

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

May 1, 1997

INTERVIEW OF THE PRESIDENT
BY CNN RADIO NOTICIAS

The Oval Office

11:42 A.M. EDT

Q Mr. President, let's start with Mexico. You're going down there on Monday. The news today is that Mexico just dismantled its antidrug agency and has put a new agency in place with new trainees. Will this stop the corruption that has been so rampant?

THE PRESIDENT: Well, I think there's a good chance that it will improve things. Keep in mind the Mexicans have a big challenge. This is not just something they -- this cooperation we're undertaking in the antidrug area from Mexico's point of view is not primarily for the United States. Of course, we want to reduce the number of illegal drugs coming into America. Primarily, it's for Mexico. It's to preserve the social, political and economic integrity of the country.

And I think this is a very good first step. I've had a good relationship with President Zedillo and with Mexico since I became President. I've done everything I could do to try to make sure America is a good neighbor and a good partner for the future. And I think this will enable us to work more closely together in that area.

Q Mr. President, Mexico is going to have mid-term elections that are going to be watched throughout the world. And I know President Zedillo has been trying to change some of old time and change the structure of his party. What are your expectations of these mid-term elections? It's the first time the Mayor of Mexico City is going to be elected.

THE PRESIDENT: I don't know. My only expectations are that they'll be free and fair and that they will express the will of the Mexican people, and that we will support that, whatever that is.

Q Mr. President, NAFTA, according to the numbers, seems to be working. Do you expect the U.S. Congress to help push NAFTA to Chile* fast track? And you have spoken and your people have spoken how important Latin America is as far as a trading partner, but does Congress share your view, sir?

THE PRESIDENT: I believe a majority do. I am, frankly, disappointed and surprised that there is still so much opposition to expanding fast track. NAFTA has been a big success for us, with Canada and with Mexico. It has helped the Mexican economy to grow. It has brought our two countries closer together. When Mexico had a difficult time economically, the United States made the loan that --I made the decision to make a loan to Mexico and they paid the loan back early with interest and a profit. And it's working well. It's creating more jobs for Mexico, more jobs for the United States.

And I think we would be very, very, very shortsighted if we did not extend fast track, go down and involve Chile, and then eventually complete the promise of the Summit of the Americas -- involve the Andean nations, the Mercosur nations, all the nations --Latin America, Central America, Caribbean in the trade area of the Americas. That's what I want to do and I'm going to keep pushing for it.

Q Mr. President, you placed great importance on the relations with Mexico, personal relation between you and President Zedillo. And now the word is out, you're going to be naming a very famous politician of the other party, the Governor of Massachusetts, Governor William Weld. How will this create better relations between you and Mexico?

THE PRESIDENT: Well, if Governor Weld's appointment goes through I would expect it to greatly strengthen our relationships because I think that they will have a lot in common and that the three of us will all have a good relationship which will facilitate our countries growing closer together and working better together.

Q Will he have direct access to you and Madeleine Albright?

THE PRESIDENT: Oh, absolutely. I know him well. I mean, he is a member of the other party and when he ran against Senator Kerry last year I worked very hard for Senator Kerry. But we have a good personal relationship. He's a highly intelligent man and he and I are clearly on the same wavelength in terms of what we believe our policy toward Mexico and, indeed, toward all Latin America should be.

Q Finally, Mr. President, I want to touch slightly the issue of human rights. There has been some criticism of violation of human rights in Mexico. Will the subject of human rights be broached during the bilateral meeting, or will you deal --with President Zedillo?

THE PRESIDENT: I expect we will discuss everything that is out there to be discussed in our relationship. We have a very open and candid relationship. If he has some problems with the United States he feels free to raise them with me and we'll talk through everything I think we should talk through.

Q Migrations -- the new migration laws have created a huge stir in Mexico and Central America, also -- the issue, that will come up?

THE PRESIDENT: It will come up and it should. I would like to make three points. First of all, there were provisions dealing with legal immigrants tacked on to the welfare reform bill, that had nothing to do with welfare reform that I strongly opposed and that will have to be significantly changed if we are going to get a budget agreement here with the Republican Congress. I have told them that and we're working hard on it.

Secondly, with regard to the law dealing with illegal immigration, I know that there are some questions about that law in Latin America. But let me point out, the main thing the law does is to give us extra tools to control our borders, to deal with illegal immigrants in our workplaces and who come into the criminal justice system.

We are going to work very hard to avoid any draconian interpretation of the law that would lead to any kind of mass deportations or anything of that kind. But keep in mind, the United States admitted last year 960,000 legal immigrants. We are now the fifth largest Hispanic country in the world, with 22 million Hispanic Americans here. So we are committed to open immigration and to having more people here from the Americas, but we have to do it in a legal way that has some discipline and order and integrity to it. And we will try to do it in a fair and balanced way.

Q Mr. President, there was some concern in Mexico when Mexican trucks were not allowed -- truckers to drive in this country. I'm sure that issue will also come up.

THE PRESIDENT: It will come up. President Zedillo would bring it up if I didn't. We will -- we're trying to work that out. Our concerns here are basically safety concerns, and we have an obligation under NAFTA, the United States does, to permit Mexican truckers into the United States if they meet the standards that we apply to our people. And we're trying to work out exactly how we define that and resolve it with the Mexicans.

There have been actually relatively few trade disputes. This is now a \$130-billion trade relationship. It's a huge relationship. And we have two or three relatively minor matters -- (gap in tape) -- -- all but one. And I think we have to work very hard to try to rectify the economic harm done to the Caribbean countries inadvertently by Congress when they adopted NAFTA, but wouldn't go along with my suggestion to give the same treatment to the Caribbean countries.

Q Excuse me, by Caribbean you mean Central America and the Caribbean Basin?

THE PRESIDENT: Caribbean Basin, absolutely. All the Caribbean Basin countries. We did not -- I don't think the Congress meant to hurt them by passing NAFTA, but I told them what I was afraid would happen. I asked them to at least maintain the status quo so that they wouldn't lose any ground compared to Mexico. Because Mexico's great gains have come from the labors of the Mexican people and from the transfer of some production from Asia back to Mexico. They never intended to take anything away from the Central America and Caribbean countries.

So we have to rectify that because those countries have to have a chance to grow. Otherwise, the more successful Mexico is in its antidrug efforts, the more vulnerable the Caribbean countries will be -- especially the Caribbean, even more than Central America -- they will be even more vulnerable to drug traffickers because they won't be able to make a living there. So we've got to rectify this, and I'm hoping to resolve it with this session of Congress.

Q Mr. President, the Central American countries will also bring up the immigration issue because El Salvador, Guatemala, Nicaragua, Honduras -- they were all deeply affected in the '80s during the liberation or revolution, the civil wars of the '80s.

THE PRESIDENT: They -- because of the unique status that they bore when they came into this country they are in a position different from legal immigrants or plainly illegal immigrants. They are in a different position. And we've already had one discussion, interestingly enough, about that today. We're trying to work that out in a way that seems fair and humane and balanced, and I hope we can.

Q Mr. President, I would like to ask you two questions as they're pushing me out. One has to do with Peru. You were very much involved, your country was, with Japan during the hostage crisis, which came to a conclusion a few days ago --

THE PRESIDENT: Yes.

Q -- There seems to be some rumblings about some possible human rights violations when the army barged in and saved the hostages. Do you know anything about it or --

THE PRESIDENT: No.

Q -- have you had any conversations with Mr. Fujimori?

THE PRESIDENT: I do not know what the facts are on that. I do know that the government of Peru was very patient for a long time, that the people who took the hostages were terrorists who threatened their lives, and that it was a good thing and remarkable that only one of them was -- life was lost in the rescue attempt. But I do not know what the facts were about what happened on the compound.

Q Mr. President, finally, you know Cuba is an issue. Helms-Burton has created a rift -- between Latin America and the United States because of Cuba and Helms-Burton. Do you visualize any circumstances under which Helms-Burton could be lifted? And do you feel this will not threaten your commercial relations and political relations with the Latin American nations?

THE PRESIDENT: Well, first of all, I think the biggest problem with Helms-Burton, vis a vis Latin America, may well have been solved by the resolution we made with the European Union about the interpretation of Helms-Burton. And I think if we look at what happened with

the European Union, what we want the other democracies of Central America and Caribbean and South America to do is to work with us on promoting openness, human rights, and freedom in Cuba, and we need to do that every way we can.

Now, under the statute, the Helms-Burton statute, about the only agreements I can work out are the ones that -- like we worked out with Europe. That law supplanted a bill that I liked very much, the Cuba Democracy Act, which gave the United States the flexibility to be both more open and tougher with Cuba, depending on the facts. But that law was passed by Mr. Castro himself. He passed the law as surely as if he'd been here voting on it when he shot down those planes and killed those innocent people.

So we're doing the best we can with the law we have, but we all need to keep working for greater openness in Cuba. I think the only prospects for a change in the law would be those that are, again, completely within the control of the Cuban government and of Mr. Castro. I mean, if he were to evidence some changes then he might get some changed attitudes here. But we've got to see what happens.

Q Finally, Mr. President, you, during your first term, you fought very hard for NAFTA against your own party. You fought very hard to save Mexico -- the economic bailout against people of your own party including. Will you fight as hard now that you don't need to run for reelection, political considerations aside, will you fight just as hard to make sure that Latin America has a free trade agreement --

THE PRESIDENT: Oh, sure.

Q -- It may take about a year or two. And are you optimistic you can do it by the year 2005, as they said in Miami at the Summit of the Americas?

THE PRESIDENT: Well, yes, I will fight just as hard. And I will certainly -- there are no political considerations for me one way or the other now. I would like to point out we did get quite a large number of Democrats who supported NAFTA, and that the leadership in both parties supported me with the Mexican loan.

I'm quite concerned that there may have been an erosion of support for the free trade concept in the Americas, not just in the Democratic Party, but in the Republican Party as well. And I find this surprising. Here we are now at the pinnacle of our economic success, political influence in the world, but the only way we can exercise our political influence for good is to become involved with other countries. And it disappoints me when I hear Americans who seemed to be reluctant to do that; I think that's a mistake. And so I'm going to try to persuade them to do the right thing from my point of view and I believe we'll win.

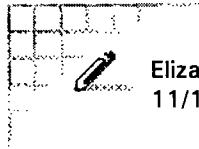
Q And will you get a budget agreement. Everybody in the basement asked me to ask you --

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THE PRESIDENT: I don't know. I don't know. I hope so.

Q Thank you, sir.

END



Elizabeth R. Newman
11/14/97 12:24:55 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc:

Subject: Statement by the President: Immigration Bill

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release
14, 1997

November

STATEMENT BY THE PRESIDENT

Immigration Bill

During my trip to Central America in May, I pledged to address the circumstances of Central Americans who were treated unfairly by last year's immigration bill. The bill's strict new rules threatened to uproot hundreds of thousands of people who came to our shores fleeing violence and persecution. In July, I transmitted to the Congress a legislative proposal that offered relief to these people. I am very pleased that the Congress has now passed provisions that do just that.

In the 1980s, a large number of Central Americans sought refuge in the United States because of the civil war and human rights abuses that then plagued that region. As I noted during my trip, the United States has a particular obligation to help these people because they and their families have now established deep roots in our communities and because sending them home in large numbers at this time would very likely disrupt the important progress these countries have made towards peace, democracy, and economic reform. As a result of these new provisions, these people may now be considered for permanent status under more generous rules than were imposed by the recent immigration bill.

Nevertheless, I am concerned about several aspects of this legislation. First, I am troubled by the fact that it treats similarly situated people differently. The Central Americans covered by this bill fled similar violence and persecution; they have established similarly strong connections to the United States; and their home countries are all fledgling democracies in need of our assistance. The relief made available to these people should be consistent as well. I believe, however, that these differences can be minimized in the implementation process.

I am also concerned about the plight of certain Haitians who are not covered by this legislation. Before we helped restore democracy to Haiti, many Haitians were also forced to flee their country because of persecution and civil strife. They deserve the same treatment that this legislation makes possible for other groups. We will seek passage of legislation providing relief to these Haitians early in the next session of Congress, and take appropriate administrative action while we pursue this solution.

Finally, I believe that Congress should not have continued to permit the application of new, harsher immigration rules to other persons with pending cases. Changing the rules in the middle of the game is unfair, unnecessary, and contrary to our values. We intend to revisit this issue at the earliest opportunity.

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Message Sent To: _____

Immigration scapegoats

It is an encouraging sight to see members of Congress willing to face up to an unintended legislative mistake and work to ensure that fairness is restored. That's what appears to be happening in the case of the 300,000 Latin American refugees who have been in this country since the 1980s and who found themselves squeezed by certain provisions of the 1996 Immigration Reform Act. These are people who have not only been through some very difficult times, as civil war ravaged their countries, but also people the vast majority of whom have become productive members of this society.

An arrangement brokered by House Speaker Newt Gingrich is now in the works to allow the refugees what they have always asked for — not permission to stay, but simply a hearing before an immigration judge who will decide who gets to stay and who has to leave. While the 1986 Immigration act allowed them temporary refugee status and the prospect of a hearing after seven years of good behavior, the law passed last year capped the number of cases at 4,000 each year and upped the number of years to 10. Problem: Once the refugees had submitted their paperwork and their application process had been started, they stopped "accumulating" years (as far as the Immigration and Naturalization Service was concerned, at least). This meant that many got trapped at seven years, Kafkaesquely unable to reach the now-needed 10. As has been pointed out in editorials in this space, that is absolutely not the way the American system is meant to work.

Washington Times
10/28/97

Some hard work by Rep. Lincoln Diaz-Balart in the House and Sens. Connie Mack and Spencer Abraham appears to have paid off. Rep. Lamar Smith, who chairs the subcommittee responsible for the 1996 legislation, has agreed to a solution as far as the Central Americans are concerned. While Mr. Smith rejects any notion that there is a question of retroactivity involved here, he has offered to give Nicaraguans who arrived in the United States before Dec. 1, 1995 green cards. Salvadoreans and Guatemalans will get a hearing according to the 1986 rules.

That's the good news. The bad news is Mr. Smith's price is some 30,000 other people caught in much the same bind but who do not have the same political clout and high profile as the Central Americans. These are people from Eastern Europe, Ireland, Cuba, Haiti, Mexico and elsewhere. And in addition, he's demanding the elimination of a category of legal immigrants, so-called "other workers," meaning about 10,000 nannies, gardeners and other unskilled, but certainly highly useful, laborers.

One would hope that the congressional leadership, while welcoming Mr. Smith's change of heart on the Central Americans, would stand up for all people unfairly caught by a heedless change in rules in the middle of the game. Let new cases be tried according to the new and tougher rules. And let those who have put their trust in the fairness of the American system know that our political leaders take that faith seriously.

To Maria Schenck
Peter Jacoby
FYI 10

Send to Elena Kagan
Joe Conda
FYI

Date: 06/16/97 Time: 19:39
Salvadoran to seek immigration help

SAN SALVADOR, June 16 (UPI) _ President Armando Calderon Sol says he will seek flexibility from U.S. officials in the application of new U.S. immigration norms against Salvadoran nationals.

Calderon gave a news conference in San Salvador before traveling to Washington, where he said he would seek "'understanding and help'" from U.S. authorities.

He said he had authority to request assistance because "'Central America participated and helped the United States emerge triumphant from the Cold War.'"

Successive Salvadoran governments fought a 12-year civil war against leftist rebels in the 1980s and early 1990s with considerable U.S. assistance.

Calderon said U.S. President Bill Clinton had acknowledged the United States had a "'moral responsibility'" to Central America when he visited Costa Rica last month.

Calderon will request special consideration for Salvadorans in the United States, many of whom were accepted for humanitarian reasons because of the civil war, which ended in 1992.

The money sent home by Salvadoran immigrants is one of the country's chief sources of foreign currency. _-

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Date: 07/10/97 Time: 17:41

DReno halts some deportations, seeks changes in 1996 immigration

WASHINGTON (AP) Attorney General Janet Reno temporarily suspended Thursday the deportation of tens of thousands of illegal aliens who have lived in this country for years, and she sought legislation she said would treat them more fairly.

Reno said if Congress agrees with her suggested modifications of the 1996 immigration law, a much larger number of illegal aliens estimated at 160,000 would have another chance to avoid deportation on humanitarian grounds.

For many years, the United States allowed illegal aliens to avoid deportation if they had lived here for 7 years, showed good moral character and proved deportation would cause ``extreme hardship'' either to the alien or a spouse, parent or child who was a U.S. citizen or legal permanent resident.

The 1996 law imposed an annual cap of 4,000 on such suspensions of deportation. It also restricted humanitarian exemptions from deportation to those who have lived here 10 years and whose removal would cause ``exceptional and extremely unusual hardship'' to a spouse, parent or child legally in this country.

Finally, the law no longer allowed aliens to count any time they were in immigration service deportation proceedings toward their years of residence in the United States.

This so-called ``stop-time'' rule applied to any proceedings begun since last April 1. A recent Board of Immigration Review decision extended this new rule to every alien whose case under the old system had not be completed by April 1.

To avoid what she called the ``unfairness that could come from applying new rules to pending cases,'' Reno vacated the review board decision and said she would decide later whether to reverse it.

In the meantime, she wrote House Speaker Newt Gingrich, ``While the case is under review, I will take immediate steps to protect against deportation persons who might have been able to claim suspension'' of deportation because their cases were begun under the old rules before the April 1 cutoff.

The Justice Department could not immediately say exactly how many deportations might be halted while Reno reviews the board's decision and awaits action by Congress, but estimated the number probably would reach into the tens of thousands.

Reno said she would send Congress legislation next week to make clear that the new rules and the 4,000-a-year cap do not apply to cases begun before April 1.

If the legislation is rejected, she promised to recommend that President Clinton take other administrative action to temporarily delay deportation of up to 190,000 Salvadorans, 50,000 Guatemalans and 40,000 Nicaraguans who were allowed to remain here under special programs or court settlements during the 1980s because of strife in their countries. The immigration service estimated that many of these Central Americans are no longer seeking legal residence in this country.

Reno said the changes in the law ``dramatically reduce the number of migrants eligible for the humanitarian relief Consequences are most profound for Central Americans who entered the United States in the 1980s in response to civil war and political persecution'' in their homelands.

Ira Kurzban, a Miami attorney who represented thousands of Nicaraguans and other immigrants affected by the retroactive

ruling, said, ``The attorney general, much to her credit, has taken the first positive step toward addressing the plight of those people who have been in the United States for many, many years Our hope is Congress will act promptly and immediately to address this issue of the numerical limitation placed on the numbers of people who can receive suspension of deportation.''

Rep. Luis V. Gutierrez, D-Ill., who led a bipartisan coalition of 120 House members that appealed to Clinton to avoid large-scale deportation of Central Americans, called Reno's decision ``a victory for those of us who have fought for fair treatment for people who have made America their home.''

APNP-07-10-97 1757EDT

Date: 06/08/97 Time: 11:50

Gingrich offers encouragement for Nicaraguans, Everglades

DELRAY BEACH, Fla. (AP) House Speaker Newt Gingrich visited South Florida on Saturday, offering encouragement for anxious Nicaraguan immigrants as well as the struggling Everglades.

During a stop in the steamy Everglades, Gingrich trumpeted the \$210 million he helped push through Congress last year for Everglades land purchases. He called it a good start, but said more funds may be needed to restore the River of Grass.

In the afternoon, Gingrich told Miami political leaders that he has asked Attorney General Janet Reno for an extension allowing up to 40,000 Nicaraguan nationals another year to apply to stay in the United States.

"It's totally wrong to punish innocent people who have been doing what they are supposed to be doing," Gingrich said.

At a "national town hall meeting" in Boca Raton later Saturday, Gingrich told about 2,000 of the GOP faithful that Republicans are right in the congressional battle over a veto-threatened \$8.6 billion bill that combines disaster relief with unrelated provisions unacceptable to the White House.

Gingrich started his Saturday in Florida with an airboat tour around the Loxahatchee Wildlife Refuge in the Everglades. He heard officials from various federal and state agencies explain the many problems faced by the vast ecosystem that stretches across much of South Florida.

"Florida has the opportunity to become a laboratory that the entire world studies," Gingrich said. "There are very few places where you have a complex fragile ecosystem this close to this many people."

The officials explained the problems with the stymied water flow, pollution from phosphorus and mercury and the invasion of exotic plants. The Everglades has been severely damaged by decades of draining, development, farming and pollution.

When the Speaker was told about efforts to bring in insects like the snout beetle to help control the melaleuca, Gingrich cautioned them to avoid the "Jurassic Park" effect.

"It's almost impossible to bring in six to eight new species without having unintended consequences," said Gingrich, who reminded that he is a former environmental studies professor.

"When the inevitable breakdown comes, how do you manage it?"

Nicaraguan immigrants feel they need more time to pursue their immigration cases and want the government to extend the Nicaraguan Review Program, which expires June 12, for another year.

The program allows Nicaraguans to request the reopening of their cases and the suspension of their deportations.

"Some of them have been here for eighteen years. So it's not a situation where we have people who showed up last Tuesday," Gingrich said during his stop in Miami's Little Havana.

Later, Gingrich was hosting a town meeting sponsored by the National Republican Congressional Committee at Florida Atlantic University in Boca Raton.

The town meeting is an experiment to see if similar events should be held around the country to give GOP supporters a chance to question key congressional leaders.

Gingrich made his comments on the disaster relief bill in response to a question from the audience. The bill includes \$5.6 billion in relief for victims of natural disasters in 35 states, the flood-ravaged Dakotas and Minnesota among them.

The president objects to two GOP-inspired provisions, including one designed to prevent a government shutdown this fall, even if the White House and Congress fail to reach agreement on regular spending bills.

