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Divider Title: 5

Haitian Immigrants Haven't Had Special Help

To the Editor:

I disagree with Representative Lamar Smith's justifications for excluding Haitian immigrants from legislation Congress just passed to ameliorate the effects of the 1996 immigration law for immigrants from Cuba, El Salvador, Guatemala, Nicaragua and Eastern Europe (letter, Nov. 26).

He asserts that immigrants from El Salvador and Guatemala merit special consideration because they had to file suit to have their asylum claims heard.

But this is also true of Haitian immigrants. In a series of lawsuits beginning in 1978, Federal judges have found that Haitians seeking asylum were the victims of discrimination by the Government.

Representative Smith notes that 200,000 Haitians have been admitted into this country in the last 11 years, or about 3 percent of Haiti's population. He ignores the fact that more than 500,000 Cubans, almost 5 percent of Cuba's population, and about 400,000 Salvadorans, or 7 percent of that country's population, have been

admitted to the United States since 1971.

(Rep.) CARRIE P. MEEK
Member of Congress, 17th Dist., Fla.
Washington, Nov. 26, 1997

NY Times

11/30/97

LETTERS TO THE EDITOR

Unfair Immigration Law

The Post's Dec. 28 editorial "Haitians in the Queue" misses the point about why changes are needed in last November's revision to the 1996 immigration law. The real reason is that the 1996 law is fundamentally unfair and that last year's hastily conceived, back-room deal to revise it compounds the problem. It is unfair in its impact and is inconsistent in its treatment of immigrants who live and work side by side in communities like mine. President Clinton should be praised for using his authority to mitigate the effects of an unfair law until Congress corrects it.

The Post's editorial uncritically accepts the justifications of House Judiciary immigration subcommittee Chairman Lamar Smith (R-Tex.) for giving special, favored treatment—"green cards"—to Nicaraguan and Cuban immigrants while making it easier to deport Haitians and others. He argues that many Haitians were given "special treatment" by being paroled

into the United States and that they were not the victims of unfair immigration hearings.

However, in a series of cases beginning in 1978, federal judges repeatedly have found that Haitians seeking asylum were the victims of discrimination by the federal government.

It is hard to argue seriously that the limited humanitarian parole granted to 14,000 Haitians by Presidents Bush and Clinton is somehow a sweeter deal than the Cuban Adjustment Act, which for 30 years has allowed hundreds of thousands of Cubans to live here with protection from deportation. Cubans were rescued at sea, welcomed to our shores and given work permits. Haitians were interdicted at sea but most were sent back to Haiti—even when it was ruled by a bloody and brutal dictatorship. It is hard to imagine less "special treatment."

Finally, the editorial appears to accept without question that many of the Haitian parolees in this country have

failed to make formal application for asylum. This point was directly addressed in a Dec. 17 hearing in Miami conducted by Sen. Spencer Abraham (R-Mich.), chairman of the Senate immigration subcommittee. The archbishop of Miami testified that most Haitians cannot obtain the legal assistance needed to file these claims. For example, the archdiocese's legal program in Miami has only two attorneys to represent more than 1,000 Haitian immigrants.

Last year, the House Republican leadership refused to allow the full House to vote on my amendment to allow Haitians to be treated the same as Cubans and Nicaraguans. Many believe that this refusal is based on race. Given the erroneous information used to justify unequal treatment for Haitians, this belief is difficult to overcome.

CARRIE P. MEEK
U.S. Representative (D-Fla.)
Washington

Haitian refugees deserve to stay

By Philip Peters

Cynics about Congress will soon be disappointed. The Senate is starting to work on a bipartisan bill that provides no political mileage or campaign contributions, helps a small number of people, and resolves a problem that senators could — if they wanted to be cynical about it — punt to the administration.

Instead, just for the sake of fairness, senators are preparing to help Haitian refugees to get on the path to citizenship by granting them legal permanent residence.

The Haitians number 30,000 to 40,000 by INS estimates. They fled their country between 1991 and 1995 and have no permanent immi-

gration status here. They were left out of the law passed just last year to give permanent residence to ten times that number of Central Americans who came to America while their countries were at war during the 1980's and who, like the Haitians today were facing the threat of deportation because they lacked permanent immigration status.

Do the Haitians deserve the "special treatment" that critics allege the Senate legislation would provide? A look at history indicates that the treatment would be routine, not exceptional.

Throughout the postwar era, Congress has acted to welcome groups of immigrants, refugees and others, whose historical circumstances brought them to America without normal immigration papers. Special legislation was enacted in the 1950's for Hungarian freedom fighters, their families, and other East

Europeans; in the 1960's for Cubans; in the 1970's, for Chinese, Soviet Jews and Christians from the former Soviet Union, and Indochinese; and in 1997 for Nicaraguans, Salvadorans, and Guatemalans.

In many ways, the Haitians' case is more compelling than that of the Central Americans whom Congress helped last year. The Central Americans were given permanent residence for sound humanitarian reasons: they had settled here, were integrated into their communities, and a letter-of-the-law deportation would have torn apart many families that now include American citizens.

In the Haitian case, add the fact that many qualify for refugee status as individuals. All have applied for asylum, and about a third cleared the first hurdle to refugee status when they established a credible fear of persecution in INS interviews at the U.S. Navy base at Guan-

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tanamo, Cuba, where they were held after being intercepted at sea. Over 20,000 Haitians who did not pass that screening were returned home.

While Haiti has changed for the better since the restoration of elected civilian government, its new police force and judiciary are still in their infancy. Human rights abuses persist, committed by extremists of the right and the left. In Amnesty International's assessment, "Anyone returning to Haiti cannot be assured that they will be protected by the existing Haitian justice system from former officials who occasioned their flight."

Like the Central Americans, the Haitians have been welcomed by the communities in which they have settled. Florida's two Senators, Connie Mack and Bob Graham, are sponsors of the legislation, as is Sen. Spencer Abraham of Michigan, the immigration subcommittee chair-

man. Florida's House delegation (including Cuban-American Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen), local officials, the Miami Herald, and other prominent Floridians have called on Congress to let the Haitians stay.

Also, as in the Central American case, there are foreign policy reasons for Congress to act. Haiti is still struggling to get back on its feet after a period of conflict. The economy is fragile, unemployment is high, and remittances from relatives overseas help many to meet their basic needs, and even provide seed capital for small farmers and businesses. A mass deportation would work against the bipartisan goal of assisting Haiti's recovery.

So for the sake of fairness, Congress should extend to the Haitians the same treatment given Central Americans last year, and given to hundreds of thousands of other

immigrants since World War II. At a time when the Clinton administration has driven annual U.S. refugee admissions down by over a third, this will be one more signal of Congress' intention to keep America's doors open to people fleeing persecution in their homelands.



Editor's note: Tod Lindberg's column will return next week.

Tod Lindberg

Haitian immigrants haven't received 'generous treatment'

Rep. Lamar Smith, Texas Republican, is again touting the notion that Haitians (that's right, Haitians!) have been favored by U.S. immigration policy ("No special privileges for Haitian refugees," Letters, April 7). He is, of course, defending the egregious omission from last year's legislation granting immigration relief to Nicaraguans, Cubans, former Soviets, Eastern Europeans, Salvadorans and Guatemalans — but not Haitians.

Other Republicans — from former Rep. Jack Kemp to Sens. Connie Mack, Spencer Abraham and Alfonse D'Amato to Reps. Ileana Ros-Lehtinen and Lincoln Diaz-Balart — have taken up the challenge to, in Mr. Kemp's words, "do the right thing" by helping the Haitians. But not Mr. Smith.

The notion of special treatment for Haitians is bizarre. No other nation has had a floating "Berlin Wall" of Coast Guard interdiction vessels imposed around it by the United States. Mr. Smith cites the Guantanamo policy as further "generous treatment" granted Haitians. But the vast majority of Haitians were repatriated forcibly from Guantanamo into the teeth of an odious dictatorship our own government refused to recognize, with no legal protection or judicial review of their cases.

Mr. Smith correctly notes that Salvadorans and Guatemalans, who were included in last year's bill, have successfully sued the government, showing that they were unfairly treated in their asylum applications. He says, "No other group, including Haitians, has successfully brought a similar lawsuit against the government." A similar lawsuit? There have been at least eight successful lawsuits from 1977 to 1991 showing a consistent pattern

of denial of fair and lawful treatment to Haitians on the part of the U.S. government.

