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June 12, 1994

President William J. Clinton
 The White House
 Washington, D.C.

Dear President Clinton:

The American Immigration Lawyers Association remains gravely concerned about conditions in Haiti and the lack of adequate protection for those fleeing what we all agree are worsening human rights violations. We cannot stand by any longer and allow a small band of thugs to rape, maim and murder an entire people. We can no longer care about U.S. public opinion or anything else that keeps us from doing what we know is right.

You must return the democratically elected President of Haiti, Jean Bertrand Aristide, to his rightful place. This is the only action that can provide stable and secure protection for those who are presently living in or desperately trying to flee the killing fields of Haiti. History will not treat kindly any further delay.

Meanwhile, the refugee policy change you announced on May 8th remains unimplemented. Since that date, over 2,000 Haitians have been directly returned to the hands of their persecutors by the U.S. Coast Guard. Macheted bodies appear with regularity on the streets of Port-au-Prince. Pro-Aristide slums such as Cite Soleil have been the target of widespread repression, in which people are dragged from their hovels in the middle of the night, never to be seen again. And the thugs who occupy power in Haiti have threatened that those attempting to flee by boat will be the target of arrest and imprisonment. This week's news reports indicate that the military is making good on that threat.

In light of these undisputed conditions, it is the most irresponsible and cynical abuse of power and responsibility to imply that 95% of those fleeing are "economic migrants", as some in your Administration have stated. Your Administration's recently announced plan to process refugees within 48 hours aboard a U.S. Naval Hospital Ship, the U.S.N.S. Comfort, is but a minute action when juxtaposed with the gravity of the situation.

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President Clinton
June 13, 1994
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Any plan that requires a refugee interdicted at sea to bear the full burden of proving his or her qualification for refugee status within 48 hours of interdiction, without access to supporting documentation, legal counsel, or secure surroundings, under threat of immediate repatriation to Haiti, is deeply flawed and will fail to protect most of those who genuinely need and deserve protection. Allowing the UNHCR, and NGOs under its supervision, access to the refugees prior to and during shipboard processing is something, but certainly not enough.

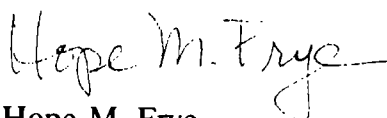
We are also concerned that the INS personnel who will serve as adjudicators on 30-day rotations will not have adequate training or experience in asylum law nor familiarity with country conditions in Haiti to make fair and reasoned determinations.

We contrast your plan for Haitian processing with the refugee processing operations in the former Soviet Union and Southeast Asia, where many categories of people need only assert a "fear" and a "credible basis for concern" about the possibility of persecution to be granted refugee status. The application of the relaxed "Lautenberg" standard in these locations results in an 88%-95% approval rate in the pre-defined categories. How can you expect us to believe that the processing envisioned for Haitian refugees is fair when compared with these other models. The disparity is frankly shocking.

We remain convinced that the indiscriminate violence in Haiti requires a temporary regional safe haven to protect those who are truly in danger. If refugee processing is to be conducted on board ships, or even on land, those who cannot meet the full burden of proof, but who present a "credible fear", should not be repatriated until democracy is restored in Haiti.

We remain ready to assist your Administration's efforts to provide genuine protection for Haitian refugees. Anything short of full and fair determinations will be met with our continued criticism and opposition. It must be that doing what is right, which you outlined during the campaign, is politically difficult for your Administration. But we know it is even more difficult for those who daily face the brutality of the Haitian military and their supporters.

Very truly yours,


Hope M. Frye

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