The second provision would ban the Census Bureau from using sampling techniques to provide a more accurate count of Americans in the 2000 census. Republicans argue that approach is unsound.

``We hope he will sign the bill,'' Gingrich said. ``We will get no help from the media. They will interview people who will say `Why did the Republicans do this?'

``But I am not going to give away your right to have the census counted accurately,'' Gingrich said to cheers. ``They will get their aid Monday night if he signs the bill.''

APNP-06-08-97 1206EDT

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APNP-06-08-97 1206EDT

Date: 07/07/97 Time: 12:31

HRaised in America, immigrant faces return to strange birthplace

WEST CHESTER, Pa. (AP) He sees his life story in the buildings and streets and storefronts of the only place he has called home.

A run-down store he converted into a restaurant where well-heeled lawyers loiter. A downtown office he rebuilt for a judge's brother after a fire. The houses he restored after years of neglect.

And the street corner where he made a deal that threatens his future.

Charlie Jaramillo born in Colombia, raised in America faces deportation for selling \$40 worth of cocaine eight years ago.

``It's a death sentence,'' said Jaramillo, 32, who has never left the country since immigrating as a toddler. ``It's like being dropped in the desert and being told `Find your way.'

``I just don't have a chance there.''

When tough new immigration laws went into effect, most Americans did not expect that they would ensnare people like Jaramillo otherwise law-abiding immigrants with limited criminal records, sometimes in the distant past.

But thousands have been trapped.

There is the 31-year-old Manhattanite who emigrated from England as an infant, batted .388 for his college baseball team, went into finance then sold an ounce of cocaine; the Mexican in Texas arrested twice with a marijuana joint; the 64-year-old alien twice convicted of drunken driving.

``If you use the term `criminal alien,' most people are going to say, `You're right. Let's throw 'em out of the country.' But if you look more closely, the answer is not so clear,'' said Steven Morley, Jaramillo's immigration attorney.

Too bad, says Allen Kay, spokesman for Rep. Lamar Smith, the Texas Republican who shaped the new laws.

``Do you want to live next door to someone who has been convicted as a drug dealer?'' Kay asked. ``What the law says is, `We're not going to make citizens of criminals. We're going to deport them.'''

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Since 1917, laws have allowed the United States to deport criminal aliens. In the past decade, Congress has increased the number of applicable crimes: A law that once covered three offenses in a paragraph now details more than 50 crimes in four pages.

Congress last year also vastly diminished the power of judges to waive deportation in extraordinary cases. And Attorney General Janet Reno ruled that the laws apply retroactively, no matter when a person broke the law.

In the past, immigrants could win a reprieve if they had lived here for a long time, had family ties or had rebuilt their lives. They also received special consideration if they faced oppression in their native lands.

``The bottom line is the immigration courts had discretion to grant the relief and they granted it in a very responsible and some would say miserly fashion,'' said Kenneth Schultz, a Manhattan immigration lawyer.

For most criminal aliens, Congress largely took that discretion away.

``We had huge loopholes in this system,'' Kay said. ``People would play the system to stay in the country as long as possible.''

Immigrants found guilty of aggravated felonies now have no

chance of avoiding deportation. Under the new laws, rape and sexual abuse are considered aggravated felonies, as are virtually any drug conviction, including a minor marijuana arrest, any crime of theft or violence that results in a one-year sentence and the transport of prostitutes.

The law could apply, some attorneys speculate, even to turnstile-jumpers or people who fail to report a change of address on time.

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Charlie Jaramillo Carlos, to his friends is a wiry man who wears the boots of a construction worker and the button-down shirts of an ambitious company director.

He was 24 when a friend asked if he could get him some cocaine. Jaramillo knew a supplier. On a West Chester street corner, he handed over a third of a gram and got two 20s in return.

"I felt like it was a macho thing. I felt like it was a challenge," he said, repeating an explanation he has given time and again, one he knows falls short. "And after it happened, I paid dearly for it."

He pleaded guilty, did 200 hours of community service and planned to move on. Then, last August, he went to an INS office to apply for citizenship. He checked the 'Yes' box indicating he had been arrested, and INS officers told him he would be deported.

"I kept telling them, 'I already did my time,'" he said.

They cuffed him as his father wept, remembering the tough country where he tried to scratch out a living three decades ago. His angst continued on a visit to Colombia; Jamie Jaramillo had a heart attack as he worried how his son would survive.

Whatever the truth, the government and the average Colombian would still consider him a drug trafficker. And without a college degree, Jaramillo would struggle to find a well-paying job just like his father before him.

"There's not a lazy bone to be found in the Jaramillo family," said Stan Zukin, who owned a local drugstore and gave Jaramillo his first job, when he was 12 years old. "I mean, this guy works better than any four people around."

Legal bills have sent Jaramillo, his wife and their two teen-age children back into his parents' home in nearby West Goshen. He knows that if he is deported, he will make his next move alone.

"She just can't pick up and go with two kids who don't speak Spanish," said Jaramillo's older sister, Dorris.

Since his arrest, Jaramillo has stayed clear of the law. Perhaps the most telling example of his rehabilitation: The brother of the judge who sentenced Jaramillo hired him to rebuild his office after a fire.

Later, the brother, William Wood, wrote a letter of support: "I believe he would be a good citizen of the United States, if given the opportunity."

Morley expects to lose in immigration court and before an INS appeals board. Under the law, Jaramillo can be deported immediately afterward, even if he challenges the ruling in federal court. Meanwhile, he is seeking a pardon from Gov. Tom Ridge.

Jaramillo has no argument with those who think criminals should be thrown out of the country. His only complaint is that the law is reaching back into a past he thought he had long since buried, a crime for which, he thought, he had paid.

"If I'd known, I would have never taken the plea bargain," he said. "I would have fought it."

APNP-07-07-97 1248EDT

Date: Sun, 8 Jun 1997 17:22:57 -0400 (EDT)
From: John Trasvina <trasvina@usdoj.gov>
To: trasvina@justice.usdoj.gov

Sunday June 8 2:42 PM EDT

Gingrich Offers Support to U.S. Nicaraguans

By Patricia Zengerle

MIAMI (Reuter) - House Speaker Newt Gingrich says he's sent a letter to Attorney General Janet Reno asking her to extend for a year a special program protecting the immigration status of Nicaraguans in the United States.

"It is totally wrong to punish innocent people," he said at a meeting on immigration and other issues with Miami-area political and community leaders. The letter to Reno was dated June 6 and distributed on Saturday.

The meeting was attended by most of Miami's leading Republicans, among them Reps. Ileana Ros-Lehtinen and Lincoln Diaz-Balart and Jeb Bush, the son of former President George Bush and a narrow loser in Florida's gubernatorial election in 1994.

Many members of Miami's Latin American community, traditionally dominated by staunchly Republican Cuban-Americans, have questioned recently what they see as the Republican Party's hostility to newcomers.

In particular, some have protested plans to make English the official U.S. language, eliminate government benefits to legal immigrants and allow deportation of tens of thousands of Central Americans who came to the United States during the civil wars of the 1980s.

An estimated 40,000 Nicaraguans living in the Miami area are at risk of being kicked out of the United States under the tough new immigration rules.

The Miami Nicaraguans have filed suit against the government, saying they are taxpaying workers who should not be deported to a country that remains unstable by a government that offered them asylum. Immigrant advocates have argued many of them fled their homeland at the behest of the Reagan and Bush administrations as a form of protest of the ruling leftist Sandinistas.

During the meeting, Gingrich said he opposed forcing new laws retroactively on immigrants already in the United States, although he said he favored making changes that would affect new immigrants, including development of a private insurance system for legal residents.

"It's one thing to say about the future, let's set ground rules we all understand," he said.

After the meeting, immigrant activists gave Gingrich's remarks reserved approval. Haydee Marin, Nicaraguan human rights ambassador to the United Nations, said she was pleased he had made a commitment to immigrants from Nicaragua in public.

"I am pleased that he has spoken in a public forum," she said. "The letter and the promise that he will ... (support) legislation, for me that's really good," she said. }

During the meeting, Gingrich also said he supported plans to turn the former Homestead Air Force base into a commercial airport, expressed support for measures to preserve the nearby Everglades, and said he favored including funding for the Caribbean Basin Initiative in the budget now making its way through Washington.

Clinton's trip leaves promises to keep

But he can't do it without Congress

By Warren P. Strobel
THE WASHINGTON TIMES

A1

BRIDGETOWN, Barbados — President Clinton promised more banana sales for worried Caribbean countries. He promised jittery Central American countries fewer U.S. deportations of immigrants. He promised more trade pacts, more cooperation and more respect.

But Mr. Clinton, who today wraps up a weeklong swing through Latin America and the Caribbean, won't know until he gets back to Washington and deals with Congress whether his policy toward the region is more than just promises.

The president and his delegation, who visited Mexico, Costa Rica and Barbados, were full of soothing words designed to assuage resentments among Washington's southern neighbors that range from anger over unilateral U.S. actions to bruised feelings of neglect.

see TRIP, page A18

TRIP

From page A1

Here in the Caribbean, for example, its small island economies have been badly hurt by the 1993 North American Free Trade Agreement (NAFTA), which gives Mexican and Canadian products preferred access to the huge U.S. market.

At a meeting with 15 Caribbean leaders Saturday, the president announced that he will seek legislation from Congress that will eliminate tariffs on a range of Caribbean products, at a cost of \$2.3 billion to the U.S. Treasury.

It was less than the full "NAFTA parity" that his hosts wanted, and Mr. Clinton, challenged by a reporter, acknowledged that he was simply making a promise. "I think that everyone understands, and I made it clear in our meetings, that all I could do was ask the Congress for its support," he said.

One of the Caribbean's chief exports is apparel, and U.S. manufacturers may put up a stiff fight against giving foreign products easier access to American stores.

"It's not going to be a simple issue, but he made a very strong statement that he's going to pursue it," said White House spokesman David Johnson.

On a diplomatic and symbolic level, Mr. Clinton's trip appears to have been a success. Simply by appearing in places where presidents rarely tread, he sent a strong signal of U.S. engagement to regions worried about Washington's attention span.

The Caribbean summit was the first in the region ever attended by a U.S. president. His summit Thursday in San Jose, Costa Rica, with the leaders of Central America and the Dominican Republic was the first such meeting since the Johnson administration. No president had stopped in Mexico

City, where Mr. Clinton began his trip, since Jimmy Carter.

Local news media have covered the president and first lady Hillary Rodham Clinton like royalty, breathlessly reporting their every word and action. Costa Rican television covered virtually his entire visit live until the moment Air Force One departed San Jose airport and disappeared into the clouds.

Yesterday, Mr. Clinton was nowhere to be seen. The president, who has appeared tired and stiff during much of the trip, spent the day holed up in the 22-acre ocean-front estate of a wealthy British couple, Sir Anthony and Lady Bamford, who offered it to the first couple while they were away.

The president, still nursing a bum knee, did not leave the mansion, called Heron Bay, with its acres of blooming trees, and a pool and stone cabana guarded by statues carved into cherubs.

On Saturday, Jamaican Prime Minister P.J. Patterson, whose views are often at odds with Washington's, seemed grateful for Mr. Clinton's presence at the summit.

"In the closest of families, difficulties are bound to arise," he said, adding that to resolve them "they must have the capacity from time to time to meet within the bosom of the family."

Like the declarations he and his counterparts signed earlier in Mexico City and San Jose, the document Mr. Clinton and the Caribbean leaders agreed to Thursday is mostly a pledge of future intent.

The United States agreed to try to resolve the banana dispute, which involves a successful U.S. appeal to the World Trade Organization against a European Union system of licensing that favors Caribbean bananas. Washington doesn't oppose preferential treatment for the Caribbeans, but argued that the EU system amounted to quotas on the United States and

Central America.

If that dispute will require future talks with the Europeans, many of Mr. Clinton's promises on immigration — the subject on which regional leaders were the most emotional — will require negotiations with Congress.

In San Jose, Mr. Clinton announced that he will delay implementation of a provision in the new immigration law that could have the effect of forcing nearly 300,000 Central American immigrants from the 1980s back home. That gives him until Oct. 1 to persuade Congress to change the provision.

At one point Saturday, the president argued that he could avoid what leaders here fear most — mass deportations — without lawmakers' assent. "I don't agree we need congressional cooperation there, although I believe it's consistent with what Congress intended when they passed the law," he said.

But Mr. Clinton will need Congress' approval to negotiate new free-trade agreements, as he promised to do in an address in Mexico City. The issue of giving the president "fast-track" negotiating authority already is caught up in jostling among his own party for the Democratic presidential nomination in the year 2000.

With little money and uncertain support at home for grand initiatives, Mr. Clinton this week doled out a series of small policy announcements, just like he did on the campaign trail last year.

For Mexico, it was \$6 million to help train a new, and hopefully less corrupt, corps of drug agents. For Central America, it was the establishment of a regional center to professionalize the nations' police forces. For the Caribbean, it was surplus aircraft and Coast Guard cutters to help catch narcotics traffickers.

The Washington Times

MONDAY, MAY 12, 1997

Leanne/EX -
Huh?
-BR

IBM's Deep Blue drubs Kasparov

World champion falls to computer for 1st time in chess history

By David R. Sands
THE WASHINGTON TIMES

A1

KASPAROV

From page A1

he told a capacity crowd of chess enthusiasts and 300 journalists from around the world, "since the machine has too many weaknesses." He also complained that the match was less about advances in computer science and more about a huge corporation devoting massive resources to defeating him.

The IBM programming team won \$700,000 for the win, and Mr. Kasparov took home \$400,000 — both unprecedented sums in the chess world.

Neither side demonstrated massive superiority in the match, which Deep Blue won with two wins, a loss and three draws. Mr. Kasparov won the match's first game May 3 but lost Game 2 when he resigned a very difficult defensive position just when a draw was in sight.

Mr. Kasparov proved he remains superior at long-range strategy but had to overhaul his usually aggressive style out of respect for Deep Blue's ability to examine some 200 million chess positions a second. The human champ obtained superior positions in almost every game but the last, but could not break down Deep Blue's accurate defenses.

His frustration mounting, Mr. Kasparov met with disaster in Game 6 against an opponent who never tired, never got flustered, never even knew it was playing chess.

The program also disconcerted the Russian by occasionally playing "humanlike" moves that seemed to rely more on intuition and psychology than brute-force calculations — leading Mr. Kasparov at one point last week to accuse the program of getting some illegal midgame coaching from its handlers. Used to intimidating his human competition, Mr. Kasparov seemed to play the entire match at a distinct psychological disadvantage.

Mr. Kasparov "has just fallen apart in front of ghosts. He never plays chess like this," said interna-

tional chess master Maurice Ashley, one of the commentators on the match in Manhattan.

The 34-year-old Mr. Kasparov, world champion for a dozen years, had never lost a match before.

Deep Blue boasts 32 parallel processing computers with special microchips to examine and evaluate hundreds of millions of possible moves per second. While twice as fast as its Philadelphia predecessor, the new and improved Deep Blue also benefited from some grandmaster coaching.

"Where do we go from here?" IBM's Mr. Tan said yesterday. "We will continue to work with Garry but perhaps on a less competitive level."

Mr. Kasparov for his part said he could beat the machine — "I guarantee I could tear it to pieces" — given the chance to study its strengths and weaknesses, something he was not allowed to do before the match.

"The competition has just started," he said.

• This article was based in part on wire service reports.

It's now Man 1, Machine 1.

In a rout that lasted just 63 minutes and 19 moves, the IBM computer program Deep Blue yesterday demolished world chess champion Garry Kasparov in the sixth and deciding game of their much-ballyhooed rematch — the first time a machine has defeated a human champion in a match played under tournament conditions.

Climaxing a contest that attracted worldwide attention, a flushed and upset Mr. Kasparov conceded after falling into a well-known opening trap and facing a

killing attack against his king. The man considered the greatest player in the history of the ancient game had defeated an earlier, less sophisticated version of Deep Blue in February 1996.

"The computer played grandmasterly chess," said Chung-Jen Tan, a leader of the IBM Deep Blue programming team that included both computer and chess experts, in a post-game news conference at the Manhattan office building where the match was held.

"This is a match that will benefit everyone, from the students who sat in the audience learning from Garry and Deep Blue to many consumers outside this building who will be deeply affected by this advance in technology."

But Deep Blue's technological significance — IBM says insights gained in the match could be applied to weather forecasting, air traffic control and other fields — paled in comparison with the drama pitting man and machine in a game celebrated as a pinnacle of human creativity.

In his own postmatch comments, Mr. Kasparov was by turns combative and defensive, unwilling to concede that computers have passed him by.

"I'm ashamed I lost this match,"

see KASPAROV, page A8

The Washington Times

MONDAY, MAY 12, 1997

Date: Sat, 17 May 1997 15:04:51 -0400 (EDT)
From: John Trasvina <trasvina@usdoj.gov>
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Los Angeles Times

Saturday, May 17, 1997

Platform

'Clinton Could Have Done More for Immigrants'

President Clinton's just concluded visit to Mexico and Central America drew the attention and raised the hopes of many in Los Angeles' Latino immigrant communities. Two representatives of organizations that serve these communities discuss the implications of the president's public statements with JIM BLAIR. CARLOS IXQUIAC

Director, Guatemalan Support Center

If we add up exactly what came out of the Clinton visit to Central America, we are not very happy at all. Because, being the president and having all the power he has, he could have done more if he really wanted to.

All the promises that he gave in all the speeches were just that--speeches. There was nothing concrete. He could have provided some kind of executive order to stop the deportation of Guatemalans and Salvadorans. He went there focused on getting commercial deals, not the immigration area.

We are also disappointed at our presidents--and I'm speaking about all the Central American presidents--because they could have put more pressure on Clinton asking him to halt the deportations of all Central Americans, but that didn't happen.

The American Baptist Church sued the Immigration and Naturalization Service because of discrimination against Guatemalans and Salvadorans from 1985 to 1990. They settled out of court; it's known as the "ABC" settlement. Clinton could have just said we're going to provide residency to the all (in the suit) and that would be something concrete.

Then there are all the Guatemalans who deserve temporary protective status here because of the U.S. government's involvement in the war in Guatemala; many had to flee the country to save their lives.

These are people who are here to work and not to depend on the social benefits of the country. I think they deserve to have permanent residency in the United States.

SUSAN ALVA

Attorney and Immigration and Citizenship Project coordinator for the Coalition for Humane Immigrant Rights of Los Angeles

I think President Clinton had very important comments to make in Mexico and Central America. The coverage that his trip has gotten, especially in the Spanish language media, has been tremendous. There's been a lot of interest in it and a lot of hanging on to every word.

At the same time, I think it's been very confusing because there's a lot open to interpretation. As with any good politician, the statements were rather vague. At the same, he did say more than we've ever heard him say about immigrants--that the U.S. may have played quite a role in perhaps prolonging the civil wars that have gone on in Central America, so there may be some special responsibilities owed to immigrants and refugees from those countries.

Both in Mexico and in Central America, he talked about changes he wanted to see or explore further, but kept saying he needed to go back to Congress for approval. Knowing the details of the new immigration law, it's clear that without asking Congress, he still has some leeway

to implement these laws in a more generous fashion than he has to date.

The president's comments during his trip really change nothing in the immediate future. The practical effect is very limited. In the community, I think there's a lot of confusion and a lot of hanging on to whatever we can get and trying to decipher these words in as positive a manner as possible. But the reality is that if we leave it with just the comments he made, it concretely and specifically really doesn't change anything. What it has done is to open the door for us to pursue him further.

Copyright Los Angeles Times

A16 FRIDAY, JULY 25, 1997**THE WASHINGTON POST**

Plan to Protect Refugees Gets Bipartisan Support

In a bipartisan gesture to Central American refugees, Florida Sens. Connie Mack (R) and Bob Graham (D) announced yesterday they will introduce legislation to protect up to 200,000 refugees from being deported under a tough new immigration law.

The measure, proposed by the Clinton administration, would allow those refugees who received a deportation notice before April 1 to seek an exception under the more lenient rules of the old law. The bill would also exempt them from the new, 4,000-per-year cap on visas for such cases.

Until the law was changed, an illegal

immigrant had to live in the United States for seven years and prove he would suffer hardship if deported. Under the new law, the person must have lived here 10 years and prove that his immediate relatives who are legal residents would suffer "extreme" hardship.

To support the legislation, about 300 Central Americans, many of whom traveled by van from Miami, rallied yesterday on the Capitol steps. "Ten years ago, in the mountains of Nicaragua, I spoke to thousands of young men who were fighting for freedom. I told them then we would not forget them, and I tell you now we will not forget you," Mack told the gathering.

—Pamela Constable

**TITLE: BILL WOULD HELP IMMIGRANTS MACK, GRAHAM SEEK TO
FORESTALL**

'UNFAIR' DEPORTATION THREAT

BYLINE: JILL YOUNG MILLER Washington Bureau

EST. PAGES: 1

DATE: 07/25/97

DOCID: FLSS72050556

SOURCE: Sun-Sentinel Ft. Lauderdale; FLSS

EDITION: Final; SECTION: NATIONAL; PAGE: 11A

ORIGIN: WASHINGTON

(Copyright 1997)

Seeking to end the threat of a wholesale deportation of thousands of Central American immigrants, Florida Sens. Connie Mack and Bob Graham plan to introduce legislation, possibly as early as today, to give the immigrants a chance to make their cases for remaining in the United States.

"It was wrong for the rules to be changed on them midstream, and this legislation ensures that they receive the fair treatment they deserve," said Mack, a Republican.

Earlier this year, the Board of Immigration Appeals ruled that because democracy is now prevalent in Central America, thousands of immigrants could be deported without the opportunity to make their cases. In a statement issued on Thursday, Mack and Graham called the ruling "patently unfair to the thousands of Central American immigrants who have paid their taxes, worked hard and established new lives in America."