"Nicaraguans and Cubans are the only groups in the Western Hemisphere whose nations were seized by communist dictators and played a unique role as allies in America's half-century-long Cold War against communism," Mr. Smith continues.

True enough, but what's the point? Is being killed, raped, beaten or jailed somehow less onerous when such brutalities are carried out by agents of a right-wing dictatorship? And isn't it a centerpiece of America's foreign policy in the Western Hemisphere to oppose all forms of dictatorship?

The economic vitality of Haitians in the United States also serves the foreign-policy interest of our country in promoting a stable democracy in Haiti. This is the reason President Clinton cited in granting Haitians temporary relief from deportation in December. He was right.

Haitians in America contribute in remittances to their families about five times the total U.S. aid allocated to Haiti. This has been one of the most significant factors upholding Haiti's balance of payments — which, by the way, is significantly devoted to the purchase of U.S. goods.

So the Haitians have had a history of unfair immigration treatment equal to, if not worse than, that suffered by Salvadorans and Guatemalans. They fled repression as severe, if not more so, than that prevailing in communist countries; they, too, are on the American side of foreign policy supporting democracy; and their industry and entrepreneurship is a boon to the American economy as well as our foreign policy interests.

What, then, is the reason for treating them differently?

MERRILL SMITH

Director
Haiti Advocacy Inc.
Washington

MONDAY, APRIL 20, 1998

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THE WASHINGTON POST

LETTERS TO THE EDITOR

Most Favored Refugees?

"Haitians have been treated better by the United States than refugees from almost any other nation." So says Rep. Lamar Smith (R-Tex.) in an April 9 letter. Nothing could be further from the truth.

■ U.S. detention of asylum seekers started exclusively with Haitians in 1981. After a suit challenged detention of Haitians as discriminatory, the Immigration and Naturalization Service began detaining all aliens arriving without documents.

■ Between 1981 and 1991, the U.S. Coast Guard interdicted and forcibly returned only Haitians. During those 10 years, out of 24,559 interdicted Haitians, INS shipboard screeners allowed only 28 persons to pursue their asylum claims in the United States.

■ Those Haitians who managed to register asylum claims during the 1980s (the time of Duvalier and other

dictators) had the lowest asylum approval rate of any nationality, 1.8 percent. By contrast, Soviet asylum approvals at that time were 74.5 percent.

■ In May 1992, for the first time in our history, the United States began forcibly returning interdicted asylum seekers with no screening whatsoever—Haitians only. Starting in June 1994, the United States detained Haitian asylum seekers in POW-like conditions in the "rights free zone" at the Guantanamo naval base.

Rep. Smith says, "The 'Guantanamo Haitians' were paroled into the United States, where they received work permits while pursuing their asylum claims. No other nationality group has received similar treatment."

Has Rep. Smith ever heard of Cubans? From the 1960s to the present, hundreds of thousands of Cubans

have been paroled in and, after a year, allowed to adjust automatically to permanent resident status. Has he heard of the "Guantanamo Cubans," who were paroled in under much more favorable conditions than the Haitians? Is he aware that the Haitians—not the Cubans—were required to pass a "credible fear" screening before being paroled from Guantanamo and that two-thirds were returned to Haiti?

Does he know that today, while shipboard screening procedures are in place for interdicted Cubans, that the INS has reverted to returning Haitians automatically without screening?

If Haitians are treated the best of any group, heaven help the others.

BILL FRELICK

Senior Policy Analyst

U.S. Committee for Refugees

Washington

Grant Haitian refugees well-deserved relief

Al Cardenas is vice-chairman of the Republican Party of Florida.

Arthur Teele is a member of the Miami City Commission, whose district includes Little Haiti.

Ana Navarro is a leading Nicaraguan-American activist and immigration advocate in South Florida.

TOMORROW the U.S. Senate Judiciary Committee is scheduled to mark-up S 1504, the Haitian Refugee Immigration Fairness Act. Immigration relief for Haitians residing in the United States is good policy. It is also the right and fair thing to do.

A bill co-sponsored by Florida Sens. Bob Graham, D, and Connie Mack, R, would provide relief to Haitians who applied for political asylum or were paroled into the United States before Dec. 31, 1995. The civil-rights community can thank Sen. Spencer Abraham, R-Mich., chairman of the Senate Subcommittee on Immigration, for his enlightened leadership. His efforts have given relief for Haitians a realistic possibility in Congress.



AL
CARDENAS

The Senate's proposal faces an uphill battle in the House. We intend to win the fight and pledge to make the case in Washington, D.C. We strongly believe that Haitian refugees living here deserve similar treatment to that afforded to Central American and Caribbean immigrants legally residing in South Florida.

This legislation benefits our country, and South Florida in particular, because:

■ The Haitian-American community in South Florida has existed for two decades. Most Haitians covered by the proposed legislation already have undergone a difficult screening process by U.S. authorities. To legitimize their reality will permit them to improve their lives by accessing better jobs and higher-education opportunities and thereby contribute to the improved fabric of our community and its tax base.

■ To distinguish the plight of Haitians from those seeking asylum from other countries is nonsense. Haitian refugees are no different from the Central Americans who fled communism. An opposition's ideology hardly makes a difference to the oppressed. Haitians were



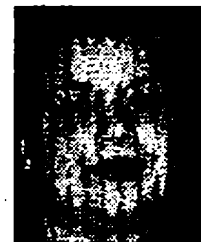
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brutalized by their government and, in fact, now face a danger at least equal to that faced by those who received relief last year.

After the ouster of President Jean-Bertrand Aristide in a military coup in 1991, Haitians fled military and paramilitary butchers who made their lives in Haiti a living hell. Several thousand Haitians risked their lives in search of freedom. Many were intercepted in the Florida Straits and interviewed by Immigration and Naturalization Service officials. About 12,000 were found to have a credible fear of persecution and were paroled into the United States. Others sought asylum in the United States directly. This group and others deserve to remain here.

■ Amnesty International recently testified before the Senate Subcommittee on Immigration: "Our conclusion is that anyone returning to Haiti cannot be assured that they will be protected by the existing Haitian justice system from former officials who occasioned their flight."

Should 10-year-old Louiciiana



ANA
NAVARRO

Miclisse, now living in Miami, who discovered recently that both her parents were murdered in Haiti for their pro-democracy sympathies, be forced to return to Haiti, where she has no family, friends, or future? Should Nestalia Robergeau, who was gang-raped at gunpoint by paramilitary thugs in Haiti, be deported to a country where her aggressors freely roam the streets?

These Haitians have been allowed to establish their lives in the United States while their immigration applications are pending. They have opened businesses and raised families in South Florida. They contribute to the economy and enrich the ethnic diversity of our state. They are important members of our community.

■ Haiti is the poorest country in the Western Hemisphere. The remittances that Haitians living in the United States send are an important component of the Haitian economy. Stopping these remittances would wreak havoc on the already-ravaged Haitian economy.

■ The United States's recent efforts in Haiti and its interdiction policies relieve us of any concerns regarding possible future arrivals.

Resolving the Haitian crisis also will bring our communities closer together by building wonderful new bridges of compassion and understanding.

Won't you join us in this effort?

Miami Herald, April 29, 1998

Congress should treat Haitians equally

The April 22 Viewpoints Page column, *Grant Haitian refugees well deserved relief*, by Florida Republican Party Vice Chairman Al Cardenas, Miami City Commissioner Arthur Teele, and Nicaraguan-American activist Ana Navarro is a superb example of bipartisan support for treating Haitians fairly.

Last year Congress passed legislation making many Nicaraguans and Cubans eligible for permanent legal residence. Haitians were excluded.

The Haitian Refugee Immigration Fairness Act, approved by the Senate Judiciary Committee April 23, tries to "do the right thing by rectifying an omission in last year's bill," as Jack Kemp has written. Credit is due Sens.

Bob Graham and Connie Mack for co-sponsoring it and the Nicaraguan community and others for supporting it.

