of President Obama in Paris echoed at the CoP21.

### **Immediate Steps**

The US government, state agencies and local municipalities are moving in the right direction. But the climate impacts are moving faster- which means we need to put equity, justice and innovation ahead of politics.

Federal Recognition for First Nations on the frontline of Climate Change. Indigenous communities in the Arctic, the Gulf and the Atlantic should not have to fight the federal government for federal recognition. History shows us that these tribes were recognized for discrimination in the past because of their identity, but the current fight to be recognized is often rooted inaction or wrong action of the federal government. Federal Recognition (for all tribes that want it) will offer sovereign autonomy as they continue their planning to deal with the climate crisis.

Sensible and Immediate Immigration Reform. Current global statistics show us that the migration patterns seen in the Gulf Coast from 2005- 2010 are not unique, but rather are part of a global trend as extreme weather, sea level rise and the socio-political impacts of both force people from their home communities in search of a safer and more sustainable existence. The federal government and the governments of each state must be innovative and swift in repairing the broken US immigration system. Rooted in race discrimination, economic privilege and historic injustice, current US immigration policies are woefully out of date for what is just the beginning of the global climate migration on the US.

Invest in renewable energy, equitably. Invest in a just transition toward a 100% renewable energy future that prioritizes economic opportunity for blue-collar workers in extractive industries. Leaders at all levels of government must have the courage to address the impacts of the global climate crisis starting in their own backyards. Louisiana leaders should seek a “both/and” solution to the state's relationship with the oil and gas industry and support public policy that aims to maximize benefits and minimize hardships for workers and their communities in the shift. The Gulf South has the opportunity to be a leader shifting investment, technologies and workers from extractive industry to the renewable sector. But next steps must also be rooted in the commitment to dismantling the structures that promote and maintain social, economic, political and ecological inequity.

Thank you for the opportunity to speak on this panel today. It is my sincere hope that my words, the words of my colleagues and the experiences of Gulf South residents over the past ten years will not slip away quietly, but will echo in your hearts as you continue to lead our nation to its next phase of greatness.

Respectfully submitted,

A handwritten signature in blue ink that reads "Colette Pichon Battle". The signature is written in a cursive style with a large initial "C".

Colette Pichon Battle, Esq.  
Executive Director  
Gulf Coast Center for Law & Policy