Attorney General Janet Reno this month froze the deportation of Central Americans who fled civil war to the United States in the 1980s. About 300,000 Guatemalans, Nicaraguans and Salvadorans were trying to become permanent residents of the United States last year when Congress adopted legislation making it harder for them to stay.

The Graham-Mack legislation would not provide amnesty. It would stipulate that people who were seeking suspension of deportation before the 1996 legislation took effect would not have to meet the new standards.

**DESCRIPTORS: FLORIDA LEGISLATURE PROPOSAL IMMIGRANT
DEPORTATION**

TITLE: RENO RIDES TO THE RESCUE OF REFUGEES
DATE: 07/19/97
SOURCE: Chicago Tribune; TRIB
EDITION: NORTH SPORTS FINAL; N; SECTION: EDITORIAL; PAGE: 22
(Copyright 1997)

Atty. Gen. Janet Reno's July 11 order to halt the deportation of nearly 180,000 Central American refugees prevented a gross injustice and reinforced a fundamental principles of fairness: You can't change the rules in the middle of the game.

Pleas for her to intercede had come from all political quarters, including U.S. Rep. Luis Gutierrez (D-Ill.) and House Speaker Newt Gingrich, and revolved around the retroactive enforcement of immigration reforms Congress enacted last fall.

The story of the refugees who fled to the U.S. during the mid-1980s to escape civil wars in El Salvador, Guatemala and Nicaragua is quite typical. The vast majority were admitted with some sort of temporary permit that was supposed to be sorted out later. It all took place with the full knowledge of the U.S. government, which in most cases also issued work permits.

A similar precedent was the exodus of Cuban refugees during the early 1960s, who came to Florida by the tens of thousands with nothing more than "visa waivers." As the years passed, the refugees obtained permanent visas, and most became U.S. citizens.

When peace finally came to Central America during the early 1990s, some refugees returned to their war-ravaged countries. But most stayed here, tending new families, homes and careers. Most also began applying for permanent status after the required seven-year residency in the U.S.

This legal process was upended by the immigration reform law approved last year--and the subsequent interpretation by an administrative law court--that changed the requirements for refugees seeking permanent residence.

Unable to maintain their temporary status indefinitely or qualify for permanent visas under the new law, the refugees now faced deportation.

Speaker Gingrich says he will support legislation to correct this egregious possibility.

Earlier this year, Congress effectively reversed another attempt at retroactive legislation by restoring benefits for elderly and disabled legal immigrants who already were in the country when the welfare reform law was passed.

Depending on who's talking, last year's reforms were a justifiable response to the explosion in the number of illegal immigrants during the past decade or a deplorable outbreak of nativist hysteria.

The one thing everyone seems to agree on, however, is that changing legal requirements after the fact goes against the grain of basic, all-American fair play.

TITLE: CONGRESS SHOULD BACK RENO ORDER, LET IMMIGRANTS PRESENT THEIR CASES
DATE: 07/13/97
SOURCE: Sun-Sentinel Ft. Lauderdale; FLSS
EDITION: FINAL; SECTION: EDITORIAL; PAGE: 4G
CATEGORY: EDITORIAL
(Copyright 1997)

Attorney General Janet Reno stepped in decisively to halt the planned deportation of nearly 300,000 Central Americans who live in the United States. Combined with a compassionate ruling two weeks ago by U.S. District Judge James Lawrence King, Reno's bold decision means these immigrants who fled civil wars are more likely to be treated fairly on a case-by-case basis to determine if they can remain in this country.

A sense of abrupt unfairness hung over the earlier attempt, following a dubious interpretation by the Board of Immigration Appeals, to boot out of the country Nicaraguans, Salvadorans and Guatemalans who were granted special asylum when they arrived here, mostly in the 1980s. The civil wars in their countries, in which the U.S. had a role of varying degrees, had made life untenable there so they came here - many to South Florida - and put down roots, created families, held jobs, paid taxes and abided by this country's laws.

Despite their special status, they were and are illegal immigrants and therefore vulnerable to being deported. When the new immigration law went to effect April 1, these immigrants learned the rules had been changed on them in midstream.

The previous rules said that they'd be eligible for "suspension of deportation" if they had lived in the U.S. for at least seven years, had good moral character and could show that being returned to their homeland would cause them "extreme hardship." The new law, as interpreted, bumped up the length of residency to 10 years, increased the degree of hardship to be proved and otherwise made it tougher to comply.

Judge King rightly criticized the retroactive aspect of these new rules and ordered deportations stopped until a Jan. 5 trial. Now Reno has taken a further step, a giant one, to settle the dispute permanently and fairly.

Within a week, Reno said, the White House will send proposed legislation to Congress that would allow the Immigration and Naturalization Service to consider each case individually. Congress ought to approve the legislation, but if it doesn't, Reno won't hesitate to recommend that Clinton act unilaterally under a legal provision to defer any enforced deportations.

It shouldn't come to that. House Speaker Newt Gingrich supports Reno's decision, and it now seems quite likely that each case of potential deportation will be scrutinized individually.

That almost certainly means many of the Central Americans will be allowed to stay here, which would be just and right for people who are contributing to this society. They were forced out of their homelands in the first place because, in part, the U.S. injected itself into their countries.

Reno and King have acted honorably to prevent a stain on U.S. honor and fairness. Now it's up to Congress, which should react responsibly.

IMMIGRATION FAX

Central American Update # 4

August 7, 1997

*Implementing the 1996 Immigration Act
Analysis by the National Immigration Forum*

THIS FAX CONTAINS 4 PAGES

EDITORIALS ON THE FAIR TREATMENT OF CENTRAL AMERICAN REFUGEES

When Congress returns in September, one of the issues on the agenda will be to correct a misinterpretation of last year's immigration law, which has resulted in the possibility that tens of thousands of Central American refugees who have been living here legally since the beginning of this decade will be deported. These refugees, many of whom now have deep roots in this country, had expected to apply for a form of relief from deportation that is available to long-resident immigrants. The 1996 immigration law, if applied retroactively, would close the door on this form of relief. As the attached editorials from The Washington Post, the Chicago Tribune, and the Ft. Lauderdale Sun-Sentinel note, changing the rules midstream "goes against the grain of basic, all-American fair play." We thought you would be interested in seeing how this issue is being discussed by these editorial boards.

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Date: 8/7/97 Time: 19:15:20

From: Angela Kelley To: Leeann Shimabakuro
AUG 07 '97 04:27PM

THE WASHINGTON POST

MONDAY, JULY 14, 1997

The Central American Refugees

ATTORNEY GENERAL Janet Reno has stepped in to challenge a ruling that could break an implicit bargain the United States made with Central American refugees in the 1980s and send thousands of them out of the country after years of living in limbo.

The particular issue is whether refugees who fled the wars in Nicaragua and El Salvador should get credit for years spent awaiting adjudication for permanent status. Last year's immigration law, as interpreted by the Justice Department's Board of Immigration Appeal, imposed harsher requirements on refugees seeking to avoid deportation. Previously, relief was given to those who had lived here for seven years, were of good moral character and who would suffer hardship if they were returned to their native countries. The new law lengthened the requirement to 10 years, defined "hardship" more stringently and implied that applicants who had received a deportation order before the law's April 1 effective date could not count the time awaiting a ruling as part of their 10 years in the country. It is this "retroactivity" issue that the Clinton administration is bucking, administratively now and later through legislation.

What must be remembered is that many of these refugees are in the United States because of special asylum and status-review programs set up for victims of civil wars in which U.S. foreign policy interests were intimately bound. That is why the attorney general's action drew applause from House Speaker Newt Gingrich and other backers of Reagan-era Central American policy. Opponents, such as Rep. Lamar Smith (R-Tex.), architect of much of last year's immigration crackdown, view Ms. Reno's challenge as a bow to Central American leaders who implored President Clinton not to send deportees back to strain their economies.

Moreover, immigration adjudication needs to be humane as well as efficient. Applications for permanent status can drag on for years, during which time the foreign resident sinks roots, starts a family, launches a business or develops a serious medical problem. Applying some human understanding to the travails of foreign residents whose applications are "in the pipeline" need not guarantee an excess of permanent residency by those who should be temporary. It simply allows a fairer transition while the decision process creaks along.

PAGE A18 / FRIDAY, AUGUST 22, 1997 *

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Righting an immigration wrong

Back in the 1980s when communist regimes and insurgencies swept through Central America, it was clear to many here that those nations were badly in need of help. The Reagan administration took up the cause of the Contras in Nicaragua, offered support for the beleaguered government of El Salvador, even invaded Grenada to prevent communism from gaining foothold in the hemisphere. Despite the best efforts of Democrats to undermine the effort, it was a remarkably successful policy. Today, democracy dominates the region, and economic reconstruction is taking shape.

But there is one forgotten chapter of the story, which could have a less than happy ending. That's the over 300,000 refugees from El Salvador, Nicaragua and Guatemala, who ended up in the United States, fleeing persecution, danger and poverty in their home countries, victims of forces far beyond their control.

The status of the refugees was not exactly legal, but not exactly illegal either. They were granted various forms of temporary protection from deportation, which in accordance with the law would become permanent if certain conditions were met: seven years of continuous residency, a record of good behavior, and proof of hardships awaiting in their native countries. As a consequence, the refugees settled, had children, many becoming a part of the U.S. workforce that Washington knows very well indeed, the nannies, housekeepers and gardeners that so many have come to rely on.

That was until the 1996 Immigration Act changed everything — and did so retroactively. Aimed not so much at the Central Americans but at deterring new refugees, the law capped the number of grantees at 4,000, changed the conditions, and mandated immediate deportation of those who were rejected. To obtain what is now known as "cancellation of removal," a refugee must now have been in the country for 10 years, show good character and demonstrate "extreme or exceptional hardship" to

a U.S. citizen or resident, be that a spouse, child or parent — but, oddly, not to the refugee himself.

Also, the clock "stops ticking" on those 10 years, the moment the INS removal proceedings start. That means that if you applied in good faith after your seven years in the country (as per the 1986 law), and got rejected for having accumulated too little time (in accordance with the 1996 law), you would now be out of luck because you could not accumulate more time. If this sounds Kafkaesque, it's because it surely is.

About 1,000 people were deported before the outcry from the Latin American community and the governments in the region caused the Clinton administration to reverse course. On July 10, Attorney General Janet Reno vacated a Board of Immigration Appeal's decision in a test case, and the deportations were halted, though last week one Nicaraguan was deported, the first since the attorney general's decision. Bills in the House and Senate will be taken up when Congress comes back to fix the unintended consequences of the 1996 Immigration Act and to grant relief from the 4,000 annual cap. All the refugees want is a hearing based on the conditions at the time when they were granted temporary stay — in other words eliminate the element of retroactivity in the law, which indeed only seems fair.

But there is not only the refugees to think of here. If we want the fragile economies of Central America to recover, governments in the region will need breathing space. Nicaragua, for instance, has an unemployment rate of 60 percent and cannot afford to absorb its 250,000 refugees in the United States. Nor indeed can the country afford to without the remittances sent by Nicaraguans here to their families at home. In other words, giving the Central American refugees the fair shake they deserve will also mean giving their countries a chance to stabilize, which, after all, has been the aim of U.S. policy in the region since the Reagan years. That's a good deal all around, for them and for us.

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47 LINES

PM-Immigration-Schools,420

Police Groups Say Schools Better Than Streets for Immigrant Kids

EDs: Also moving nationally some circuits

BY CASSANDRA BURRELL-

Associated Press Writers-

WASHINGTON (AP) Legislation being considered by Congress could force thousands of illegal immigrant children into the streets where they will become criminals or victims of crime, leaders of several police groups say.

They gathered at the Capitol on Monday to ask Congress to kill the measure.

"At a time when many of our communities are literally paralyzed by crime and fear of crime, any attempt to take kids out of a structured, positive environment and put them out on the streets is obviously a bad policy," said Baltimore police Col. Donald Shinnanon, representing the Major Cities Chiefs Associations, made up of the heads of the 50 largest police departments in the United States and Canada.

But Rep. Elton Gallegly, R-Calif., who proposed the measure, accused his opponents of trying to deceive the public with a "smoke screen of misleading rhetoric."

"We've heard from these groups before. These are people who claimed to be against illegal immigration but oppose every valid attempt to discourage it," Gallegly said. "Working cops support this legislation, even if some of their union leaders may not."

The measure is part of a wide-ranging House bill designed to crack down on illegal immigration. The Senate also passed an illegal immigration bill, but it does not contain the provision.

Republicans are rushing to combine the House and Senate versions, iron out differences and bring the final version to a vote, perhaps before Congress' month-long August recess. Progress has been held up by Republican disagreements over Gallegly's amendment and other issues.

At least 50 senators, including some conservatives, said they would oppose including the amendment in the final version of the bill.

The police groups also said they were against similar proposals, including permitting school to check the immigration status of all children, allowing states to charge tuition for illegal immigrant children or allowing states to bar only illegal immigrant children enrolling in school for the first time.

Joining the Major Cities Chiefs Association at Monday's news conference were the International Union of Police Association, the Fraternal Order of Police, the National Associations of Police Organizations, officials of the Baltimore police department and the National Immigration Forum, an immigrant advocacy group.

Leanne -

Take a look at the POTUS
interview to see what we've
got to deal with.

Thanks

BR

Clinton to Address U.S. Depots Threat Facing Central Americans By Patrick J. McDonnell

(c) 1997, Los Angeles Times

The end of Central American warfare and the passage of tough new immigration laws have combined to raise the prospect of deportation for some 300,000 Central Americans who have been living in the United States legally for years.

The thorny issue which has raised anxieties in both the United States and Central America is likely to be near the top of the agenda Thursday as President Clinton meets in Costa Rica with presidents of seven regional nations.

No resolution is expected Thursday, but Clinton administration officials confirmed negotiations with Congress were continuing in an effort to ease the deportation threat for longtime legal residents from Central America and other countries. However, the

Republican-controlled Congress has thus far resisted a legislative fix. The possibility of large-scale deportations of established Central American settlers has sparked vociferous protests in Los Angeles, center of the El Salvadoran and Guatemalan exile populations, and in Miami, the major destination of Nicaraguans.

The issue also has been a major preoccupation for weeks in Central America, where tenuous, post-civil war economies depend on remittances from exiles in the United States and are not equipped to ease a massive influx of returnees.

In California, social service groups report being besieged with inquiries from panicked Central American immigrants many with children born or reared here who must now contemplate forced return to homelands still reeling from years of political and social upheaval.

U.S. officials have said deportations will be on a case-by case basis, but such assurances have not quelled fears.

"Going back would be a catastrophe for us," said Ana Garcia of Downey, Calif., a Salvadoran who awaits a deportation hearing in August that will determine the fate of her family of seven, including five children who speak perfect English and consider themselves Americans.

Her family, Garcia said, fled to the United States in 1988 after receiving death threats from leftist guerrillas. Her husband, Manuel Garcia, now runs a produce-trucking firm that supports his wife and children and has financed the purchase of two homes.

Just last month, the Immigration and Naturalization Service finally began reviewing most Central Americans' long-deferred claims for political asylum. Successive U.S. administrations since 1990 have permitted some 300,000 Central Americans to remain in the United States with temporary legal protection, bolstering hopes that some broad resolution of their cases would eventually be reached.

But the belated review of the asylum applications kicked off just as new federal laws came into effect strictly limiting "hardship" exceptions from deportations the legal route that most Central Americans had pinned their hopes on. Among other things, Congress imposed a 4,000 per-year cap on hardship grants, a limit that has already been reached this year and will be clearly inadequate to accommodate the bulging numbers of Central Americans.

Meanwhile, with open warfare in the immigrants' home countries concluded for now in the hemisphere, experts say most Central American applicants will likely be denied asylum and will subsequently face formal deportation orders. Legal appeals may delay deportations for years, but the strict new guidelines mean relatively few will be able to avert expulsion, absent substantial legal or administrative changes, observers say.

Federal officials vow a fair process. "We understand the panic in the Central American community, but we ask them to be patient and understanding of the due process they are entitled to," said Brian Jordan, an INS spokesman.

In an interview this week with Univision, the Spanish-language television network, President Clinton called the Central American dilemma "a very difficult problem" that he was "very personally concerned about" and was working to resolve.

Clinton pointed to a central paradox: Washington allowed the Central Americans to remain here legally, but the 300,000 people affected never qualified as permanent legal immigrants. That fact prevented them from becoming U.S. citizens, a status that would have shielded them and their families from deportation.

The Central Americans' predicament here is to a large extent a legacy of bitter wars that convulsed the region during the 1970s and 1980s conflicts that led multitudes to abandon a region that had become a proxy Cold War battlefield between the United States and Soviet Union.

U.S. officials generally refused to grant political asylum to Salvadorans and Guatemalans, by far the largest groups, whose

Washington-backed governments were fighting leftist insu. But, facing federal court challenges, the government eventually extended temporary legal protection to some 260,000 asylum applicants from the two nations.

Thousands of Nicaraguans fleeing the leftist Sandinista government were granted political asylum and, ultimately, permanent residence. But about 40,000 Nicaraguans were also left in legal limbo and are now seeking hardship exceptions to deportation.

Efforts to block the expulsion of the longtime resident Central Americans have run up against a stumbling block in Congress, which tightened laws last year in a effort to make deportation easier and close much-criticized legal "loopholes" that dragged out the process for years.

But immigrant advocates say the United States has a moral responsibility to extend permanent legal status to the Central Americans, particularly since U.S. policies contributed to the regional conflicts and the immigrants' return could prompt renewed problems in their homelands.

Presidents Receive Warm Reception From a Coached Crowd (Tlaxcala) By Stanley Meisler

(c) 1997, Los Angeles Times

TLAXCALA, Mexico For an hour Wednesday a Mexican official on the loudspeaker exhorted thousands of people in this old colonial town to cry out and whistle and wave their small flags with "pride and emotion and respect and joy" when the presidents of the United States and Mexico arrived together.

The Mexicans followed instructions, and President Clinton soon received the warmest and most massive welcome of his three-day state visit to Mexico, his first as president. The enthusiasm prompted Mack McLarty, the president's special envoy to the Americas, to tell reporters, "This is a home town crowd. ... You get out in the country, and the people just really make an effort. The people are so warm."

That warmth was reflected when Clinton left the podium and walked with his crutches to the crowds in the central gardens of the Plaza de la Constitucion. Bodies surged and hands reached out to touch him. People handed him gifts a blanket, a wooden frieze of Don Quixote, and dozens of roses.

After 10 minutes of handshaking, the president came across a 9-year-old boy, Aldo, holding up a sheet of paper with welcoming words for Clinton in English. Written in various magic-marker colors, the sheet welcomed the president, called for peace and love, and asked for a remembrance of the visit, perhaps a photo with the president.

Instead, the president autographed the sheet, writing, "Aldo, good work. Thank you, Bill Clinton." When he walked away, the boy and his mother, Patricia Valladolid, hugged each other and sobbed with joy.

The town of Tlaxcala was founded by the Spaniards in 1519, and the plaza with its 16th century cathedral, 16th century government palace and 18th century palace of justice lend the town a Spanish colonial air. It is so picturesque that a new version of "The Mark of Zorro," starring Antonio Banderas, was filmed there a couple of months ago. The producers could not find a site in California that looked more like Spanish colonial California.

Tlaxcala is also a stronghold of the Party of the Institutional Revolution, or PRI, which has ruled Mexico for more than six decades. That made it an ideal place for the government of President Ernesto Zedillo to whip up a festive welcome for Clinton.

Cesar Romero, political reporter for the Mexico City newspaper Reforma, called the event "a PRI rally" and pointed out that a hundred buses were parked in a huge lot outside the town after depositing several thousand people from the countryside. Many wore new baseball caps that proclaimed, "Viva Tlaxcala," and all waved American, Mexican and Tlaxcala paper flags.

The atmosphere was carnival-like. A half a dozen mariachi bands entertained the crowds. Folkloric dancers, the men in hand-carved wooden masks and the women in dazzling colored dresses, jumped and twirled in the plaza to the beat of a brass band. Rainbow-colored parasols snapped open against the sun. Mexicans on rooftops threw down confetti when the cars carrying the two presidents made their way to the plaza.

Both presidents wore jackets but no ties. Zedillo, speaking to the crowd, held up two Mexican newspapers. The headlines of one shouted that "Tlaxcala is the center of the world"; the second said in English, "Welcome Bill."

"This is an especially important day for my wife and for me," Clinton, who was accompanied by the first lady, told the crowd, "because we were married about 22 years ago, and we came to

Top of page:

Col 1: Feature on medical ethics.

Cols 2-4: Declaring that "our economic integration is inevitable," President Clinton addresses the people of Mexico and offers his defense of the North American Free Trade Agreement, which has lifted export and import barriers between the countries and expanded trade by more than 60 percent. (with art). (CLINTON-TIMES, moved).

Cols 5-6: California political story.

Above fold:

Col 4: In the first war-crimes judgment since Nuremberg, an international tribunal finds a Bosnian Serb cafe owner guilty of crimes against humanity and acquits him of murder and sexual mutilation. (BALKANS-TIMES, moved).

Col 6: Unveiling the most sweeping telephone price changes in the industry's history, federal regulators vote to raise basic phone rates for businesses and those with second lines in order to cut the cost of long distance calls and provide new phone subsidies for schools, the poor and people living in high cost areas. (PHONES-TIMES, moved).

Below fold:

Col 3: Allergies to cockroaches may cause as much as a quarter of the unusually high number of cases of asthma in America's inner cities and are responsible for the most severe forms of the disease, a major new study has found. (ASTHMA-TIMES, moved).