The arguments are compelling. Unequal treatment is wrong; the Haitians are equally deserving; distinguishing their plight from that of Central Americans is senseless. Haitians in the United States send remittances to their families about five times greater than the total U.S. aid sent to Haiti. And U.S. policy, including interdiction, has eliminated any concern about future arrivals.

STEVEN FORESTER

Equal Treatment Coalition

REGINE MONESTIME

Haitian Lawyers Association

JEAN ROBERT LAFORTUNE

*Haitian Immigration Task Force
Miami*

No 'Preference' for Haitians

In response to my April 20 letter regarding U.S. treatment of Haitian refugees, Rep. Lamar Smith's letter of May 19 offers four pieces of disinformation to support the assertion in his April 9 letter that "Haitians have been treated better by the United States than refugees from almost any other nation."

■ Rep. Smith incorrectly says, "In 1986, Congress provided Haitians... with amnesty." The 1986 amnesty was not nationality specific. Some Haitians benefited because they met the generic eligibility criteria. There was no preferential treatment.

■ Rep. Smith talks about the restoration of former Haitian President

Jean-Bertrand Aristide. His original assertion had nothing to do with foreign policy, but with discriminatory immigration policy, much of which predates Mr. Aristide's return. Irrelevant.

■ Rep. Smith proudly acknowledges that the Cuban Adjustment Act gives preferential treatment to Cubans. This flatly contradicts his original assertion about Haitians.

■ Rep. Smith says that despite numerous lawsuits on behalf of Haitians (most of which charged discriminatory treatment), the government did not admit unfair treatment or enter into a settlement agreement, as it did with Salvador-

ans and Guatemalans.

Split hairs if you like, but President Clinton, in December, gave the same temporary relief from deportation as had earlier been accorded to these Central Americans because of disparate treatment. He did so, he said, so that Congress would be able to pass legislation to allow certain Haitians to apply for suspension of deportation on the same terms as these other nationalities.

The president did not call for preferential treatment for Haitians. He asked rather that Congress not treat them worse than other nationalities. That Rep. Smith would prefer to treat them worse than others is his right. For him to say that they have been treated better, however, is patently untrue.

BILL FRELICK
Laurel

The writer is senior policy analyst for the U.S. Committee for Refugees.

July 2, 1998
THE READERS' FORUM

Haitians deserve equal treatment, too

Since April 3, Rep. Lamar Smith, R-Texas, has launched an aggressive campaign against the pending legislation in Congress that would give permanent relief to Haitian refugees who arrived in the United States prior to Dec. 31, 1995.

The reason Haitians deserve fair treatment is that — like the Soviet Jews, the Chinese, the Kuwaitis, the Cubans, and the Nicaraguans — their homelands were turned into killing fields for those searching for freedom. Sen. Spencer Abraham, R-Mich., in his 1997 testimony, admitted that

Haitians were treated unfairly compared with other ethnic groups and said that this inequity should be corrected. In April 1998 Rep. Smith told The Washington Post that for the past 11 years some 200,000 Haitians had been admitted legally via U.S. visas and that Guantanamo Haitians received work permits.

If he's correct, the U.S. Embassy in Port-au-Prince would have had to process 400 visas weekly for 11 years. From 1991 to 1994, the coup years, the embassy was off limits to Haitians except those from FRAPH, the political party whose chief allegedly was on the CIA payroll. According to sources close to the embassy, it lacked the staff to process that many visas.

Furthermore, out of the 15,000 Haitians admitted by the Bush admin-

istration to pursue political-asylum claims, some 11,000 couldn't have their U.S. work permits renewed until President Clinton issued the Deferred Enforced Departure decree. This enabled some 40,000 Haitians, including those from Guantanamo, to become eligible for work permits.

We urge leaders in Congress to treat the Haitian legislation as a bipartisan issue because it's the right thing to do. We are encouraged that the Clinton administration, Sen. Bob Graham, Sen. Connie Mack, and the Senate Judiciary Committee have recently demonstrated their commitment toward passing this legislation.

JEAN-ROBERT LAFORTUNE
Chair, Grassroots Committee
Haitian Immigration Task Force
Miami

COMMENTARY

Without legislative action, 40,000 Haitians in jeopardy of deportation

By Merril Smith

They made the headlines in the early 1990s. Fleeing political violence following the military overthrow of their first elected government, Haitians opposed to the army took to the seas in search of refuge.

The death toll of political killing mounted to 3,000. Some were hacked to death and deliberately mutilated to sow terror. Women were raped for political revenge. New forms of torture entered the human rights lexicon: the "djak" position — wrists bound around ankles with a baton slid above the elbows and below the knees for ease of beating; the "kalot marasa" — an ear-drum puncturing twin slap on both sides of the head at once. Anyone who had exposed a corrupt official, anyone who had organized a community self-help group or mobilized the poor to protect their property or get around the state-sponsored oligarchy, anyone who challenged the military was at risk. The kleptocratic Haitian state and the elite that it serves were again asserting their traditional right to pillage the country without opposition.

And so, unarmed in the face of naked force, they fled. Most were turned back into the teeth of a dictatorial regime our own government refused to recognize. Many died at sea. Some 40,000 made it to the United States under one form of temporary legal status or another.

Since then they have started businesses in our country, bought homes, raised children and served in the military. Haitians in America also send back to their families some five times what the U.S. government grants in aid making a significant contribution to Haiti's balance of payments (devoted substantially, by the way, to the purchase of U.S. goods).

But because their immigration status was never resolved by the INS, they remain in jeopardy. Unless the law is changed, they will be threatened with deportation by the end of this year — forced to close their shops and restaurants, leave their jobs and yank their children, many of them U.S. citizens, out of school and take them to a land they've never known or break up their own families and leave them behind.

Though the Haitian military is no longer in power, neither is the rule of law. As Amnesty International has noted, the virtual non-existence of a functioning judicial system in Haiti has left the most vicious human rights violators walking the streets, armed and unpunished, free to retaliate against their victims who, for a while anyway, managed to get away.

Some 150,000 Nicaraguans faced the same dilemma last year but, fortunately, Congress acted. In the Nicaraguan Adjustment and Central

American Relief Act, Nicaraguans and others already present in the United States, having fled political strife and instability, were granted relief from the harsh new immigration laws of 1996. Haitians, however, were left out.

¶ Congress may act now for the Haitians. Then again it may not. Sens. Bob Graham, D-Fla., and Connie Mack, R-Fla., have put together a compromise bill, the Haitian Refugee Immigration Fairness Act of 1998, which would grant a limited class of Haitians (i.e., only those here legally as of Dec. 31, 1996, plus a small number of orphans and abandoned children) the same relief granted Nicaraguans under last year's bill. It was approved by the Senate Judiciary Committee with flying bipartisan colors and picked up strong support from all the states where the Haitians have settled.

Similar legislation in the House, however, has been stillborn. Standing in the doorway at the House Immigration Subcommittee is the author of the restrictive 1996 law, Rep. Lamar Smith, R-Texas, and he has resolved that no Haitian shall pass — nor shall any debate or vote on the subject be held on the House floor. Smith has also set onerous conditions blocking the temporary hiring of foreign high-tech workers in our skill-starved information technology sector. I

suppose you could say he's consistent — consistently xenophobic no matter what the price, economic or moral.

So Haitian immigration relief has been compelled to take a legislative detour. It recently attached as an amendment to the version of Treasury-Postal appropriations legislation. The House version, however, has no such amendment. Whether Congress in the end will, as Jack Kemp put it, "do the right thing" by the Haitians depends on the House/Senate Conference Committee, which will meet in September to resolve the differences between the two versions.

A major player in this conference will be Ben Nighthorse Campbell, R-Colo. He is the highly influential Chair of the Senate subcommittee on Treasury-Postal appropriations. If he can on the Haitian legislation in conference and prevail, 40,000 refugees will be saved from deportation to an uncertain fate. But he needs to hear from you. If not, these persons who have both contributed and suffered so much and have sought our protection in good faith may be denied. It will be our loss as well.

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One Immigrant Breathes Free; Another Has No Hope

By TERESA MEARS

MIAMI, Nov. 13 — For the first time in 12 years, 18-year-old Rafael Baez can celebrate an American Thanksgiving without anxiety. Finally, his adopted country has released him and his family from immigration limbo.