Cols 5-6: The Army's sexual misconduct scandal reaches deeper into the service's senior ranks as the service's top enlisted man is formally charged with 18 misconduct charges involving four women. (with art). (ARMY-TIMES, moved).

Bottom of page:

Cols 1-2: In a development that could revolutionize dentistry and virtually eliminate the pain of having a cavity filled, the Food and Drug Administration approves the first laser system for treating tooth decay. (LASER, moved.)

Cols 5-6: The most thorough study ever conducted into the hundreds of millions of dollars in gold plundered by the Nazis during World War II harshly criticizes Switzerland for refusing to part with a major share of the bounty after the war and criticizes the United States and its allies for failing to pass the wealth on to Holocaust survivors. (SWISS-TIMES, moved).

Clinton T NAFTA in Add to Mexico (Mexico City) By Elizabeth Shogren and Mary Beth Sheridan (c) 1997, Los Angeles Times

MEXICO CITY A beaming President Clinton told Mexicans Wednesday "our economic integration is inevitable," and urged them to help him fight common scourges such as drugs and defend the North American Free Trade Agreement.

In the most extensive speech of his two-day state visit, Clinton stressed the heightened importance of the partnership with Mexico the No. 3 American trading partner but also the No. 1 provider of illegal immigrants and cocaine. And, apparently seeking to heal tensions, he went out of his way to emphasize U.S. respect for Mexico, which is highly sensitive to slights from its powerful neighbor.

The speech was the main event on a day when Clinton also reveled in a visit to some of Mexico's tourist wonders. He was greeted by showers of confetti in the colonial town of Tlaxcala and toured pyramids built by a lost civilization at Teotihuacan outside the capital.

Clinton's first official visit here has largely been overshadowed by the contentious issues of drug-trafficking and a U.S. immigration crackdown. But on Wednesday, both he and Mexican President Ernesto Zedillo focused on NAFTA, the three-year-old pact between the United States, Mexico and Canada, urging that it be enlarged to include other democracies in the hemisphere.

Before NAFTA, "many people in both our countries painted a dark picture of lost jobs and boarded-up factories," Clinton told thousands of business executives, officials, intellectuals and others at a ceremony in the capital's National Auditorium. "They were wrong. NAFTA is working for America, and it is working for Mexico."

The president's defense of the pact comes as he is seeking greater authority from the U.S. Congress to negotiate trade accords part of a drive to bring Chile and other countries into NAFTA. Clinton also faces a potentially harsh congressional debate this summer when he is due to report on how NAFTA has affected U.S. jobs.

Clinton added that the measure of "the success of our economic partnership (is) in its human impact." He cited improvements in the environment, more secure jobs on both sides of the border and specific benefits such as better health care for Mexican women because lower tariffs have made American-made equipment for mammograms and other tests more available.

Since NAFTA took effect, trade between the neighbors has jumped nearly 60 percent, continuing a trend of rapidly growing economic integration that began in the mid-1980s.

But vocal critics in both countries have called for changes in NAFTA. While the U.S. government denies claims that the accord has cost hundreds of thousands of American jobs, NAFTA clearly hasn't fulfilled the rosy projections made by advocates. In fact, many analysts say the impact on jobs so far has been slight.

Senior members of Clinton's Cabinet who accompanied him to Mexico acknowledged Wednesday morning that it would not be easy to expand NAFTA.

Getting "fast-track" authority from Congress to negotiate a bigger trade pact "will be a difficult fight," said William Daley, the U.S. commerce secretary, at a breakfast with business executives.

Clinton returned Wednesday to a theme that has delighted Mexicans stating that U.S. demand for narcotics is a major reason behind the growing narcotics business in Mexico. He called for further cooperation against drug gangs, echoing an agreement he signed with Zedillo on Tuesday.

"My friends, the battle against drugs must unite our people, not divide them," Clinton said.

Mexico is still stinging from a recent U.S. congressional attempt to punish this country for its inability to stem drug trafficking. Throughout his visit, the U.S. president has poured compliments on Mexico, paying homage to its independence heroes, artists and ancient civilization, in an effort to bolster relations. Zedillo warmly returned the U.S. praise, stating Wednesday that "no one has worked with more determination to press for respect, dialogue and cooperation than Mr. President William Clinton."

Clinton's trip to Mexico ended Wednesday. He is scheduled to hold a summit Thursday with Central American leaders in San Jose, Costa Rica. He plans to finish his weeklong Latin American trip in Barbados, where he will meet with Caribbean leaders.



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BNA

Daily Report for Executives

No. 187

Friday September 26, 1997

Regulation, Law & Economics

Immigration

Smith Bill to Widen Deportation Relief

By Eliminating Unskilled Worker Category

Rep. Lamar Smith (R-Texas), chairman of the House Judiciary Subcommittee on Immigration and Claims, introduced legislation Sept. 24 that would eliminate an immigration category for unskilled workers to increase the number of Central Americans who can apply for relief from deportation.

Smith's bill (HR 2533) is intended to increase the annual numerical limit for relief from deportation, which is currently 4,000. To do so, he is proposing to do away with an immigration category under which 10,000 unskilled workers are allowed to enter the United States each year.

Smith said he is committed to providing certain Central Americans an opportunity to avoid deportation by

applying for relief under rules that existed at the time they entered the United States, rather than those that are currently in place under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act. Smith's bill would allow relief from deportation for an additional 10,000 individuals who entered the United States from Nicaragua before April 1, 1990, or from El Salvador or Guatemala before Oct. 1, 1990, under certain circumstances.

The legislation would offer relief to these individuals "within the four corners of the landmark immigration reform law enacted last year and with no net increase in legal immigration," Smith said in a statement. The bill differs in a number of ways from an administration proposal to offer deportation relief.

According to a summary of the bill, the administration's immigration proposal could result in a net increase in legal immigration over several years totalling more than 500,000, while Smith's bill would prevent any net increase in legal immigration. The administration proposal would benefit all illegal aliens in deportation proceedings before April 1, 1997, the summary said.

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CNN Plus



Miami judge blocks deportation of Nicaraguans

War refugees lived under special status

June 24, 1997

Web posted at: 7:15 p.m. EDT (2315 GMT)



MIAMI (CNN) -- The deportation of thousands of Nicaraguans who came to the United States in the 1980s to escape unrest in their homeland was blocked by a federal judge Tuesday, and an attorney for the immigrants hailed the move as a "major victory."

The temporary injunction issued by U.S. District Judge James Lawrence King effectively prevents the U.S. government from sending home Nicaraguans in Florida, Georgia and Alabama. A trial to determine whether the ruling will be made permanent is set to begin in January 1998.

Until this year, tens of thousands of Nicaraguans enjoyed a special status, begun during the Reagan administration, that allowed them to remain in the United States -- working and paying taxes even though their immigration status remained unresolved.

That program is now being phased out, and many of the Nicaraguans have been issued deportation notices. A new federal law also makes it far more difficult for them to win a suspension of deportation, a reprieve given to long-term illegal residents considered to be of good moral character.

Lawyers: immigrants' rights violated

Many of the Nicaraguans own homes and businesses in Miami and have young children who were born in the United States, and are thus citizens.

Lawyers for the immigrants said the government's interpretation of the new laws amounted to illegally stripping as many as 40,000 people of their immigration rights.

"This decision will not only have a direct and immediate impact on tens of thousands of people here, but will influence the fate of hundreds of thousands of Salvadorans, Guatemalans, Nicaraguans and others throughout the United States," said Ira Kurzban, a lawyer for the immigrants, in a statement.

The Immigration and Naturalization Service had said it would not proceed with the deportations until the court's ruling. Asked for reaction after the decision, a spokesman for the agency said it had the matter under review and had not yet decided how to respond.

Judge: plight 'powerfully persuasive'

In his opinion, King said he had rarely seen such a "dramatic, heart-rending and powerfully persuasive case of irreparable harm to literally tens of thousands of people."

The new immigration laws enacted in April left tens of thousands of Miami immigrants, primarily Nicaraguans, living in fear. Lawyers said many pulled their children out of school and were moving from house to house to avoid deportation.

"These are families that mind their own business, that have integrated themselves (into society) ... They're not a threat, and they don't jeopardize the national security of the United States," said Jose Lagos, public relations director for Fraternidad Nicaraguense, a Nicaraguan community organization that was one of the plaintiffs.

"It's real, it's happening, it's painful, it's uncomfortable, it's not fair, and we're talking about human lives here. ... We're not asking for anything public other than permanent residency," Lagos said. "Why this legal battle against these taxpayers?"

Seeking to stop the deportations and gain permanent residency, the plaintiffs sued U.S. Attorney General Janet Reno, INS District Director Robert Wallis, the INS and the Department of Justice Board of Immigration Appeals.

Thousands of Nicaraguans have demonstrated in the streets of Miami, among them uniformed ex-guerrillas who fought in the U.S.-backed Contra army against Nicaragua's leftist

Sandinistas during the country's eight-year civil war.

Reuters contributed to this report.

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IMMIGRATION FAX

Central American Update # 5

August 15, 1997

*Implementing the 1996 Immigration Act
Analysis by the National Immigration Forum.*

THIS FAX CONTAINS 6 PAGES

TREATING CENTRAL AMERICAN REFUGEES FAIRLY

When Congress returns in September, one of the issues on the agenda will be to correct a misinterpretation of last year's immigration law, which has resulted in the possibility that tens of thousands of Central American refugees who have been living here legally since the beginning of this decade will be deported. After so many years, many of these refugees now have deep roots in this country. If sent back to their home countries, they would have to start life over again. They had expected to be able to apply for a form of relief called "suspension of deportation," under rules pre-existing the 1996 immigration law. This form of relief is granted, on a case-by-case basis, to those who can show that they are of good moral character and that they or their family members legally residing in the U.S. would suffer extreme hardship.

After so many years, there are now many stories of Central American refugees who fled their war-torn homes, made their way to the U.S., and made the best of the opportunity the U.S. provided them. They became involved in their communities, started businesses, excelled in their studies.

Attached is an example of a young Nicaraguan woman who came to this country when she was seven. Now 17, she has spent more than half her life here, and she is as American as any of her classmates. She is in the top of her class—even while working part-time—and she has become involved in her community through her volunteer work. This story is just one example of the injustice that will be done—to the refugees and to this country—if last year's immigration act is interpreted to close the door retroactively on all similarly situated Central Americans, regardless of how many years they have been here, and how American they have become.

Attached: *The Miami Herald*, "An American Girl" (August 3, 1997).

National Immigration Forum
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AUG 15 '97 10:49AM

P. 2/6

THE MIAMI HERALD

AUGUST 3, 1997

9

By TERESA
MEARS

IT IS APRIL 1, AND ZILDGHIAN JARQUIN should be thinking about graduation. No. 2 in her high school class, Zildghian (pronounced Zil-gin) should be worrying over her salutatorian speech.

Instead, she is preparing another speech entirely. Only this one is not about idealism and high hopes for the future. It is about disillusionment and despair. She is not going to speak before friends and family as a shining example of America's next generation, but to a group of poker-faced journalists, as a poster child for heartbroken immigrants everywhere.

Even before it is her turn to speak, Zildghian has started crying, tears streaming silently down her cheeks. She tries to conceal her face behind her hand, behind her masses of long, wavy, dark hair, but there is nowhere to hide in the small, crowded room, and everyone can watch her weep.

This is the day that a new immigration law goes into effect, a law that means Zildghian must leave her mother and the new townhouse they bought last year, forget her dreams of medical school, give up her new job designing Internet Web pages, drop her volunteer work with the Miami Coalition, say goodbye to the city where she has lived most of her life, and return to Nicaragua, a homeland as foreign to her as it is to her American classmates.

When it is her turn to talk about this, she can't at first get any words to come. She is, after all, only 17, a young girl confronting a row of TV cameras and a room full of grown-up reporters. Finally, she takes a deep breath and chokes back her tears. Compared with what the United States has ordered her to do, talking to reporters may not be so hard.

"Well, as you can see, I'm very devastated," she begins. "I personally don't think that I deserve this. I believe this is a very cruel law, that many people who are legal citizens are out there stealing cars, doing drugs, selling drugs to kids, you know, getting them addicted so they can make money.

"But I'm over here trying to make something of myself, doing well in school. I have future plans. I wanted to go to medical school and now, because of this new law, I can't even do that. They didn't think about all the bad things that could happen, you know. They don't realize what they're doing to us.

"All they're thinking about is, 'Oh yes, immigrants, immigrants, oh, my God, there's so many of them out here, let's just get rid of all of them.' But they didn't realize what they're doing to us."

What they are doing to Zildghian and thousands of other young people in South Florida is taking them on a dizzying roller-coaster ride, with the possibility that the final destination will be a forced departure from the United States and a return "home." The problem is that, for many, Miami is

the only home they know. For the past eight, 10, even 12 years they have stood in Dade County public school classrooms and pledged allegiance to the flag of the United States of America, with liberty and justice for all. They may be Nicaraguan or Haitian or Cuban by birth, but they are American by allegiance. It came as a cruel betrayal to discover that the country they had thought was their own doesn't want them.

Even in Dade County, where more than half of the residents are immigrants, it has been difficult to get people to understand the human consequences of the sweeping new immigration law. Maybe, thought immigrant advocates, the stories of real people like Zildghian would touch the hearts of Americans who pay little mind to street demonstrations and lawsuits. Maybe, seeing what was happening to people like Zildghian would persuade the government to change the law. The advocates have made some progress. First U.S. District Judge James Lawrence King in Miami and then U.S. Attorney General Janet Reno slammed on the brakes. Nobody in Zildghian's position will be forced out of the country. At least not right away.

Ten days after the attorney general's dramatic



KIM S. GARNICK / Special to The Herald

Zildghian, 17, waited more than half her life for the government to tell her whether she could stay. While she was waiting, she became an American — in all but name.

AMERICAN

announcement, Zildghian is surprised to learn from Tropic that Reno has stepped into the case.

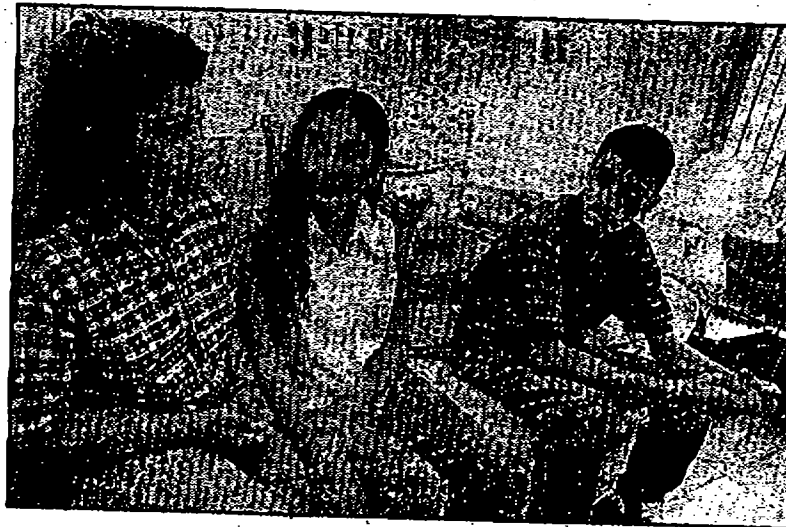
"I haven't heard anything about it," she says.

For her, the legal maneuvering is too complicated to understand; she doesn't even try to follow the news. Friends describe her as intensely practical, and she is practical about this: It is only an incremental development; it does nothing to resolve the uncertainty in her life. She has real news, news she can grasp: "Guess what?" she says. "I got into Barry!"

Now she has to figure out if there is any way, without being a legal permanent resident of the United States, that she can afford to go there. For her, the operative word is still-maybe. Maybe Congress will change the law and let her get on with her life in the country she considers her home. And maybe it won't.

The Rules Are Different Here

Zildghian isn't an illegal immigrant. Nor is she a legal immigrant. For 10 years, Zildghian and her family have jumped through every bureaucratic hoop the United States has asked them to. They



Teresa Jarquin talks with daughter Zildghian, 17, and son Jairo, 25, in their Miami home. They fled Nicaragua's civil war 10 years ago, when kids Jairo's age were being plucked off the street by both sides and forced to fight.

KIM S. GARNICK / Special to The Herald

have filed income tax returns and have never taken welfare. They've been granted new work permits every year by the Immigration and Naturalization Service.

Zildghian was 7 years old when, fleeing her country's civil war, she first entered the United States and applied for legal permission to stay. She has been waiting more than half her life for an answer. While she was waiting, she became an American — in all but name.

And all over South Florida,

tens of thousands of others did likewise. Because the government allowed them to enter the country and to work while they waited, they built new lives in this country. They bought houses. They started businesses. They gave birth to American children. They went to school, learned English and started new careers.

Many, like Zildghian, were on the verge of finally escaping from immigration limbo when the U.S. government stopped them cold, with a last-minute provision of the Illegal Immigration Reform and

Immigrant Responsibility Act of 1996 that makes it impossible for them to gain legal status.

Zildghian is a casualty of a national mood that has turned against immigrants, a philosophy that the best way to deter future immigrants from entering illegally is to make life more difficult for those who are already here, even those who did not sneak in illegally.

"It's easy to get lost in the human interest side of the story because that's easy to write and it's easy to see that," says Allen Kay, spokesman for Rep. Lamar Smith, R-Texas, the main author of the law. "But you have to look at policy. These are individuals who were admitted to the United States under temporary conditions and the expectation was that they would return home to their countries. It's time for them to live up to their agreement."

It's the United States that isn't living up to its agreements, immigrant advocates argue. "The bottom line," says Cheryl Little, executive director of the Florida Immigrant Advocacy Center, "is that people who have lived in our community for years, who are hard-working, who pay taxes, who played by all the rules, [are] suddenly being told, 'The rules have changed. We're slamming the door in your face.'"

The World According to Cosby

Zildghian doesn't remember Nicaragua. "That part of my life is back there somewhere," she says. She digs deeper into the recesses of her mind for any memory of her native land. "The grapes were like \$1 and the eggs were like 50 cents," she finally offers.

Her memory of the U.S. television shows of the late 1980s and early 1990s from which she learned English is considerably clearer: *Punky Brewster*, *Diff'rent Strokes*, *Silver Spoons*, *Growing Pains*, *Bill Cosby*. "I loved that show," she says.

As young as she was, adjustment to a new country wasn't that hard. "I remember I would get picked on because I didn't know English," Zildghian says of her early days in Miami. She recalls one little girl in particular who would switch to English when another friend came up; then the two playmates would laugh at her.

But within a few years she had mastered English, which she now speaks better than she does Spanish. "I learned it pretty quick," she says. "By the third, fourth grade, I was already catching on."

She caught on so quickly that after 2½ years, Zildghian no longer needed to be in the special classes for non-native speakers. Most immigrants attend these classes for four or five years,

says Annette Marcus, who was Zildghian's fifth-grade teacher, and who now hires the teen to baby-sit her 3-year-old daughter.

Marcus remembers Zildghian as tall and a little bit awkward, especially in physical education classes, speaking English with perfect grammar but with a strong accent, which she has since lost. The little girl was unfailingly thoughtful and polite, characteristics she has not lost.

"I mispronounced her name horribly for a long time, and she never corrected me because she was so sweet," Marcus says.

Even at age 10, she was so serious about her school assignments that Marcus once found her working in her English workbook during a class video and pizza party.

The next year she was in the gifted program. Jeff Marcus, Annette's husband and Zildghian's elementary school art teacher, helped her get into the photography magnet program at Aldapatch Middle School, where she won awards for her black-and-white nature photography.

"She's brilliant," says Jeff Marcus. "She's one of the most driven and motivated students I've ever run across."

Zildghian excelled in school, especially in her favorite subjects of math, science and English. She was student of the year her junior year at the University of Miami/Knight Center School of Applied Technology and was senior vice president of the student government. In her job at Galaxygate, she helps build Internet Web pages for businesses.

The week before the tearful press conference, she answered phones for WLRN-TV's fund-raising telethon. She has spent hours at Regis House counseling other young people with drug or pregnancy problems. She has worked as a volunteer for the Miami Coalition, the United Way, St. John Bosco Church and her high school.

What motivated her to volunteer?

"I liked it," she responds.

On Feb. 24, the United States gave her a year to leave the country. "I liked it," she responds.

On Feb. 24, the United States gave her a year to leave the country. Rene's decree means she probably won't have to go. But she won't be able to get on with her American life, either, because she still won't be a legal resident.

"It's ridiculous," says Jeff Marcus. "This is one that's going to be a positive influence on society. This is her country."

Read the Girl in Tissue

Zildghian is very much the all-American girl. She carries a book, an essential accessory of Miami youth. She has a car, a white Toyota Corolla she bought with money she earned working in a restaurant. She has a golden

cocker spaniel named Sunshine. And she has a boyfriend, 21-year-old Moises Santiago, who graduated from Miami High. The two spend their time doing the usual: hanging out at Bay-side, going to nightclubs, seeing movies, taking the dog to the park. The teenagers they know, say Zildghian and Moises, aren't going around getting into trouble. Staying straight, doing the right thing — "It's never been hard for me," she says.

Life had been going great for Zildghian, her mother and her 25-year-old brother, Jairo. In 1995, her mother, whose immigration case was being considered separately, won permanent residency. She bought a new townhouse in Melrose Park, which Zildghian and her mother decorated together — white tile floor, off-white Haitian cotton couches, Zildghian's framed quince picture on the wall.

When they closed on the townhouse, Zildghian translated all the closing documents for her mom, who speaks little English.

Because of her excellent grades, Zildghian's chances at scholarships and financial aid looked very good. She was hoping to attend Barry University, a private Catholic school, because it was small and close to home.

She had just one more hurdle to surmount on her way to a degree in science and then medical school: She needed to become a legal permanent resident of the United States.

Zildghian doesn't understand why her case lagged so far behind her mother's. But she wasn't worried. Her residency hearing on Feb. 18, 1997, was expected to be a formality. With her flawless English, stellar academic record and extensive community service, she and her lawyer thought she would have no trouble.

It didn't go exactly as Zildghian hoped, but she still wasn't upset. The INS had no objections, but the judge wanted her to come back the next week with her income tax records. After 10 years in the United States, one more week wouldn't matter.

What Zildghian and the judge and her lawyer didn't know was that up in suburban Washington D.C., an obscure arm of the U.S. Justice Department was weighing her future and that of thousands of other South Floridians. And, on Feb. 21, the Board of Immigration Appeals dropped a bombshell. The new, tougher immigration law — advertised as a way to deter future illegal immigration — would be applied retroactively, even to people who came during the 1980s upheaval in Nicaragua with the tacit approval of the U.S. government.

In all, the lives of perhaps 40,000 people who had been living in South Florida for years were thrown into turmoil.

Zildghian's lawyer, Gons Nachman of the Florida Immigrant Advocacy Center, heard about the ruling within hours at a Miami conference of the American Immigration Lawyers Association. The conference grew very quiet as the lawyers realized that thousands of their clients had just had their lives upended. "I was picturing Zildghian," Nachman says. "I didn't know how I was going to tell her."

Rather than have her be surprised in court when the judge refused to hear her case, he told her himself, in his office, the day she was to return to court. He tried to be positive. "I told her that this would not be the end of it," he said, that the lawyers would fight the decision all the way to the U.S. Supreme Court.

"She was kind of quiet, for obvious reasons," Nachman says. "She did ask me about college."

Zildghian remembers the day "like it was yesterday," she says. Nachman's attempt to soften the blow didn't work. "I was still shocked," she says. "I was devastated. I was, like, I couldn't believe it."

The hearing was at 4 p.m. The news — that she no longer qualified for U.S. residency — sounded even harsher delivered by Judge Phillip Monrante.

"He said, 'I'm sorry. I can't do anything for you. My hands are tied,'" Zildghian remembers.

She cried. The judge apologized several times and handed Zildghian some tissues. Nachman had trouble talking. "It was a very sad moment," he says. "You're the advocate. You're supposed to be able to help her. But I didn't have any tools to help her."

The judge was as generous as he could be — he gave Zildghian a year to leave the country voluntarily.

Suddenly a young woman bound for medical school was facing a stark choice: go back to an unstable country where she has little chance of a professional career, or seek out a menial job as an illegal worker in Miami's burgeoning underground economy.

She skipped her appointment at Barry University to discuss scholarships and financial aid. Without being declared a lawful permanent resident, she was ineligible for either.

"At first I was giving up," she says. "I was just freaking. I wasn't even going to apply."

And the same experience was repeated over and over in Miami's immigration courts, as people who had qualified for legal residency just days before were told that they no longer

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would even get a hearing. Some of those who had won their cases last fall had their favorable rulings reversed, and they were thrust back into an immigration limbo from which most escape routes had been barred.

The ruling meant wives and children might win residency, while husbands and fathers who were the breadwinners would have to return home and reapply for admission. It meant the end to dreams of professional careers for hundreds of students like Zildghian who had already been educated at Dade County taxpayers' expense and were ready to start contributing to their adopted country.

It disqualified doctors and delivery-truck drivers, a pharmacy student, a city of Miami computer programmer, an assistant pastor and youth group leader, a mother who has two children in the U.S. Army, and an 18-year-old Haitian college student who came here at age 10 after seeing the military murder her mother.

Catch-22

Under the old immigration law, anyone who had been in the United States for seven years — illegally or not — could apply to become a legal permanent resident. The immigrant had to prove that he or she had good moral character, and that deportation would be a hardship.

Under the new law, an immigrant must have been here 10 years and must prove that leaving the United States would result in "exceptional and extremely unusual hardship" not to himself or herself, as before, but to a U.S. citizen or legal permanent resident spouse, parent or child.

Since Zildghian's mother is a legal permanent resident, she may still be able to do that. But Reno's decision to intervene — blocking the threat of imminent deportation — also may clear the way for people whose cases were pending before April 1, people like Zildghian, to qualify under the old law. But now, only 4,000 people in her situation can be granted legal residency each year. There may be 250,000 people who qualify, people who fled wars in Nicaragua, El Salvador and Guatemala a decade ago and have been living in limbo in the United States ever since. As things now stand, it would take more than 60 years for all of them to become residents.

The unlucky majority most likely won't be deported, and they will be permitted to work. But it will be difficult for them to get loans from banks, to join the U.S. military or to do what Zildghian wants to do — get the grants, loans and scholarship she needs to go to college and medical school. In short, people who want nothing more than to assimilate and join the mainstream of American life have been forced to wait on the sidelines. Again.

A Wink and a Nod

In Managua, where Zildghian lived until 1987, power failures were frequent and running water was cut off completely two days a week. But as with many families, what moved the Jarquins to leave was fear of having to send their young son to war.

"They would go around to the houses and get the young boys. I forget which kind of government," Zildghian says now, confused between the Sandinista government and the U.S.-supported Contra rebels who competed to exert control over their lives.

Jairo was 14, not old enough to be officially drafted, but old enough for his parents to fear an unofficial draft. They knew teenagers were being snatched off the streets and sent straight to the battlefield. "When they came back, they came back dead," says Teresa Jarquin.

Like many parents, the Jarquins sent their son alone to Miami to live with a relative. But they decided they didn't want him living here without them. Zildghian and her mother got three-month tourist visas. Her father and another brother, unable to get visas, walked across the Mexican border and made their way to Miami.

They applied for political asylum within a month — giving them the right to stay until their asylum case was decided. They were granted Social Security cards and work permits. The case was put off for months and then years. Before it could be heard, her parents separated and her father and middle brother returned to Nicaragua.

Teresa, Jairo and Zildghian remained in Miami. Their request for political asylum was denied in 1991, along with thousands of other similar cases. They could have appealed, but appeals are expensive. They agreed to return voluntarily to Nicaragua the following year, but the "voluntary" departure was never really meant to be enforced: U.S. policy effectively barred the deportation of Nicaraguans. Under the "wink and nod" policy of the time, Teresa Jarquin's work permit was never revoked. Meanwhile, Zildghian was doing well in school, and Nicaragua remained unstable. "I stayed. I stayed,"

THE MIAMI HERALD
AUGUST 3, 1997
AMERICAN

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Teresa says.

U.S. lawmakers periodically debated what to do about the Central American war refugees, but they never could settle upon a policy. Finally, in 1995, the INS began a public-relations campaign, urging Nicaraguans even those whose asylum cases had been denied — to come forward and apply for permanent residency.

It took Teresa Jarquin some time to find a lawyer who would take their cases without pay, but she finally did and won residency in 1995. Zildghian's case was reopened the same year, and for two years she waited for the INS to schedule her hearing. She was still waiting when the rules changed.

A Change in the Program

Zildghian and Moises are seated next to each other in a booth at the Swensen's across from the University of Miami, eating hot fudge sundaes, their favorite. They joke and giggle, telling about how many times they ran into each other — at Calle Ocho, at Miami High, his alma mater, at Burger King — before they finally started dating.

He answers the question about her favorite music groups: Grupo Mania, a merengue band from Puerto Rico, and Bachata, from the Dominican Republic. And slow music, he says. Air Supply and Whitney Houston, she says.

Do they dance? He squirms. She says, "I love to, but he's kind of like . . ." He shrugs and tries to explain he doesn't really know how, he's embarrassed. . . . "You know how," she admonishes him. "He knows how to dance, and he won't dance," she says in frustration.

Moises is just back from two months in Puerto Rico, visiting his mother. The two of them are just now facing the phone bills from their daily calls. Zildghian would love to see Puerto Rico,

and technically there's no reason she can't go — she's legally present in the United States and going to Puerto Rico theoretically requires no immigration formalities.

But travelers returning from Puerto Rico are interviewed by immigration agents searching for people from other countries who are trying to enter illegally. Moises was quizzed at length upon his return to Miami. Jacqueline Corporan, a lifelong U.S. citizen born in Puerto Rico, spent three days in the Krome Detention Center in February before she was able to convince immigration officials her passport wasn't a fake.

They have decided that this is a good time for Zildghian to go to Puerto Rico. So they're going to vacation in Florida — her job is on summer hiatus and she is in-between work permits. They'll drive to Key West, cameras in hand, with Zildghian's brother, then to Busch Gardens in Tampa with Zildghian's mother, and maybe take a cruise to nowhere.

Both love dogs, and they swap stories about Sunshine. "When I took him to my house, he was all scared," Zildghian remembers. Now he's much bolder, grabbing food away from a neighbor's party and bringing it home to them, managing to get up on the table to eat her brother's Chicken McNuggets, following a duck all the way into the water at the park. "That dog is so funny," she says, laughing.

She hasn't discarded the idea of being a veterinarian, but she wants to limit her practice to certain animals, like dogs and cats. She'd love to have a tiger or a leopard. No lizards and snakes on the patient list, though. Baby animals of all kinds would be even better. "I think they're so cute," she says.

When Zildghian speaks of Nicaragua, she speaks as any American would of a backward

Third World country she knows only from geography books. Raised in Little Havana, she envisions a level of crime unimaginable even to a child of urban Miami. "Over there, you're wearing gold earrings, they'll snatch them off your ears," she says.

"My dad tells me there are kids begging at every stoplight," she says. She talks to her father, who runs a small mini-mart in Managua, once every month or two. But he has another family, including a baby, and has already told her he can't send her to college.

She doesn't normally follow the news much, but she does know about the student demonstrations at Managua universities that have turned violent, another reason to fear Nicaragua.

And even if she could get into a Nicaraguan university and pay the fees, could she study university-level material in Spanish? "No," she says. "I'll be so lost. It's going to be like learning a new language."

"I have my life made up here," she says. "All my dreams are here. . . . Over there in Nicaragua, even doctors can't get jobs."

Zildghian doesn't like talking about her immigration case. But her lawyers have told her that allowing the press to interview her will help others, so she puts aside her natural shyness and tries to answer the questions about a legal process she only partly comprehends. As her mother explains some of the intricacies, she closes her eyes, appearing almost to doze off.

"I try not to think about it," she says. "If I follow too close and I hear bad news, I'm going to be like, 'Oh, my God.' So I just hear what people tell me."

Most of her friends were born in the United States, so they're not living with the same uncertainty.

"All they tell me is not to

worry about it, that everything's going to come out OK, and if I need anything to call them — and to have faith." Most of the time, she says, she does.

After the press conference, Zildghian appeared on Spanish-language TV, though the English stations and the local newspapers didn't give it much coverage. And she never did give her salutation speech at graduation. She asked if she could do something else instead.

So she stood before the assembled graduates, their families and friends in the downtown Knight Center. Then she led them all in the Pledge of Allegiance. W

TERESA MEARS is a Miami freelance writer.

TITLE: "Congressmen urge immigration law changes for Central American refugees"
BYLINE: Slobodan Lekic
DATE: 09-10-97
SOURCE: Associated Press

WASHINGTON (AP) -- A bipartisan group of U.S. lawmakers called Wednesday for the urgent passage of legislation that would grant legal status to hundreds of thousands of longtime immigrants from Central America and prevent mass deportations.

"Despite repeated, past assurances of safety and opportunity by the U.S. government, these individuals teeter on the brink of being deported," said Rep. Luis Gutierrez. "This is wrong and unfair and against everything our nation stands for."

Gutierrez was referring to some 250,000 refugees from Nicaragua, El Salvador, and Guatemala, who arrived in the United States during the 1980s fleeing persecution and the civil wars in those Central American nations.

At the time, the Reagan administration offered them temporary protection from deportation. According to the law in effect then, refugees could acquire permanent resident status after a stay of seven years if they maintained a clear record and could show they would face hardships if they returned to their home countries.

But last year the Republican-controlled Congress passed a harsh new immigration law aimed at deterring new refugees. It retroactively lengthened the continuous residence requirement to 10 years, capped the number of those granted protection from deportation to just 4,000 annually, and defined "hardships" much more stringently. The law also barred people being deported from even applying to the courts for a review of their cases.

The new measure put at risk many of the Central American immigrants, their spouses and children, many of whom are U.S. citizens.

About 1,000 people were deported by the Immigration and Naturalization Service before an outcry from Central American nations -- whose fragile economies would be threatened by a massive influx of returnees -- prompted the Clinton administration to block further evictions in July.

At the same time, bills were introduced in the Senate and House to amend the 1996 Immigration Act by allowing the refugees to legalize their status. Action on both bills is now pending.

"This legislation will restore due process of law to Central American refugees," said Rep. Lincoln Diaz-Balart, who cosponsored the House bill. "We in Congress cannot let the misdirected retroactive effects of the 1996 Act destroy whole families and communities."

"There are stories of mothers being deported while their husbands and children stay behind," Rep. Ileana Ros-Lehtinen told a joint news conference. "Cases of students who are academic stars in their schools being deported because of their immigration limbo."

AP-WX-09-18-97 1606EDT<

Time limits hard to meet

Many people who came the United States in the 1980s cannot meet these time limits.

His deportation is on hold for the moment because Attorney General Janet Reno intervened earlier this year and temporarily froze application of the law while Congress considers whether to fine-tune it.

Now, a coalition of Republicans and Democrats, mostly Hispanics, have launched a campaign to change the law and let them stay. It is still unclear whether Diaz-Balart's bill will come to a House vote this year because there is still opposition by some of his fellow Republicans, notably Rep. Lamar Smith, R-Texas, who championed the 1996 Act.

"It all comes down to whether the House leadership is going to support the Republican House members from Florida or Lamar Smith," said Frank Sharry of the National Immigration Forum, which organized the lobbying effort.

On the Senate side, immigration advocates count Democrats Bob Graham of Florida and Edward Kennedy of Massachusetts and Republicans Spencer Abraham of Michigan and Connie Mack of Florida as supporters of the legislation.

"I think that it's all sealed in the Senate," said Miami's Ana Navarro, an attorney and Nicaraguan-American activist in South Florida, who said the strategy might be to attach an amendment to a spending bill.

E-mail us at feedback@herald.com with your comments or questions.

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The Miami Herald

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CENTRAL AMERICANS LOBBY IN WASHINGTON AGAINST DEPORTATION

CAROL ROSENBERG Herald Staff Writer

For four years, Milton Gonzales waged war as a contra in Nicaragua before fleeing his country in 1989 to make Miami his home. "I was trained by the U.S. government," he says. "I was financed by the U.S. government."

Wednesday, he joined dozens of other Central Americans waging a different kind of battle on Capitol Hill: Lobbying Congress on behalf of a bill sponsored by Rep. Lincoln Diaz-Balart and other Hispanic lawmakers. The bill would fix a portion of last year's Immigration Reform Act that threatens to send 250,000 Central Americans packing from the safe haven of America they found in the 1980s.

"We in Congress cannot let the misdirected retroactive effects of the 1996 act destroy whole families and communities," the Republican lawmaker from Miami said at a press conference before the Central Americans fanned out across the Capitol to bring their message to lawmakers.

Added Miami Republican Rep. Ileana Ros-Lehtinen: "After more than 10 years, they continue in the same immigration limbo in which they entered this great nation of immigrants."

A modification offered

Miami Democratic Rep. Carrie Meek muddled the message a bit by offering a modification of Diaz-Balart's legislation in a separate bill filed Tuesday:

Her version would provide relief for some 18,000 Haitians as well who also face possible deportation under the law, which allows the Immigration and Naturalization Service to exempt only 4,000 people in each category every year.

"It is unfair to change the rules for thousands of individuals who were in the country when Congress passed the new immigration law," Meek said in announcing her rival legislation. "They have worked hard, paid their taxes, obeyed the law."

Gonzales is an example of the people caught up in the crisis: A 28-year-old construction subcontractor who lives in Little Havana, he has an American-born 7-year-old son. His sister, a U.S. citizen, lives in Miami too. During his years with the contras, 1986 through 1989, he said he was shuttled in and out of the United States on several occasions for secret CIA missions, basic bootcamp style training and a specialized course to become a paramedic.

"A nurse named Barbara -- that's all I know of her name -- from the CIA trained us. Then we went back to Honduras," he said.

But because he was allowed to stay in the United States under only a temporary status granted by the Reagan administration in the 1980s, he must return to Nicaragua under the new immigration act. The act sets up a series of strict time limits for nonpermanent residents to apply for permanent resident status or citizenship.

IMMIGRATION FAX

Central American Update # 10

September 18, 1997

*Implementing the 1996 Immigration Act
Analysis by the National Immigration Forum*

Contact: Angela Kelley, (202) 544-0004, ext. 19.

THIS FAX CONTAINS 4 PAGES

DIVERSE GROUP OF CENTRAL AMERICAN REFUGEES COME TO WASHINGTON TO SEEK RELIEF FROM MASS DEPORTATION

On September 10, Central American refugees from around the country came to Washington seeking justice in their quest to resolve their status in the U.S. These refugees have been residing legally in the U.S. under various forms of temporary protection for a decade. After so many years of residing in the U.S., they became eligible to apply, on a case-by-case basis, for permanent residence here, based on the hardship that would be caused to them or their families if they were abruptly deported. Instead, the 1996 Immigration Act, if applied retroactively, unjustly closed the door on these refugees. They came to Washington, DC, seeking the restoration of justice.

Among those affected is a community of Nicaraguan exiles now residing in Miami. These individuals fought in their country against Sandinista regime in the 1980's. As the attached Miami Herald story notes, they were trained by the U.S. government, financed by the U.S. government and, when they decided it was time to flee their country, they were encouraged to stay in the U.S.

Some of these individuals, as well as refugees from El Salvador and Guatemala, are now carrying their struggle to the halls of Congress, in the hopes that their adopted country will not abandon them. Legislation now being considered by Congress would clarify that the 1996 law would not be applied retroactively to these refugees.

Attached: *The Miami Herald* "Central Americans Lobby in Washington Against Deportation"

Associated Press: "Congressmen urge immigration law changes for Central American Refugees"

National Immigration Forum
220 I Street, N.E., Suite 220 ♦ Washington, DC 20002-4362
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Judge Halts Deportation of Nicaraguans

Harm to Those Affected by INS Interpretation of New Law Is Cited

Reuter

MIAMI, May 14—A federal judge today ordered an immediate halt to the deportation of Nicaraguans and other immigrants who claim the United States has improperly denied them residency. The action could affect thousands of immigrants in the United States.

U.S. District Judge James Lawrence King ruled that the Nicaraguans and other immigrants affected by new immigration laws would be "irreparably harmed" without an immediate restraining order against the federal government.

"No one will be deported," he ruled.

Plaintiffs' lawyers said the ruling would apply to immigrants in Alabama, Georgia and Florida who were stripped of their rights under the Immigration and Naturalization Service's interpretation of new immigration laws.

But they contended the ruling could have a far wider effect.

They said it could apply not only to some 40,000 Nicaraguans, most based in Miami, who are plaintiffs in class-action lawsuits against the government, but also to potentially hundreds of thousands of immigrants across the country, both Nicaraguan and of other nationalities, whose cases fall within the guidelines of the restraining order.

"This is a significant victory for the Nicaraguan community," plaintiffs' lawyer Ira Kurzban said. "It halts all deportations."

The ruling touched off a raucous celebration outside the federal courthouse in Miami, where more

than 100 Nicaraguan immigrants waved flags, honked horns and cheered.

"I believe that was the most justice the United States can give us now, even if it was temporary," said Edgar Roa, a Nicaraguan who has lived in the United States for 14 years.

In an oral ruling from the bench following two days of hearings, King declared that thousands of immigrants would suffer irreparable harm if the deportations were allowed to proceed.

"They'll be separated in many instances from their families and will be forced to go to a country where they may suffer extreme hardship," King said.

At issue in the case is a new immigration law passed by Congress last fall, several provisions of which went into effect April 1.

Lawyers for the immigrants argued that the INS improperly applied the law retroactively to dismiss appeals by immigrants. Kurzban alleged the government tricked his clients, urging them to appeal their deportation cases and then deciding later that most should be dismissed on technicalities.

The way the INS used the new law meant that Nicaraguan families who had been in the United States for more than 10 years could be separated, lawyers argued, because some were subject to virtually immediate deportation while others whose cases were heard earlier could legally stay.

Immigrant advocates have argued that many Nicaraguans fled civil war

in their homeland in the 1980s at the urging of the United States and settled here at the behest of the Reagan and Bush administrations as a form of protest against the ruling Sandinistas.

But many were held in legal limbo—without formal residency—until their special status ended under the Clinton administration and they were suddenly faced with deportation.

King, who denied a government motion to dismiss the case, ruled that under current regulations "there simply is no remedy for the perceived wrongs" to the immigrants. He ruled his court had jurisdiction and halted deportations indefinitely, until the case could be fully heard.

He also gave the go-ahead for the class-action suit. Kurzban said the class included "all persons in Georgia, Alabama and Florida stripped of their right to seek suspension of deportation" as a result of a decision by the Board of Immigration Appeals in February.

That decision said the new immigration law could be used to deny people their right to claim suspension of deportation, a mechanism by which immigrants can stay in the United States, if they were served with papers within seven years of entering the United States.

King ultimately will hear class-action lawsuits filed on behalf of an estimated 40,000 Nicaraguans that named as defendants President Clinton, Attorney General Janet Reno and Immigration and Naturalization Commissioner Doris M. Meissner.

The Washington Post

NOW YOU KNOW . . .