"Finally, it's going to be over," Mr. Baez, an immigrant from Nicaragua, said. "It's about time."

But for Alexandra Charles, the future looks bleak. Ms. Charles, an 18-year-old Haitian, has lived in Miami for eight years. Her hopes of ever getting the legal residency she needs to finish her college degree in accounting are slim.

"That's it," she said today. "My life is over as we know it."

Last Thanksgiving, both were in the same predicament. Just as they were on the verge of getting legal residency, Congress changed the rules. Under the new rules, the two could not qualify to live legally in the country in which they had grown up.

Now, Congress has changed the rules again. Rafael Baez and his family can stay. Alexandra Charles cannot.

Seeking to undo problems caused by last year's sweeping immigration overhaul, Congress early today approved a sweeping amnesty measure for about 150,000 Nicaraguans and about 5,000 Cubans who entered the United States before Dec. 1, 1995. About 200,000 Salvadorans, 50,000

For a Haitian, 'my life is over as we know it.'

Guatemalans and an unknown number of Eastern Europeans or former Soviet Union residents who entered before 1990 or 1991, depending upon the category, will be allowed to seek residency under the old law.

President Clinton could sign the new law, which is part of the District of Columbia appropriations bill, as early as Friday.

That would leave 10,000 to 30,000 people trapped in an immigration limbo created when the 1996 law was applied to pending cases. The new law makes it much more difficult for people who entered the United States illegally or whose legal permission to stay expired to become legal permanent residents of the United States.

Rafael Baez came to the United States from Nicaragua with his parents, two sisters and two brothers in 1986, when he was 7. The family applied for political asylum, but its appeal was denied. By the time the case was finished six years later, the five Baez children had built new lives.

Orfa Baez, 28, is an executive secretary and needs 10 courses to re-

ceive a degree in public relations. Neftali Baez, 25, is an engineer. Jake Baez, 23, oversees transportation for passengers from the Miami airport to cruise ships.

Once he gains permanent residency and qualifies for in-state tuition, Rafael Baez will enroll in college to study advertising. Thirteen-year-old Gabriela is in middle school.

Alexandra Charles left Haiti in 1989 on a five-year tourist visa, after the military killed her parents. She was reared by an aunt in Miami, but her application for political asylum was denied. She is studying accounting at Miami-Dade Community College and works for a limousine company. She shares a house with two other young women. She has no family in Haiti; her brother was born in the United States, and her sister married an American citizen, so both her siblings are able to stay in the United States.

Both the Baezes and Ms. Charles had applied for a process called suspension of deportation. Under the old law, anyone who had been in the United States for seven years could apply for residency that way. To get residency, the immigrant had to prove he was of good moral character and that returning to his home country would result in "extreme hardship."

Under the new law, the immigrant must have been here 10 years. In addition to proving good moral char-

acter, he must prove that deportation would result in "extreme and unusual hardship," not to himself, but to a close United States citizen or legal permanent resident relative. If the immigrant had ever been placed in deportation proceedings, the clock stopped.

Both the Baez family and Ms. Charles were granted suspension of deportation last year, but the relief was withdrawn, pending an interpretation of the Sept. 30, 1996, immigration law, because both had received the clock-stopping documents before the seven years were up.

In February 1997, the Board of Immigration Appeals, an arm of the Justice Department, ruled that the new law would apply to pending cases. The Baezes and Ms. Charles were sent back to immigration limbo. The Baezes got the news just before Thanksgiving last year.

This summer, Attorney General Janet Reno vacated that ruling, in hope that Congress would change the law. But in providing relief to some groups, Congress voted to make the retroactive application of the law permanent, leaving people like Ms. Charles out in the cold.

"I actually started to believe that racism was dying out in this country, but actually it has just begun," a stunned Ms. Charles said. "Here I am trying to go to school and trying to make my life better, and I can't get anywhere."

Orlando Sentinel (ORSE)

LOCAL & STATE

HAITIANS SEEK SAME DEAL AS NICARAGUANS, CUBANS

Associated Press

2381 Characters

11/18/97

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U.S. officials are trying to avoid deporting Haitian immigrants until Congress decides next year whether to give Haitians the same benefits refugees from other countries receive under new federal legislation.

"We are reviewing administrative actions that we can take so that any Haitian who might be eligible for some relief established by Congress next year won't be removed during the interim," said Immigration and Naturalization Service spokesman Andrew Lluberes on Monday.

Many Haitians are angry Congress did not include them in legislation passed Thursday that allows Nicaraguan and Cuban refugees to become automatically eligible for green cards. Under the same measure, Salvadorans, Guatemalans and Eastern Europeans are exempt from having to leave while they seek to suspend deportation.

"This has really touched a nerve," said Cheryl Little, an attorney with the Florida Immigrant Advocacy Center in Miami. "It's a painful reminder to the Haitian community that their lives don't count."

The legislation has pitted one group against another, Little said.

Pressure had been put on Washington not only by the Haitians, but by the Guatemalans and Salvadorans as well, who all want the same deal as the Nicaraguans and Cubans. In the past month, there have been protests outside of the Immigration and Naturalization Service building in Miami by thousands of Haitians and Guatemalans. Miami Auxiliary Bishop Thomas Wenski, director of the Haitian Catholic Center in Miami, said the Haitians "are the victims of changing the rules."

"The most fair way of dealing with Haitians and other immigrants that have been here under immigration regulations is to wipe the slate clean, not by deporting them, but by offering all of them the right to permanent status," Wenski said.

U.S. Rep. Carrie Meek, D-Miami, has introduced a bill that would grant all Haitian immigrants the same deal that the Nicaraguans and Cubans received. The bill will be considered by Congress when it reconvenes.

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HAITIANS WOULD STAY IN U.S. UNDER NEW AMNESTY PROPOSAL

By YVES COLON Herald Staff Writer

Nestilia Robergeau could not hold back the tears Wednesday as she told her story to members of Congress in Miami.

She does not want to return to Haiti, she told them. She does not want to go back to the place where thugs assaulted her, raped her and killed her brother.

Robergeau was speaking on behalf of thousands of Haitians like her, who have been facing the threat of deportation since Congress passed the immigration law of 1996. They were left out of recent legislation that settled the status of Nicaraguans and Cubans who came to this country before December 1995.

Now, Florida's Sen. Bob Graham and Rep. Carrie Meek are leading an effort to get the same treatment for Haitians. At the same time, the Clinton administration is considering an early Christmas gift to that community by suspending for a year deportation rules covering up to 20,000 Haitians.

Cheryl Little of the Florida Immigrant Advocacy Center, who prefers the legislative remedy, was wary of Clinton's benevolence. His action, she said, would effectively leave many others in immigration limbo wondering if they're going to get relief or get booted out.

"It would send a strong signal to Congress that they don't have to be concerned with anyone else," Little said. "It's a case of knock them out now, knock them out forever."

Little, along with other advocates for Haitians, is pinning her hopes on Meek's bill, which uses the same standard set by Congress last month when it decided to give green cards -- the proof of permanent residency -- to all Cubans and Nicaraguans in this country by the end of December 1995.

Graham's bill, the Haitian Refugee Immigration Fairness Act, would be more limiting. It would only grant residency to Haitians who either filed for asylum or were paroled into this country before the end of 1995.

Nonetheless, Graham views legislative redress as the "humane solution that has the potential to have impact on the lives of thousands of people."

He lent his powerful voice to the story of Alexandra Charles, who watched as Haitian military thugs murdered her mother. An orphan, she came to the United States on a tourist visa when she was 10.

Now 19, she holds down two jobs and attends Miami-Dade Community College. Like many others, she was granted a suspension of deportation last year. That relief was withdrawn. The immigration law of 1996, which makes it harder to get suspensions, retroactively applied to her.

That act has had "perverse impact on all fronts," said Sen. Spencer Abraham, the Michigan Republican who heads the Senate Judiciary Committee's subcommittee on immigration.

Said Graham: "Today, Alexandra Charles' future in the United States looks grim."

Graham was joined by several others who spoke on behalf of the legislation, including Miami Auxiliary Bishop Thomas Wenski; Grover Joseph Rees, former general counsel of the INS; Miraan Sa of Amnesty International; and Reps. John Conyers, D-Mich., and Ileana Ros-Lehtinen and Lincoln Diaz-Balart, both Miami Republicans. Diaz-Balart, who introduced legislation giving relief to Cubans and Nicaraguans, and Ros-Lehtinen are co-sponsoring Meek's bill.

"Brutal practices were once a standard part of the life of everyday Haitians," Ros-Lehtinen said. "Such violations of human rights are continuing."

Said Diaz-Balart: "Common sense as well as justice dictates that these Haitians should not be penalized."

Conyers said the INS promises to review all court cases related to Haitians.

Miami-Dade Mayor Alex Penelas told the panel he strongly supports the bipartisan legislation that will secure equitable treatment for one of the county's largest immigrant groups.

"Haitians are very much part of our community," he said.

The immigration law revision Clinton signed last month granted amnesty to Nicaraguans and Cubans here since the end of 1995, allowing them to apply for permanent residency. Salvadorans and Guatemalans who applied for asylum on or before April 1, 1990, would be considered for a suspension of deportation under less-stringent rules that precede the immigration law of 1996. The same exceptions were made for victims of Europe's Cold War who entered the United States before the end of 1990 or applied for asylum before the end of 1991.

The authority Clinton is expecting to exercise on behalf of Haitians in the next 10 days has been used in a few cases: Salvadorans in 1992, Chinese students after the Tiananmen Square massacre of 1989 and Kuwaitis after the Persian Gulf War.

Clinton's action would affect Haitians covered under Graham's bill. They fled from the military regime that was ousted when an American-led peacekeeping force entered Haiti in September 1994.

Administration sources say Clinton could let Attorney General Janet Reno undertake the executive action called "prosecutorial discretion." Reno, as ultimate head of the INS could send a directive to deport other immigrants before Haitians on the argument that corrective legislation is expected.

He also could use something called "Deferred Enforced Departure," basically putting some of the Haitian deportations on hold, saying they conflict with U.S. foreign policy goals.

"The [Clinton] administration has made a commitment to finding an administrative temporary solution pending a legislative fix -- and we want to be fair," said Justice Department spokeswoman Carole Florman. "We think that certain Haitians deserve equal treatment to the other groups who gained some relief in the last immigration bill, and we are all working toward that goal. But, at this point, nothing has been decided."

Herald staff writer Carol Rosenberg contributed to this report.

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

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The Associated Press Political Service (APOL)

About 2,000 people rally on Haitians' immigration status

Associated Press

1677 Characters

02/09/98

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MIAMI (AP) _ About 2,000 people rallied Monday in front of the Immigration and Naturalization building to urge better treatment of Haitian refugees.

With shouts of "Amnesty Yes, Deportation No!" members of Haitian community groups protested and pleaded for congressional leaders to pass the Haitian Refugee Immigration Fairness Act.

The bill, HR30-33, would allow residency, work permits and citizenship for Haitians who arrived in the United States before Jan. 1, 1996, said Jacques Despinosse, president of the Haitian American Democratic Club.

Although there is more than one bill for Haitian refugees being proposed in Congress, HR30-33 is the best one said Despinosse.

He also said it is time for the U.S. government to give Haitians what most Cuban and Nicaraguan refugees already have.

"We want the same treatment for Haitians as Nicaraguans and Cubans," Despinosse said. "INS needs to stop dragging their feet and give work permits and review cases."

Lobbying the bill in Congress may be difficult because of the limited amount of money available to Haitian groups, he said.

"It's going to be an uphill battle," he said. "We know that. All we're asking for is fairness."

Despite a directive from President Clinton preventing the deportation of 40,000 Haitians, immigration judges were still going ahead with deportation hearings last month.

Haitians' immigration status may be political Pandora's box for officials

By Sean Scully
THE WASHINGTON TIMES

Congress soon will return to a politically touchy question left unanswered in the 1996 immigration law — whether to allow tens of thousands of Haitian refugees to stay in the United States.

The Haitians, along with Hondurans, were left out of last year's sweeping amnesty granted to Nicaraguan and Cuban refugees, exempting them from the tough deportation rules created in 1996. Also last year, Congress granted a partial reprieve to El Salvadorans and Guatemalans, but left all other groups subject to the new rules.

"This is a fair country, we shouldn't have a double standard," said Rep. Carrie P. Meek, Florida Democrat and leader of the effort to bring Haitians and others under the amnesty.

But there is a formidable force standing in the Haitians' path: Rep. Lamar Smith, Texas Republican and chairman of the immigration and claims subcommittee of the House Judiciary Committee.

Mr. Smith grudgingly accepted the amnesty for Nicaraguans and Cubans but is in no mood to accept further exemptions.

"The Haitians have been treated very generously by the immigration law," a committee spokesman said. Historically, as a percentage of the nation's population, more people from Haiti have been admitted to the United States as refugees than from any other country, he said.

Although not a high-profile issue with the public, the debate over the Haitians threatens to expose some raw spots in Congress.

While they are reluctant to say so too forcefully — for fear of jeopardizing their chance of expanding the amnesty — black legislators complain that the Haitians are being mistreated because they are black.

"I would like not to think that anything is racial in this colorblind society we are being asked to live



Rep. Lamar Smith

in," said Rep. Melvin Watt, North Carolina Democrat, the ranking Democrat on the immigration and claims subcommittee, "but I haven't been able to find any rational basis for the distinctions that are being made."

About 95 percent of Haiti's 6.6 million residents are black. Cuba and most Central American nations have relatively few blacks, generally around 10 percent, although about half of Cuba's population is racially mixed.

Mr. Smith and supporters of the amnesty for Nicaraguans and Cubans say those refugees are a special case: They were fleeing Communist regimes and sometimes were even active in fighting the Communists.

"It was a consideration of the circumstances, not anything racial or anything political," one Republican staff member said.

But if it isn't racial, it may be political.

Since the 1960s, 90 percent of black voters have supported Democrats. Republicans, meanwhile, fear they are losing support in the large Hispanic community be-

cause of their stands on immigration.

Therefore, some congressional staff say, the Republican-controlled Congress would see little advantage in admitting the black Haitians, who could eventually apply to become voting citizens. And by helping the Central Americans, the GOP could shore up support among Hispanics.

Such demographic calculations on the part of Republicans may be "just an unintended consequence" of pragmatic politics, one Democratic aide said.

Last year's amnesty allows Nicaraguans and Cubans who lived in the United States before December 1995 to remain as legal residents. It allows Salvadorans, Guatemalans and citizens of Eastern European nations who were in the United States by late 1991 to be treated under the older, more lenient refugee rules.

It's not clear how many Haitians would be covered by an amnesty. The INS estimates there are as many as 40,000 Haitian refugees in the United States, although it admits the estimate is loose at best. Mr. Smith's office says there could be 200,000.

An estimated 300,000 Cubans and Nicaraguans were covered by last year's amnesty.

The fate of the Haitian amnesty is uncertain. There seems to be bipartisan support for it in the Senate, where Sen. Spencer Abraham, Michigan Republican and chairman of the immigration subcommittee, favors Democrat-sponsored bills that extend the amnesty beyond just Nicaraguans and Cubans.

"My feeling was that all these groups should have been treated the same way," he said, although he firmly rejected the notion that the difference was based on race.

In the House, the fate is less clear. The key will be Speaker Newt Gingrich, Georgia Republican, and Majority Leader Dick Armey, Texas Republican, who have yet to speak out on the matter.

GOP leaders urge protecting Haitians

WASHINGTON — A group of South Florida Republican leaders Thursday urged Congress to give Haitian refugees the same protection the federal government already has granted Cubans and Nicaraguans.

But U.S. Rep. Carrie Meek, D-Miami, said it may be harder to get a bill passed this year than in 1997, when she tried unsuccessfully to include Haitians in a relief measure covering other refugees.

Under last year's Nicaraguan Adjustment and Central American Relief Act, refugees from Cuba, Nicaragua, El Salvador, Guatemala and some Eastern European countries who have been in the United States since Dec. 1, 1995, may apply for permanent residency.

The same protections should be offered to Haitians, who have suffered from the same government repression, said Rep. Ileana Ros-Lehtinen, R-Miami.