DATE: 5-15-97

PAGE: B-3

■ Two questions facing Immigration and Naturalization Service Commissioner Doris Meissner: what to wear and what about her hair? Meissner is scheduled to take a turn in the celebrity "dunk tank" at the Mount Pleasant festival June 1.

"I think it's a shorts-and-T-shirt sort of a deal," she said, "and my hair will be wrecked after the first dunk." Meissner readily agreed to be suspended over water for an hour—and submerged when well-thrown balls hit the release lever—during the street fair in Washington's most ethnically mixed neighborhood.

"It's about one-third African American, one-third immigrant and one-third everybody else, with a lot of group houses and students," said community activist and Meissner pal Jean Lujan.

But party planners shouldn't rush to book the INS chief as the entertainment for future celebrations. "This is a one-time deal," she said.



IMMIGRATION FAX

Central American Update # 8

*Implementing the 1996 Immigration Act
Analysis by the National Immigration Forum*

September 16, 1997

Contact: Angela Kelley, (202) 544-0004, ext. 19.

THIS FAX CONTAINS 5 PAGES

EDITORIAL BOARDS CONTINUE TO CALL ON CONGRESS: GIVE CENTRAL AMERICANS A FAIR SHAKE

While the Congress deliberates what to do about a provision of the 1996 Immigration Act which may result in the mass deportation of hundreds of thousands of Central American war refugees, editorials continue to appear in newspapers across the country. These editorials are calling on Congress to fix the unintended consequence of the 1996 Immigration Act.

If Congress does not correct the retroactive application of the 1996 Act, hundreds of thousands of Central American war refugees who have lived and worked legally in the U.S. for many years under various forms of temporary protection may be deported. Instead, each should be given a chance to apply on a case-by-case basis for relief from deportation under rules that pre-existed the 1996 Immigration Act.

Attached are editorials from *The Washington Times*, the *San Jose Mercury News*, *The San Francisco Chronicle*, and *The Miami Herald*.

Editorials in support of Central American refugees:

The Washington Times, "Righting an Immigration Wrong," August 22, 1997

The Miami Herald, "Fix Cruel Immigration Law," September 3, 1997

The Washington Post, "The Central American Refugees," July 14, 1997

Sun-Sentinel (Ft. Lauderdale, FL), "Congress Should Back Reno Order; Let Immigrations Present Their Cases," July 13, 1997

Los Angeles Times, "A Raw Deal for Refugees: Central Americans Find the Rules for Asylum Changed in Mid-game," April 13, 1997

Chicago Tribune, "Reno Rides to the Rescue of Refugees," July 19, 1997

The San Francisco Chronicle, "Latino Refugees Face Unfair Deportation," September 8, 1997

San Antonio Express-News, "Salvadoran Refugees Hit Hard by Reform," April 28, 1997

The San Diego Union-Tribune, "U.S. Obligations: The Fate of Central America's War Immigrants," May 14, 1997

San Jose Mercury News, "Immigration Cruelty: U.S. is Reneging on Visa Promise to Thousands of Central Americans Who Have Waited for Year," September 5, 1997

The Sacramento Bee, "Deportation Dilemma," May 15, 1997

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Righting an immigration wrong

Back in the 1980s when communist regimes and insurgencies swept through Central America, it was clear to many here that those nations were badly in need of help. The Reagan administration took up the cause of the Contras in Nicaragua, offered support for the beleaguered government of El Salvador, even invaded Grenada to prevent communism from gaining foothold in the hemisphere. Despite the best efforts of Democrats to undermine the effort, it was a remarkably successful policy. Today, democracy dominates the region, and economic reconstruction is taking shape.

But there is one forgotten chapter of the story, which could have a less than happy ending. That's the over 300,000 refugees from El Salvador, Nicaragua and Guatemala, who ended up in the United States, fleeing persecution, danger and poverty in their home countries, victims of forces far beyond their control.

The status of the refugees was not exactly legal, but not exactly illegal either. They were granted various forms of temporary protection from deportation, which in accordance with the law would become permanent if certain conditions were met: seven years of continuous residency, a record of good behavior, and proof of hardships awaiting in their native countries. As a consequence, the refugees settled, had children, many becoming a part of the U.S. workforce that Washington knows very well. Indeed, the nannies, housekeepers and gardeners that so many have come to rely on.

That was until the 1996 Immigration Act changed everything — and did so retroactively. Aimed not so much at the Central Americans but at deterring new refugees, the law capped the number of grantees at 4,000, changed the conditions, and mandated immediate deportation of those who were rejected. To obtain what is now known as "cancellation of removal," a refugee must now have been in the country for 10 years, show good character and demonstrate "extreme or exceptional hardship" to

a U.S. citizen or resident, be that a spouse, child or parent — but, oddly, not to the refugee himself.

Also, the clock "stops ticking" on those 10 years, the moment the INS removal proceedings start. That means that if you applied in good faith after your seven years in the country (as per the 1986 law), and got rejected for having accumulated too little time (in accordance with the 1996 law), you would now be out of luck because you could not accumulate more time. If this sounds Kafkaesque, it's because it surely is.

About 1,000 people were deported before the outcry from the Latin American community and the governments in the region caused the Clinton administration to reverse course. On July 10, Attorney General Janet Reno vacated a Board of Immigration Appeal's decision in a test case, and the deportations were halted, though last week one Nicaraguan was deported, the first since the attorney general's decision. Bills in the House and Senate will be taken up when Congress comes back to fix the unintended consequences of the 1996 Immigration Act and to grant relief from the 4,000 annual cap. All the refugees want is a hearing based on the conditions at the time when they were granted temporary stay — in other words eliminate the element of retroactivity in the law, which indeed only seems fair.

But there is not only the refugees to think of here. If we want the fragile economies of Central America to recover, governments in the region will need breathing space. Nicaragua, for instance, has an unemployment rate of 60 percent and cannot afford to absorb its 250,000 refugees in the United States. Nor indeed can the country afford to without the remittances sent by Nicaraguans here to their families at home. In other words, giving the Central American refugees the fair shake they deserve will also mean giving their countries a chance to stabilize, which, after all, has been the aim of U.S. policy in the region since the Reagan years. That's a good deal all around, for them and for us.

SAN JOSE MERCURY NEWS

FRIDAY, SEPTEMBER 5, 1997

Immigration cruelty

U.S. is reneging on visa promise to thousands of Central Americans who have waited for years

AMID civil war and chaos in the '70s and '80s, hundreds of thousands of Central Americans fled to the United States. Told they could qualify for refugee visas, many have stood in line since, waiting for their immigration papers to be approved. This

Editorial

The opinion of the Mercury News

year, Uncle Sam closed the window and said to many: Go away.

The Justice Department began shipping them back to their countries until Attorney General Janet Reno this summer intervened.

Changing immigration rules midstream is both unjust and cruel, particularly to Central Americans who have over the years been shunted from one program to another. It's time for Congress to clear the ambiguity, and speed the chance for the estimated 300,000 immigrants to become permanent residents.

It would not be unreasonable to offer a blanket amnesty to those who applied under now-defunct programs for Salvadorans, Guatemalans and Nicaraguans. At the very least, justice demands that

their applications be heard under the previous set of rules.

The complications in their cases have been largely bureaucratic. In the 1980s, the titania test for refugee status was tinged by politics. People escaping from a regime the United States sought to undermine, Nicaragua, were far more likely to be granted asylum than were those fleeing neighboring dictatorships that Washington was propping up. To correct this inequity, the INS granted a reprieve to Salvadorans and Guatemalans.

Then it waited seven years, until last April, to begin hearing applications. In the meantime, Congress revamped immigration law and greatly narrowed the doorway for legalizing people already in the United States. The INS made those changes retroactive, so about 1,000 Central Americans at the head of the line were declared illegal and deported.

Many of those now facing deportation had been encouraged to come out of the shadows and register for the previous protective programs. To do that, they were issued orientation papers first. Oh, ignore orders, they were

told; it's just an administrative procedure so that you can get an asylum interview.

Now, it turns out, those assurances were a sham. Not only are those papers important; the date they were issued effectively prevents many immigrants from qualifying for legalization under the new law.

Such cavalier treatment is not only shameful; it also discredits the government and adds to widespread immigrant distrust of the INS and U.S. government.

The convoluted rules applying to this group of Central Americans deserve to be junked. Congress should order the INS to handle their cases under the old, less stringent rules, and to quickly get them out of deportation limbo.

TITLE: Latino Refugees Face Unfair Deportation
COLUMN: EDITORIALS
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(Copyright 1997)

THE RUSH to clean up an immigration system that desperately needed cleaning up has created an injustice against tens of thousands of Central American refugees who suddenly find themselves playing by a different -- and harsher -- set of rules from the ones in effect when they entered the country.

Before last year's Illegal Immigration Reform and Immigrant Responsibility Act was enacted, certain refugees who had been legally living and working in the United States for many years could apply to remain in the country permanently if they could prove seven years of residency and good moral character. They also had to show that deportation would result in "extreme hardship" to themselves, a U.S. citizen, permanent resident spouse, child or parent.

The immigration law changed those requirements to 10 years of residency and proof of good moral character, and they made it much more difficult to prove hardship. The new law indicates that any hardship to applicants is irrelevant. What they must show is that their deportation would result in "extreme or exceptional hardship" to a U.S. citizen, permanent resident spouse, child or parent. The law also limits the number of immigrant visas to those refugees to 4,000.

Those changes could mean mass deportation for up to 300,000 refugees from Nicaragua, El Salvador and Guatemala -- including 12,000 in the Bay Area -- because a Justice Department appeals board has interpreted the law as being retroactive. In July, Attorney General Janet Reno said she would review the appeals board's decision. But she has yet to act and the Department of Justice says Congress too must change the law. Many of the rules in the statute went far beyond what should have been a clampdown on illegal immigration, but at the least Congress should eliminate the retroactivity and the unrealistic 4,000-a-year cap on the number of refugees who are allowed to avoid deportation orders.

Thousands of refugees fleeing danger were given permission to live and work in the United States. They followed the rules, all the while planting roots, bearing children who are U.S. citizens, paying taxes, buying homes. Amending the law will not guarantee that these refugees may stay in the United States. What it will give them is a fair hearing on a case-by-case basis.

REGION: CA NME PRM; CALIFORNIA ; NORTH AMERICA ; PACIFIC RIM
DESCRIPTORS: EDITORIAL; HISPANICS; DEPORTATION; REFUGEES
PERSON: Illegal Immigration Reform and Immigrant Responsibility Act

The Miami Herald

www.herald.com

WEDNESDAY, SEPTEMBER 3, 1997

10A THE HERALD, WEDNESDAY, SEPTEMBER 3, 1997

Fix cruel immigration law

Fresh from summer recess, Congress returns this week to tackle substantive issues anew. One that it needs to address is the plight of longtime immigrants who unjustly face deportation because of an unfair, un-American law.

Enacted by the same Congress that brought you anti-immigrant welfare reform, a new 1996 immigration law denies the chance to gain legal status to hundreds of thousands of Central Americans and others who have lived peaceably in the United States for years. Some of the new law is so shameful that Senior U.S. District Judge James Lawrence King, in a class-action suit in Miami, has ruled that it violates the due-process rights of some 40,000 Nicaraguans with more than seven years in this country.

After Judge King forbade the Immigration and Naturalization Service to deport these class members, Attorney General Janet Reno commendably extended the same protection nationwide to cover an estimated 150,000 Salvadorans and 80,000 Guatemalans as well. These people also fled U.S.-supported civil wars in their homelands during the 1980s. Many have been issued work permits repeatedly and have established families and businesses. They send billions of dollars to loved ones back in their homelands, helping keep struggling economies afloat and dampening illegal immigration to the United States.

TASK FOR CONGRESS Legislators back in session should reverse punitive and unjust new immigration rules.

Unjust immigration law should be corrected. To their credit, a number of legislators have submitted various proposals with that intent, the best of which was authored by U.S. Rep. Lincoln Diaz-Balart, R-Miami.

An administration-backed bill, proposed by Sens. Bob Graham, D-Miami Lakes, Connie Mack, R-Cape Coral, and Edward Kennedy, D-Mass., removes a retroactive "stop-time" rule that unfairly prevents many longtime immigrants from gaining resident status. But an onerous provision that denies immigrants judicial review is most offensive and quite possibly unconstitutional.

Under Mr. Diaz-Balart's legislation, immigrants in deportation proceedings before the new law went into effect last April 1 would rightly qualify for relief under previous, more-favorable rules. The same would apply to Nicaraguans, Guatemalans, and Salvadorans who filed asylum claims before April 1990; many of them have been hurt by tremendous INS backlogs. (It would be better if the asylum provision extended to Haitians and other immigrants, too). Folks covered by the bill also would be exempt from an arbitrary cap that limits to 4,000 the deportations that may be canceled annually.

Much as its earlier budget legislation restored significant welfare benefits to legal immigrants, let Congress now reverse a cruel immigration law's punitive provisions.

Caucuses Push Expansion of Amnesty Relief

Proposals May Spare Haitians, Europeans

By William Branigin
Washington Post Staff Writer

As lawmakers wrangled over the fate of 300,000 Central Americans seeking to avoid deportation under a new immigration law, the Congressional Black Caucus yesterday demanded that Haitians be included in a proposed amnesty, and other members pushed for special treatment for Eastern Europeans, as well.

The efforts to spare certain nationalities from the effects of last year's law came as the Immigration and Naturalization Service announced it had deported a record 111,794 illegal aliens in fiscal 1997, a 62 percent increase from the previous year.

Of the total, 50,165 were deported because they had been convicted of crimes, Attorney General Janet Reno said at a news conference.

At a separate news conference and rally at the Capitol, members of the congressional black and Hispanic caucuses were joined by approximately 100 Haitians from Florida and the New York area in demanding amnesty for about 18,000 Haitians in the United States who have pending applications for political asylum.

Haitian leaders said that including others, who have not yet applied, as many as 40,000 Haitians in this country may seek relief from deportation.

Several proposals are still under negotiation, but congressional sources said a deal appeared to be taking shape that would extend some form of relief from deportation to Haitians and Eastern Europeans.

Until now, negotiations involving the administration and Congress have focused on more than 300,000 Central Americans who fled their countries in the 1980s and early 1990s, and either entered the United States illegally or overstayed their visas.

These Nicaraguans, Salvadorans and Guatemalans have been allowed to stay under temporary programs, and many have put down roots in the United States and raised families that include U.S.-born children.

Although the wars they fled are over, the poverty in their homelands remains much the same, and they do not want to go home.

Nor do their governments want them back, fearing that a large influx of deportees will strain the job-scarce economies in Central America.

To accommodate the immigrants, the administration proposed making them eligible for suspension of deportation on a case-by-case basis under guidelines set by the old immigration law. The new law would require them to meet a tougher standard and impose a 4,000-a-year cap on those who could win suspensions.

The administration estimated that as many as 400,000 Central Americans would be eligible to apply for this relief and that about 180,000 would probably receive it.

In a more complex proposal, House Republicans Lincoln Diaz-Balart of Florida and Lamar S. Smith of Texas have introduced legislation that would grant amnesty to the Nicaraguans, but not to Salvadorans and Guatemalans, although their cases would be considered under the old law.

That proposal drew sharp criticism from the Salvadoran and Guatemalan communities and from many Hispanics in Congress, who argued that all the Central Americans should get the same deal as the Nicaraguans.

The Congressional Black Caucus then weighed in on behalf of the Haitians, suggesting that they were being discriminated against on racial grounds.

In addition, the caucus insisted that they be included in the solution for Central Americans because they also had fled turmoil and faced "unjust deportation" under the new law.

Rep. Carrie P. Meek (D-Fla.) argued that the Haitians should be given amnesty like the Nicaraguans, as a matter of "justice and fairness."

Among the affected Haitians are nearly 12,000 who fled by boat after a 1991 coup, were taken to the U.S. naval base at Guantanamo, Cuba, and were later allowed to pursue asylum claims in the United States. In addition, Sen. Spencer Abraham (R-Mich.) proposed including in the group asylum-seekers from the former Soviet Union, Poland and other Eastern European countries who fled communist governments before the end of 1990.

The Washington Post

FRIDAY, OCTOBER 31, 1997

below 5 cent. And don't forget the other important number released yesterday. The budget deficit for fiscal 1997 came in below \$25 billion, an astounding accomplishment considering it was more than 10 times that level a mere five years ago. Ten years ago the budget deficit was 3.3 percent of

a dose of rational exuberance here may not be a bad thing. Rationality begins with the realization that what happened yesterday isn't the same what happened 10 or 68 years ago and that the fundamentals of this economy are pretty sound.

WASHINGTON TIMES 10/28/97

Immigration scapegoats

It is an encouraging sight to see members of Congress willing to face up to an unintended legislative mistake and work to ensure that fairness is restored. That's what appears to be happening in the case of the 300,000 Latin American refugees who have been in this country since the 1980s and who found themselves squeezed by certain provisions of the 1996 Immigration Reform Act. These are people who have not only been through some very difficult times, as civil war ravaged their countries, but also people the vast majority of whom have become productive members of this society.

An arrangement brokered by House Speaker Newt Gingrich is now in the works to allow the refugees what they have always asked for — not permission to stay, but simply a hearing before an immigration judge who will decide who gets to stay and who has to leave. While the 1986 Immigration act allowed them temporary refugee status and the prospect of a hearing after seven years of good behavior, the law passed last year capped the number of cases at 4,000 each year and upped the number of years to 10. Problem: Once the refugees had submitted their paperwork and their application process had been started, they stopped "accumulating" years (as far as the Immigration and Naturalization Service was concerned, at least). This meant that many got trapped at seven years, Kafkaesquely unable to reach the now-needed 10. As has been pointed out in editorials in this space, that is absolutely not the way the American system is meant to work.

The Indonesian gardener's tale

Despite being denied access to the notorious videotapes of White House fund-raising coffees for nearly a year, Attorney General Janet Reno, upon finally viewing them earlier this month, immediately gave the White House a free pass, claiming to have seen nothing that would cause her to seek the appointment of an independent counsel. In the light of blockbuster revelations made by the Los Angeles Times this week — where else but from a newspaper would Miss Reno learn of any blockbuster development? — she ought to be compelled to reconsider her opinion of the information presented by the tapes.

Probably the most intriguing exchange revealed by the videotapes was the greeting given to President Clinton by a shy "Indonesian gardener," Arief Wiriadinata. "James Riady sent me," Mr. Wiriadinata told the president at a Democratic National Committee (DNC)-sponsored coffee on Dec. 15, 1995. Apart from why an alien from Indonesia living in modest circumstances in northern Virginia would be invited to a DNC-organized White House coffee, the immediate question is: Why would James Riady, the scion of a multibillion-dollar Indonesian conglomerate — the Lippo Group — that has extensive interests in China and close business relationships with its government, want the president to know that he sent this "Indonesian gardener"

Some hard work by Rep. Lincoln Diaz-Balart in the House and Sens. Connie Mack and Spencer Abraham appears to have paid off. Rep. Lamar Smith, who chairs the subcommittee responsible for the 1996 legislation, has agreed to a solution as far as the Central Americans are concerned. While Mr. Smith rejects any notion that there is a question of retroactivity involved here, he has offered to give Nicaraguans who arrived in the United States before Dec. 1, 1995 green cards. Salvadoreans and Guatemalans will get a hearing according to the 1986 rules.

That's the good news. The bad news is Mr. Smith's price is some 30,000 other people caught in much the same bind but who do not have the same political clout and high profile as the Central Americans. These are people from Eastern Europe, Ireland, Cuba, Haiti, Mexico and elsewhere. And in addition, he's demanding the elimination of a category of legal immigrants, so-called "other workers," meaning about 10,000 nannies, gardeners and other unskilled, but certainly highly useful, laborers.

One would hope that the congressional leadership, while welcoming Mr. Smith's change of heart on the Central Americans, would stand up for all people unfairly caught by a heedless change in rules in the middle of the game. Let new cases be tried according to the new and tougher rules. And let those who have put their trust in the fairness of the American system know that our political leaders take that faith seriously.

According to an interview last June from Indonesia with Senate investigators, details of which were obtained by the Los Angeles Times, Mr. Wiriadinata said the initial donations were sought by John Huang, the former senior U.S. Lippo official who at the time was employed at the Commerce Department. The DNC has maintained that the initial donations — two \$15,000 checks given on Nov. 8, 1995, three days, it turns out, after Mr. Ning wired the funds from Indonesia — were solicited by Mr. Huang's wife, Jane.

As a Commerce official at the time, it would have been illegal for Mr. Huang to have solicited the contributions. Mr. Wiriadinata further maintained in his interview that Mr. Huang, in exchange for the donations to the DNC, had promised to arrange meetings between Mr. Wiriadinata and wealthy Asian-American businessmen. Mr. Wiriadinata, who chafes at his depiction as "an Indonesian gardener," owned an Indonesia-based computer company that he had hoped to expand in the United States. That was why he agreed to be the DNC's benefactor, he told investigators. For more than a year, the DNC has maintained that the \$450,000 largess, more than two-thirds of which was sent to the DNC after the Wiriadinatas had returned to Indonesia, was attributed to the appreciation the Wiriadinatas expressed in response to a get-well card that Mr.

Congress

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'Discordant'

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The chairman

Los Angeles Times

Relief Plan for Refugees Seen as Unfair to Some

Monday
November 3
1997

■ **Immigration:** GOP proposal to recognize 'victims of communism' could create political hierarchy, critics say.

By JODI WILGOREN
TIMES STAFF WRITER

WASHINGTON—Republican congressional leaders have taken legislation intended to provide relief to Central American refugees and rewritten it to favor "victims of communism," angering some Democrats and immigrant advocates.