"Historically, Haiti has endured authoritarian regimes and political turmoil, characterized by widespread violence," she said. "The inhabitants of this island were inhumanely abused, tormented, persecuted and even murdered."

But Meek said the best opportunity to help Haitian refugees may have been last fall, when the House rebuffed her bid to include them in the bill protecting Cubans and Central Americans.

Frank Sharry, executive director of the National Immigration Forum, said the legislation's backers will try to build momentum by pushing it through the Senate first, where it's supported by both Sens. Bob Graham, D-Fla., and Connie Mack, R-Fla.

Haitian Refugees Rally for Equality

At Capitol, Protesters Say Laws Favor Cubans, Nicaraguans

By PAMELA CONSTABLE
Washington Post Staff Writer

Nearly 2,000 Haitian immigrants and refugees from Miami, New York and Boston rallied yesterday on the U.S. Capitol steps demanding "equal treatment" with Cuban and Nicaraguan refugees, who were granted permanent residency in the United States under a law passed in November.

"The message is simple... we can't have green cards for Cubans, Nicaraguans and other Central Americans without amnesty for Haitians," Rep. Carrie P. Meek (D-Fla.) told the crowd. Meek has introduced legislation to grant residency to all Haitians who entered the United States before Jan. 1, 1996.

The protesters, who boisterously chanted in Haitian Creole, included refugees who fled Haiti in flimsy boats after a 1991 military coup and were detained by the U.S. Coast Guard at Guantanamo Naval Base in Cuba. Many have been living in the United States under a temporary amnesty, but have little chance of obtaining permanent residency.

"It seems that Congress has been treating Haitians differently than others. I do not understand why," said Abel Pierre, 47, a restaurant worker in Fort Lauderdale, Fla., who said he fled Haiti in 1992 after the army burned down his sister's house and threatened other relatives who had worked for democratic elections.

Haitians are not the only refugee group that has complained of unequal treatment.

The Nicaraguan Adjustment and Central American Relief Act, which became law in November, granted permanent residency to Nicaraguan and Cuban refugees who arrived by December 1, 1995, even if they entered the United States illegally. But the legislation gave only partial relief to 250,000 illegal immigrants from El Salvador or Guatemala



The protesters included refugees who fled after a 1991 military coup and Rep. Carrie P. Meek, who offered a to residency to Haitians.

by allowing them to appeal deportation orders under more lenient rules than current law allows. Those groups are still pressing for permanent legal amnesty.

In December, President Clinton used his executive authority to spare as many as 20,000 Haitian refugees from deportation for one year.

But Haitian advocacy groups said that the gesture did not go far enough and that lack of congressional support for full amnes-

ty was a sign of racial discrimination against Haitians.

"The United States is a democracy where there is supposed to be equal treatment for all, not just for one group," said Haitian native Michel Nestor, a retired hospital worker and legal resident from New York. "Haitians are hard workers and taxpayers, and they deserve something in return."

Meek's bill has little support

and powerful adversaries, including Rep. Lamar S. Smith (R-Tex.), who heads a House immigration subcommittee. But a less far-reaching bill to help a smaller number of Haitians, sponsored by Sen. Bob Graham (D-Fla.), has more backers and is scheduled for discussion in a Senate immigration subcommittee next week.

In addition, some refugees from Honduras are seeking relief from deportation, through legislative proposals and lawsuits.

The Hondurans complain that although they, too, suffered during Central American wars in the 1980s, they have been "left out" of recent efforts by Congress and Clinton to help refugees.

Yesterday, some refugee advocates noted that groups with anti-communist credentials, such as those who fled the leftist Sandinista revolution in Nicaragua, have been able to win more political support here than those who suffered under right-wing military regimes, including Haitians and Salvadorans.

"It is a question of fairness and parity," said Jocelyn McCalla, director of the National Coalition for Haitian Rights in New York, who spoke at the rally.



PHOTOS BY RAY LUSTIG—THE WASHINGTON POST

A Haitian refugee joins almost 2,000 others from New York, Miami and Boston at the Capitol to urge Congress to amend the immigration laws.

Haitians March on Washington; Demand Equal Treatment Under Immigration Law

IMMIGRANTS - KRTBN Knight-Ridder Tribune Business News:... (KRSTORY 51

Haitians March on Washington; Demand Equal Treatment Under Immigration Law

William E. Gibson

4591 Characters

03/24/98

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WASHINGTON--Mar. 24--Thousands of Haitians streamed to the steps of the Capitol on Monday to show their political muscle and shout for equal treatment under immigration law.

Hundreds endured a 22-hour bus trip from South Florida. Others flew, drove or rode buses from Boston, New York, Philadelphia and other cities.

Alarmed by turmoil in their homeland and angered by what they consider discrimination in this country, the demonstrators demanded that Congress create a general amnesty for those who fled Haiti before December 1995. An estimated 100,000 Haitians are potentially subject to deportation unless Congress acts.

The immigration controversy has become a rallying point in the Haitian-American community, inspiring outbursts of pride and anger among established citizens, not just those who live in legal limbo.

"If the Haitian people do not receive equal treatment, which we believe we deserve, we who are citizens of the United States will vote out some of the congressmen," said Jean Renelus of Fort Lauderdale, who organized the bus caravan from South Florida.

Many Democrats are pushing legislation to shelter Haitians from deportation. Some Republicans, particularly from Florida, have lent their support.

"It's not a political strategy, it just happens to be the right thing to do," said Al Cardenas, vice chairman of the Florida Republican Party, who came to Washington last month along with other Republicans to call for "fair treatment of Haitian refugees."

The immediate question is what to do about the legal status of those who fled poverty and oppression in Haiti in the months before a U.S. military intervention restored democratic rule.

Haitians watched in frustration last year when Congress bypassed their pleas and enacted a law that granted legal residence to Nicaraguan immigrants who had fled the leftist Sandinista regime. That law also allowed thousands of Guatemalans and Salvadorans to remain in this country while they pursued legal status.

Haitians claim they should be given the same treatment.

The Senate Judiciary Committee will consider a bill next month that would allow about 40,000 Haitians -- including many taken to the U.S. military base at Guantanamo Bay, Cuba -- to remain in the United States legally while seeking asylum. The bill is sponsored by Florida Sens. Bob Graham, a Democrat, and Connie Mack, a Republican.

More sweeping legislation has been proposed by Rep. Carrie Meek, D-Miami, that would give legal status to as many as 100,000 Haitians, including hundreds of children who arrived without parents.

"I don't have any high hopes that the House will pass a bill that will help Haitians," Meek said on Monday. "But the Senate bill has a chance to get on the floor and be passed. And then we can try to amend it to help the children and others who are falling through the cracks."

Standing in formable opposition is Rep. Lamar Smith, R-Texas, chairman of the House Immigration Subcommittee. Smith contends that Haitians have been treated fairly -- that they are not in the same category as the Central Americans and should return home now that democracy is restored.

"Haitians have been treated better than almost any other group seeking admission," Smith's spokesman, Allen Kay, said on Monday. "The Guantanamo Haitians, the ones picked up at sea, were given almost unprecedented opportunity to come to the U.S., to have their asylum applications processed and granted opportunities to work."

Demonstrators disputed that assessment, claiming that Haitians have been denied work permits and other rights because of their uncertain legal status. Sending people back to turbulent Haiti is not an acceptable option, they said.

"People are being killed on the street (in Haiti) every day," said Reynold Geslin, case manager of the Haitian Center in West Palm Beach. "When it comes to security, please, let's not fool ourselves. We know better than that. There's no security."

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HAITIAN REFUGEES FIGHT DEPORTATION

IMMIGRANTS - New York Daily News (NYDN)

STORY 100

SUBURBAN

HAITIAN REFUGEES FIGHT DEPORTATION

JARED MCCALLISTER

5696 Characters

03/29/98

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HAITIANS AND their supporters seeking amnesty for about 10,000 Haitian refugees facing possible deportation plan to undertake letter-writing campaigns, hold face-to-face meetings with politicians and make other efforts to follow up last week's march in Washington.

Last Monday's march called on Congress to grant amnesty for Haitians who face possible deportation under newly enacted U.S. immigration laws.

"We will be writing elected officials, and politicians will be lobbied," said Marie Cerat of the Brooklyn-based Haitian Women for Haitian Refugees. She was one of the many protesters who traveled to Washington by bus. Marchers, who trekked from as far away as Florida and Boston, gathered at the steps of the Capitol seeking equal treatment for Haitian refugees.

Last year, the U.S. granted legal residence to Nicaraguan immigrants and allowed thousands of Guatemalans and Salvadorans to remain in this country while they pursued legal status. Haitians are seeking similar amnesty measures.

For information on the effort, call the National Coalition for Haitian Rights at (212) 337-0005, Ext. 16. or the Haitian Centers Council at (718) 855-7275.

Grenada's New 'Home'

Grenada's Mission to the United Nations, the Grenada Consulate and the Grenada Board of Tourism have a new home: 800 Second Ave.

Phone and fax numbers will remain the same. To contact the UN mission or the consulate, call (212) 599-0301. Fax: (212) 599-1540. The Tourism Board can be reached at (212) 687-9554.

Gospel Musical

"Christ Put a Spell on Paul," a musical about the transformation, travels and teachings of Paul the Disciple, comes to Manhattan on Friday and Saturday.

"I wanted to illustrate the writings of Paul from Acts through Titus to show the total transformation of Paul from being a murderer to one chosen by God to implant the teachings of good news and God's omnipotent power," said playwright Andre Daniel.

Gephardt supports Haitians, Hondurans

By YVES COLON

Herald Staff Writer

Missouri Rep. Dick Gephardt became one of Little Haiti's favorite sons Thursday.

The most powerful Democrat in the House of Representatives, Gephardt brought renewed hope to Haitians and Central Americans when he pledged to co-sponsor two bills that would settle the status of these immigrants in this country.

The measures, introduced by Miami Rep. Carrie Meek, Gephardt's host at the Vision to Victory Hall rally, seek equal treatment for Haitians and Hondurans who were left out of legislation that awarded permanent residency to Nicaraguans and Cubans who came to this country before December 1995.

"I really want to get it done," said Gephardt, the House Minority Leader and a likely challenger to Vice President Al Gore's candidacy for president. "If all fails, we'll ask for more time, but I don't want to ask for more time. I really want to get it done this year."

Gephardt's announcement that he supports their cause drew loud cheers and a standing ovation from the crowd of about 500 people who had gathered in the hall, which is affiliated with New Birth Baptist Church.

Meek, a champion of the Haitians' cause in Washington, told them she brought Gephardt to her district to build on the momentum created last week when several thousand Haitians rallied in Washington in support of her bill.

"I came here to say one thing," Meek said. "You need help in Washington. We're going to get amnesty for Haitians, and when we get it, we're going to get it for Hondurans."

Meek's bill, which has been stuck in committee since last December, looked as if it stood little chance of making it far along in the legislative process until Gephardt vowed to put his name on it.

Sen. Bob Graham, D-Fla., has introduced a companion bill that will come to the Senate floor in coming weeks.

Cheryl Little of the Florida Immigrant Advocacy Center said she has been lobbying Graham to expand his bill, which would grant residency to about 10,000 Haitians who either filed for asylum or were paroled into this country before the end of 1995. Little said Graham's bill would leave out a large number of Haitian children who were not paroled in or never applied for asylum.

Meek's bill would cover about 40,000 refugees, including those children.

Thanks to Gephardt's sponsorship, that bill stands a better chance of making it, Little said.

"He can bring along a lot of votes," she said. "That's crucial for any hope that Carrie's bill will pass in the House."

Grant Haitians permanent residency

THE PLIGHT of the Haitian community in Florida has always been of special concern to the Roman Catholic bishops of Florida. We pray that the Florida congressional delegation will act to right the injustice done to those who fled their island home, suffering from persecution, to seek safety and protection in the United States.

We ask for compassionate and just treatment for our Haitian brothers and sisters, just as when Congress moved last year to correct — through the Nicaraguan Adjustment and Central American Relief Act — the wrongs that our system inflicted on Nicaraguans and others.

Like the Haitians among us, the Nicaraguans and Cubans covered by that bill were welcomed to our shores following policies set by the federal government. At the time of the debate on that Nicaraguan relief act, we pleaded along with our brother bishops of the United States that Haitians be rightly included. They were not, but Congress has an opportunity to correct this.

Welcome the refugees

We were heartened when, on April 23, a bipartisan majority of the Senate Judiciary Committee approved the Haitian Fairness Act, which would grant permanent-resident status to some 40,000 Haitians in the United States, including unaccompanied, abandoned, and orphaned children. Sens. Bob Graham and Connie Mack have done much to support this bill, as have other legislators, particularly those from South Florida, home to most Haitians in our midst. We are urging support from all in our congressional delegation.

This measure has wide support in the Greater Miami community: Nicaraguans, Cubans, African Americans, Republicans, and Democrats alike have raised their voices in a call for relief for Haitians. South Florida is a community striving for the Gospel tradition, which lies at the heart of American society, of welcoming the refugees and strangers among us. It will be sad for our state and tragic for these people if Congress does not act to remedy the injustice that exists in singling out Haitians.

We urge the Florida congressional delegation to bring relief to the Haitian people. We trust and pray that it will see the justice of granting the same compassionate treatment to Haitians, as wisely has been done for others.

Catholic Bishops of Florida

John Clement Favalora
Archbishop of Miami

John J. Snyder
Bishop of St. Augustine

John J. Nevins
Bishop of Venice

Norbert M. Dorsey
Bishop of Orlando

John H. Ricard
Bishop of Pensacola/Tallahassee

Robert N. Lynch
Bishop of St. Petersburg

Agustin A. Roman
Auxiliary Bishop of Miami

Thomas G. Wenski
Auxiliary Bishop of Miami

Gilberto Fernandez
Auxiliary Bishop of Miami

HAITI REFUGEES HERE PRESS ASYLUM DRIVE

IMMIGRANTS - New York Daily News (NYDN)

STORY, 48

Suburban

HAITI REFUGEES HERE PRESS ASYLUM DRIVE

JOYCE SHELBY

4605 Characters

08/12/98

(Copyright 1998 Daily News, L.P.)

THERE ARE SOME THINGS that Pierre, an electrical engineering student from Haiti, says he simply cannot comprehend.

Chief among them is why he and about 40,000 other Haitians have not been granted asylum, which would allow them to stay permanently in the United States and get on with their lives.

Pierre, who fears having his last name published, was among the thousands of Haitians who fled their country after President Jean-Bertrand Aristide was ousted in a military coup in 1991.

Many were detained at the Guantanamo Bay Naval Base in Cuba and from there, the majority were sent back to Haiti.

But the U.S. government decided that Pierre, who had actively campaigned for Aristide's election, would likely be persecuted if he were sent home, and classified him as a parolee. He was one of 40,000 Haitians given that status to enter the U.S. and allowed to work and apply for asylum.

About 12,000 of the parolees are believed to be in the New York City area.

After passing strict immigration legislation in 1996, Congress last year approved a sweeping amnesty measure for about 150,000 Nicaraguans and about 5,000 Cubans who entered the U.S. before Dec. 1, 1995.

Congress also eased residency requirements for about 200,000 Salvadorans, 50,000 Guatemalans and an unknown number of residents from the former Soviet Union who entered the U.S. before 1990 or 1991.

Haitians were not included in the legislation.

"The people from Salvador and other countries have been through the same thing we have been through and the Congress granted them amnesty," said Pierre, 32.

"I work hard to pay my rent, to pay my taxes like any good citizen," said Pierre. "I expect to get equal treatment, like anyone who tries to do his best. The kind of treatment we Haitians get is a double standard."

Pierre's application for asylum was denied in 1996.

Last December, President Clinton issued an executive order saying that Haitians paroled into the United States before 1996 or who applied for asylum before that year would not be deported for one year, giving Congress a chance to come up with additional legislation.

Now the push is on among Haitian-Americans and the organizations that help Haitian refugees to get legislation that has been introduced in both houses of Congress passed before December.

Jocelyne Mayas of the Freedom Communication and Resource Centre in Queens Village said her group was lobbying legislators in New York, New Jersey, Illinois, Florida and Pennsylvania "wherever there are Haitians."