The new proposal would allow thousands of immigrants from various countries to stave off deportation without meeting strict guidelines passed last year, but critics say that it would create an unfair hierarchy tinged with politics in favoring certain ethnic groups.

At the top of the heap would be refugees from Nicaragua who fled when the United States was backing a brutal war against the leftist Sandinista regime. The new proposal would grant permanent residency to any Nicaraguan who entered the United States before December 1995 and who applies for residency by 2000.

Without providing similar amnesty, the deal would allow immigrants from Guatemala, Salvador, the former Soviet Union and Eastern Europe to apply for a suspension of deportation if they have been in the country for seven years—rather than 10—and can prove that leaving would be an "extreme hardship."

Please see REFUGEES, A4

REFUGEES: Relief Plan

Continued from A1

Refugees from Haiti and other countries are not included in the deal, which would also slash in half the number of visas available to low-skilled workers, to 5,000 per year.

Critics plan to object loudly this week with a series of protests, news conferences and lobbying aimed at the White House.

"We shouldn't have to hurt some immigrants to help others, or rob Peter to pay Paul," said Frank Sharry of the National Immigration Forum. "We don't object if the congressional leadership wants to give more help to more immigrants. But it doesn't have to be done in a way that sacrifices fairness at the altar of political expediency."

Rep. Xavier Becerra (D-Los Angeles), chairman of the Congressional Hispanic Caucus, said Sunday that he would vigorously oppose the legislation because the benefits for about 500,000 Guatemalans and Salvadorans—most of whom live in Southern California—would be different than those for about 50,000 Nicaraguans concentrated in South Florida.

"It's porking, it's pork-barreling on immigration—which constituencies will help you the most," Becerra said. "If you're going to provide relief for those in one situation and someone else is similarly situated, provide the same relief. That's basic fairness."

The legislation, which was re-dubbed the "Victims of Communism Relief Act" after a meeting of Republicans last week, will probably be attached to a pending appropriations bill this week. Both houses must still vote on it.

This is the latest version of a Clinton administration plan intended to undo some provisions of last year's immigration reform legislation, which dealt retroactively with Nicaraguan, Salvadoran and Guatemalan refugees who had applied to have their deportations suspended.

Most of these immigrants never obtained legal status, in part because of bureaucratic backlogs.

The original bill, which treated members of all three groups equally, was opposed by Texas Republican Lamar Smith, who chairs the House subcommittee on immigration, and Sen. Phil Gramm. The new proposal garnered Smith's support but triggered opposition from Democrats, who complained about inequity.

Meanwhile, Sen. Spencer Abraham (R-Mich.), who chairs an immigration subcommittee,

Los Angeles Times

Monday
November 3
1997

suggested that Eastern, European and Soviet refugees deserved treatment similar to the Central Americans; in the new deal, those who arrived by 1990 and applied for asylum by 1991 would be grandfathered in under the pre-1996 rules.

Others officials, including members of the Congressional Black Caucus, suggested that Haitians be granted relief; they are not included in the new deal, however, in part because most came less than seven years ago, so even the older standard would not help their situation.

While some Democrats, Catholic leaders and other immigration advocates denounced the deal, those who crafted it celebrated it for granting special recognition to the plight of the Nicaraguans, among other things.

"This is an historic breakthrough for justice for immigrants. It is reflective of the greatest American tradition of generosity," Rep. Lincoln Diaz-Balart (R-Fla.) said in a written statement.

"This . . . is a significant victory for everyone who believes that America should remain a nation of immigrants and refuge for those fleeing war and persecution," agreed Abraham.

Rep. Ileana Ros-Lehtinen (R-Fla.), a Cuban refugee, acknowledged that the plan was "not perfect" but called it "a step in the right direction because it recognizes the special place that Nicaraguans deserve."

Among Republicans, there is a consensus to aid the Nicaraguans. But there is less support for the much larger number of Guatemalans and Salvadorans who left when the United States was providing military and political aid to help their countries fight off insurgencies by left-wing guerrillas.

"For us, it's like, OK, because we were fighting against the United States intervention in Central America, this is a kind of payback," said Carlos Ardon of the Salvadoran Assn. of Los Angeles, a legal resident who has been in the U.S. since 1982. "It sends a message like, 'You didn't support the administration back in the '80s, now this is what you're getting.'"

John McCalla of the New York-based National Coalition for Haitian Rights agreed that it is unfair to play favorites for those who fled communism.

"We're in favor of people being equally treated. We don't think it's only people who were victims of Communist regimes who were victims of persecution and abuse," McCalla said. "If the United States is going to be doing right by the Nicaraguans, they should be doing right by the Haitians. We're going to cry hell and scream our head off. We're not going to let this die."



ROBERT L. STEINBACK

GOP proposal should include Haitians, too

The deal by U.S. Rep. Lincoln Diaz-Balart of Miami to give 500,000 Central Americans chances to win legal residency here is a belated act of humanity by the party that normally carries anti-immigrant emotions.

But the omission of 11,000 Haitian residents from the proposal smacks of a political expediency that scuffs the gloss on what would otherwise be an admirable bill.

Diaz-Balart's proposal, endorsed by Republican general Newt Gingrich, would give some 150,000 Nicaraguans who arrived before December 1995, and 250,000 Guatemalans and Salvadorans who arrived before 1990, fairer opportunities to apply for permanent residency. They faced deportation as a result of the Immigration Reform Act of 1996, even though many sought sanctuary here from civil strife the United States inflamed as it opposed Marxist control in the region.

Many longtime Haitian residents also fled unrest in which, arguably, the United States played a role — although for years that role was ignoring repression by a government of rapacious thugs. Many Haitians here had credible fears of political persecution, which made them bona fide refugees.

Haitians have stories similar to those of Central Americans: Most have worked hard for years to scratch out livings, started families, opened businesses and obeyed the law in pursuit of the American dream, with the usual small number of rotten eggs who make everyone else look bad.

Yet Haitians received no mention in Diaz-Balart's plan.

Diaz-Balart all but admitted he had a better chance of gaining a reprieve for Central Americans if Haitians were left out.

"It's not that I do not want to help Haitians; I don't want to jeopardize this agreement — we've been working on this since June," he told *The Herald* last week. "I am in favor of trying to do something in subsequent actions."

So including Haitians would risk souring the deal with Diaz-Balart's fellow Republicans. Why is that? Is the GOP's commitment to fairness so weak that it would rather scuttle the bill than include 11,000 deserving Haitians?

There is a natural temptation to presume that racism is at work. I rarely invoke the charge as it is difficult to prove without deconstructing an individual's mind and heart. But Diaz-Balart and the GOP left themselves open to the allegation by leaving Haitians out of the bill.

But it's incorrect to say Haitians were ignored. In exchange for the reprieve for Central American residents, the legislation would end the 10,000 visas given every year to unskilled workers — often granted to nannies, gardeners or baby sitters whose employers discover they are illegal and seek to help.

Haitians are included in that provision. There won't be a special "unskilled worker from Haiti" visa that will remain available. Whether the reasons were strategic or insidious, Haitians were sold out.

I figure that Diaz-Balart surmised his chances of winning concessions from his party and went for it, concluding that getting something for most people was better than getting nothing for anyone. He said he would consider co-sponsoring a bill to include the Haitians being sponsored by U.S. Rep. Carrie Meek. My guess is, he will.

But it weakens all advocates of fair policy toward immigrants when their moral front is splintered in this fashion. Democrat Meek's impact is limited in the GOP-controlled House. Diaz-Balart's leverage, however, makes him a powerful voice for legal equity for *all* immigrants. He should have used that leverage on behalf of Haitians as well.

THE READERS' FORUM

It's time to stand together and assist Haitians

The Oct. 12 editorial *Hope for Nicaraguans* rightly praises an agreement in Congress to provide protection from deportation for about 300,000 Nicaraguans, El Salvadorans, and Guatemalans, many of whom live in our community.

Unfortunately, this good news masks a terrible injustice: 18,000 Haitians, many of whom also live in our community and face the same problems as these Central Americans, have been excluded from this agreement.

How unfair and inequitable it is to provide long-sought relief from arbitrary deportation to one needy and deserving part of our community that is Hispanic, while denying it to another part of our community, equally needy and deserving that is black.

We have seen and lived with the impact of arbitrary federal immigration laws: the kind that welcomed some to the safety of our shores with

open arms but interdicted others at sea and forced them to return to a murderous military dictatorship. Who wishes a return to such discrimination?

Throughout my tenure in Congress, I have stood side by side with our Dade County congressional delegation on matters of importance to major segments of our community.

I preserved funding for Radio and TV Marti as a member of the House Appropriations Committee. I opposed last year's punitive immigration reform bill — the cause of the current problem — and the ill-conceived welfare reform bill, which endangered the Supplemental Security Income benefits of almost a quarter-million elderly, blind, and disabled legal immigrants

in our community. I led the effort in the House Appropriations Committee and before the Rules Committee to preserve these benefits, and I have been working closely with the Nicaraguan Fraternity on this immigration problem. Finally, despite much controversy, I was an original cosponsor of the Helms-Burton Libertad bill.

It's now time for us to stand together to assist the Haitian members of our Dade County community to provide a united voice for their just concerns.

REP. CARRIE P. MEEK
D-Miami

U.S. House of Representatives
Washington, D.C.

LOCAL

The Herald

SECTION
THURSDAY,
OCTOBER 23, 1997

B



MARICE COHN BAND / Herald Staff

'NO, NO, WE WON'T GO'

Nickenson Bazile, 4, far left, perched on the shoulder of his grandmother, Rose Pierre, listens as a crowd of more than 3,000 Haitians chants, "No, no, we won't go," at a rally Wednesday. It was the second protest in front of the INS building at Northeast 79th

Street and Biscayne Boulevard at which Haitians demanded to be included in a bill that would change the immigration status of 500,000 Central Americans. **Story, 4B.**

Haitians demand to be part of Immigration Reform Act

By **LESLIE CASIMIR**
Herald Staff Writer

This week, Miami. Next week, Washington, D.C.

That was the message South Florida's Haitians spread on Wednesday as they continued to gather force for their latest immigration battle.

More than 3,000 Haitians once again converged on Northeast 79th Street near Biscayne Boulevard — the site of the local office of the Immigration and Naturalization Service — to demand that they be included in proposed

legislation backed by U.S. Rep. Lincoln Diaz-Balart, R-Miami.

The provision would change sections of last year's Immigration Reform Act and would grant legal residence and other forms of relief to some 500,000 Central Americans.

But those measures would exclude about 11,000 to 18,000 Haitians who fall under the same category. Haitian leaders hosted a similar demonstration a week ago.

"We can't go back to Haiti; we belong here just like the Nicara-

guans," said Nocilia D'Haity, 32, of Coral Springs. "We work hard here, doing the dirtiest of jobs. Why do they keep trying to force us to leave?"

Miami Mayor Joe Carollo and Miami City Commission candidate Pierre Rutledge, both campaigning for office, made stops at the demonstration. They called for equal treatment of Haitian immigrants.

Carollo, who is running against former Miami Mayor Xavier

Suarez, promised to join Haitians in protest at Capitol Hill. "Nicaraguans, Haitians — we are all one."

He also added his name to a petition that has been circulating in the Haitian community for a week. The appeal calls for equal treatment for Haitians screened by INS officials at the Guantanamo Bay naval base and allowed to enter under legitimate political asylum claims. More than 15,000 signatures will be sent to the office of U.S. Rep. Carrie Meek, D-Miami.

LOCAL

The Herald

SECTION
TUESDAY,
OCTOBER 21, 1997

B

Immigrants await action by Congress

By CYNTHIA CORZO
And MARIA TRAVERSO
Herald Staff Writers

Immigration laws affecting the lives of tens of thousands of Central American immigrants will be on the agenda of Washington legislators this week, as Congress resumes activities.

The lawmakers will have to make final — or at least long-term — decisions on items such as Section 245(i) of the immigration law, which expires Thursday. Section 245(i) allows immigrants to get their "green card" in the United States if they pay a \$1,000 fine.

They will also consider a bill that would grant permanent residence to undocumented Nicaraguans and allow Guatemalans and Salvadorans under deportation orders to appeal their cases

before an immigration judge.

"I think everything will be settled this week," said Rep. Lincoln Diaz-Balart, R-Fla., who has spearheaded the efforts to aid Central American immigrants. "I'm trying to finalize the accord with [Rep.] Lamar Smith [R-Texas]. The first thing we must do is to gauge the general situation in the Senate and the House."

The accord in question was reached Oct. 9 between the Republican majority in Congress and Smith, who had opposed legislation favorable to the undocumented immigrants. It paves the way for giving permanent status to the Nicaraguans and an opportunity to Guatemalans and Salvadorans to appeal their cases.

PLEASE SEE IMMIGRATION, 3B

Central Americans' status here unsettled

IMMIGRATION, FROM 1B

The next step is to gain the support of Democratic representatives, some of whom are critical of the deal, and press for passage by the Senate of a similar bill.

"More Republicans are supporting this measure," said Rep. Ileana Ros-Lehtinen, R-Fla. "No question about it, this could be the week for deals. And even if we can't pass the needed legislation this week, we can set up lines of communication and get some commitments. Eventually, we'll come out on top, I believe."

Nicaraguan activists have been busy in both Washington and Miami. Members of the Nicaraguan Brotherhood, the Union of Nicaraguans in Exile, the Nicara-

Congress will take up the 'green card' issue and consider a bill to grant permanent residence to undocumented Nicaraguans.

guan Democratic Force and former contra organizations are already lobbying for bills that would protect their people.

Some of them met Monday morning with Justice Department officials and President Clinton's special assistant for legislative affairs, Janet Murguia. According to Nora Britton of Nicaraguan Brotherhood, they asked for White House support

for the Diaz-Balart-Smith compromise.

Today at 2 p.m., the activists will meet with Smith.

The accord has been criticized by some Democratic leaders, who view it as solely a Republican affair. Some have said that it gives preferential treatment to Nicaraguans and slights Guatemalan and Salvadoran immi-

grants seeking permanent status.

"This is a question of justice for the Nicaraguan people," Ros-Lehtinen said, in defense of the accord. "We are indebted to them because we gave financial and tactical support to the contras in their war against the Sandinistas [in the 1980s], something we didn't do with the other two groups."

Another objective of the Central American activists is to make Section 245(i) a permanent element of the immigration law, or at least to extend it beyond Thursday, its expiration date.

Section 245(i) was appended to the Immigration and Naturalization Act in 1994 for three years; it was extended on Sept. 29 until Oct. 23.

LOCAL

The Herald

SECTION
FRIDAY,
OCTOBER 17, 1997

B

F

Haitians rally: Don't exclude us from relief legislation

By **LESLIE CASIMIR**
Herald Staff Writer

Chanting "Amnesty yes, deportation no," more than 3,000 Haitians packed Northeast 79th Street near Biscayne Boulevard on Thursday to blast proposed legislation that could provide relief to hundreds of thousands of Central Americans in legal limbo — and not to them.

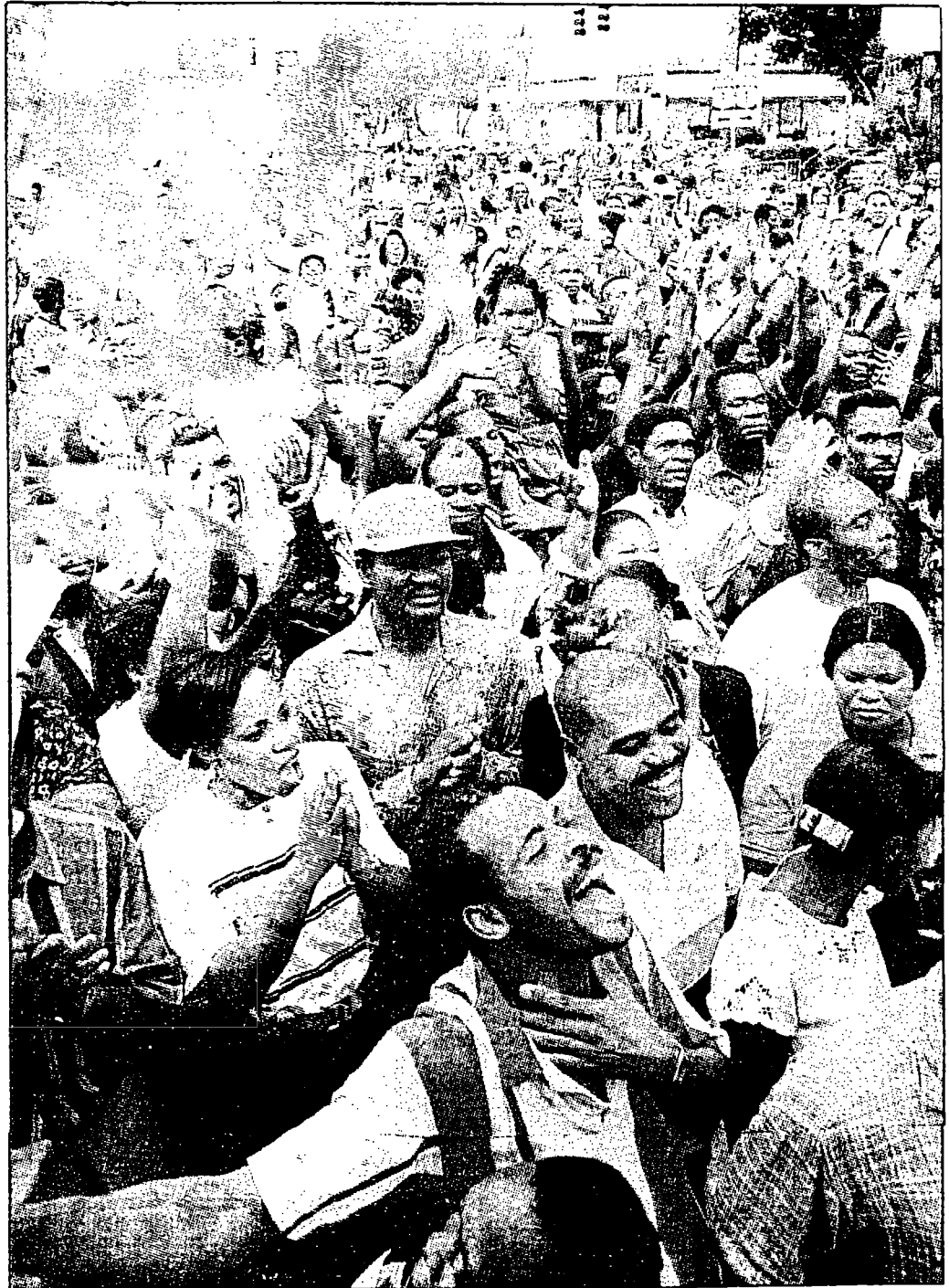
"This is discrimination," shouted Serge Simeon, 49, of Little Haiti. "If you do it for one, you should do it for all."

Last week, U.S. Rep. Lincoln Diaz-Balart, R-Miami, sealed a deal with Republican lawmakers that will change parts of last year's Immigration Reform Act and give a reprieve to about 300,000 Nicaraguans, El Salvadorans and Guatemalans facing the threat of deportation. The proposal gives these Central Americans until April 1, 2000, to apply for permanent residency.

Diaz-Balart's agreement with House Immigration Committee Chairman Lamar Smith, R-Texas, will grant green cards to the Central Americans who entered the United States before Dec. 1, 1995. Although no legislation has been drafted, the deal already has the approval of House Speaker Newt Gingrich.

U.S. Rep. Carrie Meek, D-Miami, has filed similar legislation for Central Americans and Haitians. On Thursday, Diaz-Balart said he would consider co-sponsoring legislation.

"It's not that I do not want to help Haitians; I don't want to jeopardize this agreement — we've been working on this since



CARL JUSTE / Herald Staff

PLEASE SEE HAITIANS, 2B

'WE WANT JUSTICE': Haitians demonstrate outside INS building for inclusive immigration policy.

Haitian immigrants rally: Include us in reprieve deal

HAITIANS, FROM 1B

June," he said. "I am in favor of trying to do something in subsequent actions."

Like the Central Americans, about 18,000 Haitians entered the country before December 1995. Many of them live in South Florida, and thousands showed up Thursday on 79th Street outside the Immigration and Naturalization Service office, waving placards and Haitian flags. Others

danced and sang the country's national anthem.

Yonel Moliere, a cook who works in Miami Beach and lives in Little Haiti, came to Miami in 1992 after being detained for five months at the U.S. Naval Base in Guantanamo Bay. He has been denied political asylum.

"We want justice," said Moliere, 35, who brought his two young daughters to the protest. "I've been working here since 1992. My two daughters were

born here. If I'm deported, who will take care of them?"

As South Florida's Central Americans celebrate Diaz-Balart's victory, Haitians have been scrambling to find out what the deal means for them. The street protest marked their first public outcry. Police blocked 79th Street from Biscayne Boulevard to the FEC railroad tracks, barring afternoon rush-hour traffic for more than three hours.

The coalition of Haitian social

and political organizations now plans to start organizing a bus caravan to Washington, D.C. They want to meet other organizations from New York and Boston to protest the impending legislation in front of the White House.

"If we don't do anything, we're not going to get anything," said activist Jacques Despinosse. "Today, we are on 79th Street. The next stop is Congress. We are tired of being ignored."

*Miami Herald
October 17, 1997
2 B*

"All the News
That's Fit to Print"

The New York Times

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WEDNESDAY, DECEMBER 17, 1997

Japan, Economic Power Aside, Seems Paralyzed by Asia Crisis Indecision May Contribute to Global Downturn

By SHERYL WuDUNN with NICHOLAS D. KRISTOF

TOKYO, Dec. 16 — As a financial crisis sweeps through Asia and provokes fears of a global downturn, Japan is the one economic force powerful enough to pull the region back to vitality.

The catch, however, is that Japan, the world's largest creditor nation, with an economy twice as large as all the rest of Asia, is not part of the solution but a major part of the problem.

Japan's leadership is in disarray, dithered for the last seven years of its own downturn. Many economists say that the Japanese Government — by denying its problems or even dissembling about them — has prolonged its own economic torment and contributed to the Asian financial crisis.

Japan is now preparing to unveil formally this week a \$77 billion bailout of its own financial mess — a package bigger than the \$57 billion International Monetary Fund rescue for South Korea. The scale is inevitable: the assets of a single Japanese bank, Bank of Tokyo-Mitsubishi, are roughly ten times the size of the entire South Korean stock market.

Despite such plans, few analysts expect Japan to move decisively to address its own problems or Asia's.

[Prime Minister Ryutaro Hashimoto called on Wednesday for a cut of \$15.3 billion in income taxes to revive an economy that has stagnated for much of the decade. Page D1.]

Referring to the leadership of the Prime Minister, William H. Overholt, a managing director at Bankers Trust Company in Hong Kong, said, "The extent of Japanese mismanagement of its own economy in the last seven years, particularly under Herbert Hoover Hashimoto, is one of the overwhelming themes of the modern era."

While the parallel between Mr. Hashimoto and President Hoover may seem overblown, it is heard increasingly often these days among Mr. Hashimoto's foreign critics here. Like Hoover in the beginning of the Great Depression, Mr. Hashimoto has adopted what some regard as a contractionary fiscal policy in the face of a banking crisis and an overall economic slowdown.

And, as with Hoover's America, the downturn in Japan is not just a domestic problem; it is also slowing growth around the world. As the largest creditor nation, Japan is far and away the most important source of capital around the globe, and it helps feed America's enormous appetite for funds on a daily basis.

"The U.S. needs to borrow a billion dollars every day the markets open," said Kenneth S. Courtis, chief economist at Deutsche Bank Group Asia-Pacific. "And Japan is the principal supplier of that capital. If Japan gets knocked out of that equation, and

Continued on Page D7

Koreans Fret as Hard Work Abruptly Shifts to No Work

By ANDREW POLLACK

SEOUL, South Korea, Dec. 16 — Kim Kyoung Ae scraped by for 11 years on her modest wages as an assembler at a telephone factory near here. But in October the factory was shut down by the Haitai Group, the troubled conglomerate that owns it, leaving Ms. Kim facing the abyss. Ms. Kim, who is divorced with a daughter in junior high school, said her savings would run out in a month. Her retirement pay, expected to be \$10,000, will not last long either. Her daughter was forced to quit the after-school tutoring that most Koreans consider almost as important as food and shelter. And while Ms. Kim

market strengthened on prospects that the nation might be able to avoid a default on its international debt. The dollar closed at 1,425.9 won today, compared with 1,563.9 on Monday. The stock exchange's composite index posted a rise of 4.8 percent, closing at 404.26 points.

But even if it avoids default, Korea is expected to face much slower economic growth and further corporate bankruptcies next year under the economic supervision of the International Monetary Fund, which organized a \$57 billion financial bailout

Continued on Page D6

CLINTON EXPECTED TO SPARE HAITIANS FROM DEPORTATION

ROLLBACK OF A 1996 LAW

Rare Exemption Would Extend Clashes With Republicans Over Immigrant Policy

By ERIC SCHMITT

WASHINGTON, Dec. 16 — President Clinton is expected in the next several days to invoke a rarely used executive authority to exempt up to 20,000 Haitians for at least a year from strict new deportation rules that would make it more difficult for most to stay here.

The decision underscores a continuing clash on immigrant policy between the White House and the Republican Congress, with the President moving to roll back approved Congressional measures that he considers harsh.

Congress itself agreed in the waning days of the recent session to soften its stand by exempting from the deportation rules it approved in 1996 hundreds of thousands of refugees from civil wars in Central America, including Nicaraguans and Salvadorans. But Haitians were left out of the deal.

Since mid-November, White House and Justice Department officials have debated an interim strategy to shield a large group of Haitians from deportation, while Congress has debated long-term remedies. Most of the Haitians that would be covered by the exemption fled from the military regime that was ousted when an American-led peacekeeping force entered Haiti in September 1994.

Attorney General Janet Reno could simply have ordered immigration officials to temporarily halt deportation proceedings against the Haitians, the minimum the Administration had promised. But Administration officials decided to elevate the decision to Mr. Clinton's level and cast it in foreign policy terms.

They contended that sending thousands of Haitians back to Haiti when United Nations peacekeeping troops have pulled out could destabilize an already fragile government. Moreover, the Haitians would not qualify for work permits if their prosecutions were merely suspended.

It is important to the health and

Continued on Page D5



President Clinton answers ques

President W. But Gets St

By JC

WASHINGTON, Dec. 16 — It even by the standards of this eloquacious of Presidents, an exceptional performance.

President Clinton posed a de of words today in hopes of demonstrating his vigor, his relevance his command of subjects large small, near and far, from the women in the American militia the membership of Turkey in European Union. Mr. Clinton's minute televised news confer was, by all available evidence, longest ever for any President.

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New York firm that is handling the estate and foundation matters, said the Frances and John L. Loeb Family Fund was being reorganized into five separate foundations of each of the five Loeb children.

Harold Epstein, the executive director of the Frances and John L. Loeb Family Fund, did not respond

interests go way back," Mr. Manning said. "The money will still be given away, but by each of the children. It will work better this way for charity."

Mr. Manning said that all of the Loeb children except for Judith Loeb Chiara already had family foundations through which they made gifts. Mr. Manning said he was creating a

eral groups that had requested money from it were informed that their requests could not be granted.

Mr. Manning and those close to the Loeb family emphasized that the decision to dissolve the Loeb Family Fund was amicable.

"What is unusual is that the Loeb family made this decision so quickly," said Shelby White, an author and

Center, a nonprofit group giving.

In its brief existence, Family Fund gave main New York groups that fight poverty, like the United Jewish People's Federation of Jewish City Harvest, and Meals on

The wills of both Frances Loeb, who died in May 1996, and Langeloth Loeb Sr., a philanthropist and pillar of Wall Street, last December, provided the bulk of their estates be transferred into a fund to continue their charitable giving, which totaled in Mr. Loeb's lifetime about \$200 million. The assets were to be controlled by five Loeb children, John Jr., Arthur, Arthur Lehman, the owner of Madison Avenue Shop, and three daughters, Bronfman, of Washington, Chiara, of Purchase, and Loeb Brice, of London.

Last May, a Christie's auction of the Loeb's Impressionist and Impressionist paintings, etchings and sculptures brought \$92.7 million of which was transferred in July into the Loeb Fund. In addition, about \$5 million from a separate family foundation was merged into the fund, bringing its assets to about \$100 million.

Mr. Loeb's \$70.5 million Harvard University in 1995, one of the largest gifts ever to education, and he had hoped his children would give collectively. It soon became clear that the children, separated by age and geography, could not agree on what to fund. Loeb Jr., a person close to the family, said, cared deeply about addressing poverty, while other family members, like Mrs. Brice, wanted money to support the fine arts. "So instead of playing a game in which they each give money to other's charity," Mr. Manning said, "they decided just to divide the money."

DO NOT FORGET THE NEED

Clinton Planning to Spare Haitians From Law

Continued From Page A1

well-being of Haiti to do it this way," said one White House official involved in the decision.

Under the Presidential directive, Haitians who filed for political asylum by Dec. 31, 1995, or who were screened into the United States from the refugee camp at Guantánamo Bay, Cuba, by that date, would be covered. Haitian immigrant groups estimate that this could affect 15,000 to 20,000 people. The authority would last at least a year, an Administration official said.

The new immigration law makes it more difficult for immigrants to avoid deportation. It requires an immigrant to have lived here for 10 years and to show good moral character; the old law also required good moral character, but only seven years' residency. The new law also increased the standard of danger an applicant or family member would face if deported.

This would be only the second time that Mr. Clinton has invoked his authority to suspend deportation proceedings, called deferred enforced departure. In the first instance he simply extended the protection granted to Salvadorans by President Bush in 1992. Mr. Bush used the authority two other times: for Chinese students after the 1989 Tiananmen Square massacre, and for Kuwaitis after the Persian Gulf war.

The fate of the Haitians has stirred passions in Congress. The Senate Ju-

diciary subcommittee on immigration will hold a hearing in Miami on Wednesday to discuss a bill sponsored by the panel's chairman, Senator Spencer Abraham, Republican of Michigan, and Florida's Senators — Bob Graham, the Democrat, and Connie Mack, the Republican — that would grant 15,000 to 20,000 Haitians automatic permanent residency.

A bill pending in the House, sponsored by Representative Carrie P. Meek, a Florida Democrat whose Miami district has a large concen-

A strategy to shield a group that was promised protection.

tration of Haitians, would cover any Haitian who has been in the United States since Dec. 31, 1995, or about 140,000 people.

The Administration has not said which bill, if either, it would support.

Lawmakers who support shielding the Haitians from deportation cheered the Administration's decision. "Because of the intense opposition in Congress to fairness for Haitian refugees, it is especially symbolic that the President himself has acted to halt these unjust deportations," Senator Edward M. Kennedy, Democrat of Massachusetts, said.

Representative Lincoln Diaz-Ba-

part of Florida, one of only two Republicans to support the House bill, said, "The action by the Administration is warranted and welcome."

But some Haitian advocacy groups greeted the Administration's decision with calculated reserve. "This approach is better than what currently exists, but the big question is how many people will be eligible?" said Jocelyn McCalla, executive director of the National Coalition for Haitian Rights in New York.

These advocates fear that the Administration's approach may leave thousands of Haitians without relief.

The White House's fiercest critic on immigrant policy lambasted the decision. "This is political pandering of the worst type," said Representative Lamar S. Smith, a Texas Republican who heads the House Judiciary subcommittee on immigration.

Mr. Smith is so feared within the Justice Department that Administration officials said one reason they decided to invoke Mr. Clinton's foreign policy authority was to spare Ms. Reno and the Immigration and Naturalization Service criticism from Mr. Smith that the Government was trying to evade the law.

Others expressed concern that the White House would try to use immigration as a wedge issue. "The Administration will use this policy to embarrass Republicans," said Representative Ileana Ros-Lehtinen, a Florida Republican. "But this Administration has done absolutely nothing for the Haitians all these years."

Fax Cover Sheet**From: MOVEMENT LATE ANNESTY IN ACTION****Telephone (818) 905-9150 Facsimile (818) 789-1310****Date:** 8 - 22 - 97**To:** Maria Echaveste**Att.:** Marjory201) 456-2983**Fax:** 456-6218 **Phone:** _____4 pages including Fax cover sheet

I am also faxing copy of
another fax I sent Mrs. Echaveste
on June 23, 1997.

We would appreciate if you
kindly could handle the letter
to Maria. Thank you

Oly Mogollón

MOVEMENT LATE AMNESTY IN ACTION
P.O. BOX 57915
SHERMAN OAKS, CA. 91413
TELEPHONE (818)905-9150 FAX (818)789-1310

MAY 30, 1997

Maria Echavestes
Director of Public Liaison
1220 E.O.B.
Washington, D.C. 20502

Dear Mrs Echavestes:

It is really joyful for the Latino Community in the whole country but particularly in California, to learn that someone from our own race has crowned the long road, paved with sacrifice and dedication which started for you in the San Joaquin Valley.

I am very sure that to be at the place where you're at, must be a challenge for yourself, carrying on with a daily agenda in which you have to deal also with realated aspects to the Latino Community who live all across the United States. Nobody can ignore today the anti-immigrant attitude against the Latinos. You can see it when a beating happens to an immigrant, it looks like if the officer were unloading through the beatings all of his xenophobia against "La Raza".

The new immigration law is a major concern today. It contains several provisions that contradict the nature of the Constitution. I understand that President Clinton has expressed his will in his recent visit to Mexico and Central America to review some of them. The most malicious provision is Sec. 377 (Limitation on Litigation legalization), which will punish 450,000 immigrants and their family members. They will be stripped from the most essential right to be legally protected by federal courts. Under the new law the courts will no longer have the power to challenge potentially unconstitutional government policies affecting the 450,000 Late Amnesty program applicants. The future of these people today is very uncertain if it is handled only by an INS Justice.

The director of The Center for Human Rights and Constitutional Law here in Los Angeles, Attorney Peter Schey is also the legal head for all the cases of Late Amnesty. And at the present time he is going for a second hearing at the Nine Circuit in San Francisco looking for a "Decision in Banc". On the other hand we considers totally unfair that because of an unlawful and erroneous policy implemented by the INS during the 12-month amnesly program 1987-88, 450,000 people have been dumped in a limbo for eleven years waiting for a trial that probably will never happen.

The national interest would clearly be better served if the applications of these long-term residents who qualify for legalization were approved, rather than to revert this population to undocumented status eleven years after the legalization program ended. Nevertheless the "Movement Late Amnesty in Action" exist under the believe that we have to struggle through other ways aside the legal's, such as encouraging the United States Congress to soften the harshest provisions of the Bill while it was pending before both houses for passage. We sent letters to Connessmen, we collected signatures that were sent to them, we even dramatized the problem with marches, vigils etc. We wrote also to President Clinton after he signed the Bill on September 30, 1996. we sent him the letter through Justice Cruz Rynosos, whose copy of his letter is attached.. Today the movement have decided to look for what we consider to be our last resource, we can not bare anymore this agony of these applicants' uncertain future. And in front of such ambivalent situation, there is only one hope left for this affected population, and it is a meeting with President Clinton to whom we would ask a humanitarian gesture to avoid a terrible human hardship over this people who have been patiently waiting for many years to become one day legal citizens in this country, and who are at this moment at jeopardy of being deported. Many of this people have been residing in This country for more than sixteen years, most of them with children born in The USA.

In order to accomplish this mission we need an angel and we have been thinking of you. We Know that to get a meeting with the President, one must be either a government person or else, somebody very especial and we are just simple and disadvantageous immigrants. Enclosed is a letter that we have addressed to the President, explaining him the nature of the meeting that we would like to have with him. And because we are also aware of the presidential protocol that the incoming mail follows at the White House; we appeal to your kindness and upon of course your possibilities, to get this letter delivered directly to the President's own hands.

Finally dear Mrs. Echavestes, I must tell you that it has been an enormous pleasure for me writing to you, I apologize for all the inconveniences that this letter carries out, and on behalf of the group I represent, I thank you so much with the certainty that we will be eternally grateful to you..

Yours truly,

Oly Mogollon

OM

Enc.(3):

PC/ltr.

JCR/ltr/&mb

MOVEMENT LATE AMNESTY IN ACTION
P.O.BOX 57915
SHERMAN OAKS, CA 91413
TELEPHONE (818)905-9150 FAX (818)789-1310

FAX TRANSMITTAL

DATE: June 23, 1997
TO: Maria Echavestes
CO The White House
FAX: (202) 456-6218
FROM Oly Mogollon
RE: Meeting with the President

COMMENTS: On May 30, 1997, I sent you an envelope containing an enormous valuable message for the interest of the immigrant group I represent. As I stated on my letter, we have chosen you to be our guardian angel, mainly because you are from our own race, and because you happen to be in a position from where you could probably help us with a little push to get what we need most, a meeting with Mr. President Clinton, which will be our only last resource to solve today's most dramatic human problem of almost 450,000 immigrants of the Late Amnesty, most of them Latino, who have been residing in the U.S.A. for over sixteen years without having a final fair adjustment of their legalization. We will highly appreciate, and we would look forward to your kind response of our first letter to you mentioned above.

Congress of the United States
House of Representatives
Washington, DC 20515

October 15, 1997

OCT 20 PM 1:24

The Honorable William J. Clinton
President of the United States
The White House
Washington, DC 20500

Dear Mr. President:

We are writing to express the very serious reservations of the Congressional Hispanic Caucus concerning the agreement reached between Congressmen Lamar Smith and Lincoln Diaz-Balart, which has the backing of the House Republican Leadership, regarding legislative relief for approximately 250,000 Guatemalans, Nicaraguans and Salvadorans currently facing uncertain immigration status.

There are several aspects of this agreement that we find extremely objectionable because they represent a retreat from the efforts of the Congressional Hispanic Caucus to provide just treatment for all immigrants to our nation. While the legislative language is not yet available, our understanding is that the agreement would grant amnesty to all Nicaraguans who entered the country before December 1, 1995. In turn, Salvadorans and Guatemalans who entered the country before 1990 would be allowed to pursue permanent residency through suspension of deportation hearings under the rules in place before the enactment of the 1996 immigration law, except that judicial review would not be available for these decisions. The agreement would also codify the Board of Immigration Appeals' decision Matter of N-J-B, which would apply the 1996 immigration law retroactively. Finally, the current employment visa category of "unskilled workers" would be eliminated entirely.

First, we do not support making the Salvadoran and Guatemalan cases unreviewable by a federal court. The Smith-Diaz-Balart agreement removes the ability for immigrants to have judicial review of an erroneous decision. This severely limits the rights of these immigrants to meaningful due process in the resolution of their immigration status.

Our second concern is that except for Salvadorans, Nicaraguans and Guatemalans specifically exempted, the agreement codifies the N-J-B decision and makes it impossible for others who were already in the process of pursuing permanent resident status through suspension of deportation to pursue their claims. The Attorney General, as a matter of law and her good judgment, vacated the N-J-B decision for further review, determining that "[legislation] should not be applied retroactively in the absence of a clear statutory directive." See Landergraf v. USI Film Products, 511 U.S. 244 (1994). The codification of N-J-B threatens the immigration status, and could lead to the deportation, of at least 25,000 immigrants in our nation.

Third, we find it unacceptable that an entire category of legal immigrants is negotiated away as part of this deal. The Smith-Diaz-Balart agreement ties together the potential relief for Central Americans with the abolition of the unskilled worker visa category. Elimination of this long-standing visa category will affect approximately 10,000 immigrants annually from all over the

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world who come to the U.S. under this provision. At this time, there is a large backlog of approximately 21,000 immigrants who qualify for this category of visa, and who have been waiting patiently for years. The fate of these pending cases is uncertain under the Smith-Diaz-Balart proposal. The rug should not be pulled out from underneath those who have played by the rules and waited in line.

Fourth, there is simply no rational basis for the disparate treatment of these groups of Central American immigrants. From the beginning, we urged you, Mr. President, to take action in crafting a fair solution for the thousands of Central Americans caught in the pipeline when the 1996 immigration law changed the rules mid-stream. Our goal was to treat everyone who was already in the process of pursuing legal residency fairly. We applaud you for your leadership in fashioning bi-partisan legislation that would allow these immigrants to proceed with the rules under which they started.

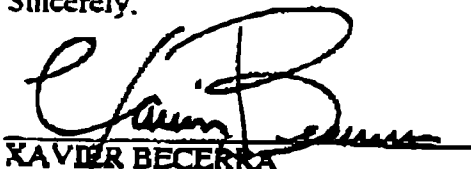
We support and will continue to advocate for the fair and equal treatment of all similarly situated immigrants. We find the agreement of Congressmen Smith and Diaz-Balart to grant amnesty to Nicaraguans in this country before December 1, 1995, to be a positive development that we should build upon. We find it promising that the House Republican Leadership is now supporting amnesty as a possible solution. However, if amnesty is to be made available to Nicaraguans, it should also be made available to Guatemalans and Salvadorans. The Guatemalans and Salvadorans find themselves in virtually identical circumstances as the Nicaraguans; we strongly support treating them equally.

Lastly, we think you would agree Mr. President that we should not grant favorable treatment to one group at the expense of others. Sadly, the Smith-Diaz-Balart agreement suggests that our nation is unable to be fair to one group of immigrants without being unfair to another. The elimination of the unskilled worker category affects 10,000 immigrants a year and the codification of N-J-B closes the door on those left out of the deal who have pending claims.

We hope to meet with you as soon as possible to discuss this critical situation. We appreciate your continued leadership and work on this very important issue. We know that your efforts on behalf of Central American immigrants, including your administration's offer to work with Congressman Diaz-Balart in a bipartisan manner on legislation that was drafted by your administration has been largely responsible for keeping hope alive for Central American immigrants.

Thank you again for your work. We look forward to your continued support for a final resolution that will help all Central Americans without causing other, additional harm to our nation's immigration policy.

Sincerely,



XAVIER BECERRA
Chairman, Congressional Hispanic Caucus



LUIS GUTIERREZ
Chairman, CHC Immigration and Citizenship
Task Force

DRAFT

(Date)

Dear X:

Earlier this year, I transmitted to Congress legislation designed to promote fair and equitable treatment for individuals with pending immigration cases, including those who fled persecution and civil war in Central America and received protection in the United States. My legislation also aimed to assist the fledgling democracies of Central America which cannot easily absorb their nationals at this time. I urge the Congress provide similar treatment to Haitians as it considers final legislation on this matter.

In recent weeks, Members of Congress and representatives of the Haitian community have highlighted the compelling plight of thousands of Haitians in the United States. Their experiences parallel those of Central Americans in many ways. The Bush Administration brought most of these Haitians to the United States in 1991-92 after they were found to have a credible fear of persecution in Haiti. Many of these Haitians have made vital contributions to their communities and established deep roots in the United States. Providing them with an opportunity to gain permanent status in the U.S. is not only equitable, it is also critical to helping Haiti establish a strong and lasting democracy -- a goal which the United States continues to devote extensive energy and resources.

Given these similarities, I strongly believe that Haitians deserve relief equivalent to that under consideration for Central Americans. I hope that you will move quickly to address the special circumstances of Haitians and enact this important legislation before the Congress adjourns for the year.