"It's a question of pushing the different members of Congress to press for the bills to pass," said Francois Pierre-Louis, executive director of the Community Action Project, a coalition of churches and community groups based in Flatbush.

That group was part of a 40-bus caravan from New York City to Washington last March to lobby in behalf of the Haitians.

"We want to keep this issue alive," said Ninaj Raoul, a co-founder of Haitian Women for Haitian Refugees, based in Crown Heights.

"In 1994, when Aristide went back to Haiti, the Justice Department decided that Haitians didn't need asylum. But there was still a lot of violence," Raoul said.

Ronald Aubourg of the Haitian Center's Council in downtown Brooklyn said the legislation is sorely needed because Haiti remains unstable.

"The prime minister resigned 11 months ago and parliament has not confirmed another," he said. "We are without a government."

Aubourg said that the Haitians who came here after Aristide was ousted had established roots in the United States.

"It would be genocide if Congress decides not to act and sends the people back. To what?" Aubourg asked.

ATTORNEY VIRGIL WIEBE of Interfaith Community Services, based in Manhattan, said the lobbying effort under way is giving Haitian parolees a close look at the American system of politics.

"They will see a system that's different from where they came from," said Wiebe. "It was a system they were aspiring to."

"Hopefully, we can give them a taste of a system that is responsive to needs, argument and persuasion."

Caption: KEN MURRAY DAILY NEWS WORKING for cause of Haitian refugees are (from l.) Nicole Payen, Ninaj Raoul and Lexiuste Cajuste.

ENTER A STORY NUMBER, OR PRESS (RETURN) TO RETURN TO THE HEADLINES.

Subject: Column in yesterday's San Antonio Express

Rep. Lamar Smith's 'twisted campaign'
by Rick Casey, Sunday, July 12, 1998, San Antonio Express-News

Congressman Lamar Smith was surprised Friday when I called to ask him questions about a proposed law designed to help Haitian immigrants.

"I didn't think there were many Haitians in San Antonio," he said.

Maybe we San Antonians shouldn't care about Haitians, since they are nearly as rare as Martians here.

I actually remember a bold front-page headline that ran about 20 years ago in the woolier days of the defunct San Antonio News.

"Haitians Spotted on I-35," it screamed.

But there are people in the nation who do care about Haitians, and they are very upset with Rep. Smith these days.

Take these first two paragraphs from the lead editorial in the Miami Herald on Thursday:

"Propagandists well know that the more something is repeated, the more people believe that it's true -- regardless of the facts. No one knows this better than U.S. Rep. Lamar Smith, R-Texas, who has perfected this art.

"Haitians have been treated better by the United States than refugees from almost any other nation,' Mr. Smith has repeated incessantly since last year. Like a catchy tag line, this patently false assertion has heralded his twisted campaign to torpedo legislation that would grant legal status to Haitian refugees."

At issue is a bill that would give to about 40,000 Haitian refugees who have been here since before 1996 what was given to about 150,000 Nicaraguan refugees last year, as well as to other Central American refugees -- permanent residence status.

The bill has already passed a Senate subcommittee, but it has gone nowhere in the House. The reason: Smith, as chairman of the House Subcommittee on Immigration, refuses to schedule hearings.

Both the Nicaraguans and Haitians fled during civil wars. Most of the Haitians took to leaky boats in the wake of the ouster of democratically elected President Jean-Bertrand Aristide in 1991.

For years, military and para-military gangs enforced a reign of terror against those who were perceived as having supported Aristide. Thousands were killed. Beatings and rape were common tools of repression.

Haitians became so desperate that tens of thousands fled to the high seas in whatever they could find that would float. The vast majority were intercepted by the U.S. Coast Guard and returned to Haiti.

Some, like thousands of Cuban refugees, were taken to the U.S. base at Guantanamo, Cuba. Nearly all of the Cubans were allowed in the United

States. Most of the Haitians were sent back.

About 11,000, however, were found in preliminary screenings to have credible claims for political asylum. These are among the 40,000 who would benefit from the proposed legislation.

One of these was sent back due to a clerical error in 1992. Omann Desagnes hid successfully for two years. Then he was arrested outside his home and taken to a police station. His mutilated body was found two days later.

Most of the Haitians have settled in Florida, where there is wide bipartisan support for the legislation. Both U.S. senators from Florida, one a Democrat and the other a Republican, support the bill. So do a number of Republican congressmen from Florida, including the Cuban-American who sponsored last year's law providing permanent residency for Nicaraguans who were here before 1996.

Smith suggests that the support is due to local political concerns in Florida. But the support is much more widespread. The Senate subcommittee passed it on a voice vote, but only three of 10 Republicans and none of seven Democrats indicated opposition.

Nor is the Miami Herald alone among newspapers supporting the bill. Others include the Washington Post, the New York Times and the conservative Chicago Tribune, which concluded, "To forcibly repatriate these Haitians would benefit no one."

Smith said Friday there is "strong opposition in the House to singling out a special group when they've been treated so well."

Others say the bill would pass easily if Smith would only let it out of committee. But Smith says he has no intention of scheduling hearings.

If Smith is right, then his arguments should prevail through an open process. Let him schedule hearings and allow the full House and Senate to exercise their judgment.

Forty thousand Haitians who started new lives here years ago should not be uprooted from their jobs, families and friends because one man from San Antonio says so.

To leave a message for Rick Casey, call ExpressLine at 554-0500 and punch 4407, or e-mail rcasey@express-news.net.

Bill to aid Haitians clears a hurdle

By YVES COLON
Herald Staff Writer

Legislation to improve Haitian refugees' legal standing in this country cleared a major hurdle this week and faces a final test this fall when a joint committee from both chambers of Congress takes up the issue.

The Haitian Refugee Immigration Fairness Act, which would give permanent residency to about 40,000 Haitian immigrants in Florida and other parts of the country, is riding on the coattails of a \$30 billion appropriations bill to fund the Treasury Department and the U.S. Postal Service.

Legislation to aid Haitian immigrants has never gone this far in Congress, but advocates say they will delay celebrations until they succeed.

"We're in a good posture, but it ain't a done deal," said Steve Forester, an attorney who serves as coordinator of the Equal Treatment Coalition, which consists of the leaders of Haitian, African-American and Hispanic organizations. "We're still a long way from victory."

Forester is keeping his optimism in check because the bill has several more hurdles to clear before it becomes law. The Senate is still considering other attachments to the larger appropriations bill and is working out several disputes in that bill that are unrelated to the Haitians' fate.

Once the bill gets approved — likely after the Senate returns from recess in September — it will go to a conference committee, which will resolve differences between the House and Senate versions.

On the House committee, the bill will find a longtime champion of Haitians: Carrie Meek.

Meek, the Miami Democrat whose district includes Little Haiti, introduced a bill earlier this

Miami Herald, July 31, 1998

Bill that would help Haitian refugees clears major hurdle

HAITIANS, FROM 1B

illegally. Her bill never made it out of the House's immigration committee, chaired by Rep. Lamar Smith of Texas.

Smith has been vocal in opposition to granting relief to Haitian refugees but won't be on the conference committee.

The measure — supported by Florida Sens. Bob Graham, a Democrat, and Connie Mack, a Republican — will adjust the immigration status of Haitians who escaped violence and oppression in Haiti and who had been living in the United States before 1996. Most of those Haitians fled their country after a military regime seized power from democratically elected President Jean-Bertrand Aristide. Many refugees ended up at the U.S. Naval Base at Guantanamo Bay in Cuba and were ultimately allowed to immigrate to the United States.

Meek said she will try to persuade the six Republicans and two Democrats on that committee to take the Senate's position.

"I'm sure it's going to be very hard," Meek said. "Everything we've done here concerning Haitians and immigration has been a struggle. I'm just hoping the majority of the conferees will agree with me."

Graham's bill would affect about 40,000 refugees; most live in South Florida.

Anxiety about the fate of those refugees had been mounting in Miami's Haitian community since last year and peaked after Meek's

bill failed. During the past year, protesters in Miami and Washington have held several demonstrations in front of Congress.

One safety valve for Haitian immigrants has been President Clinton's directive that prevents for a year the deportation of those 40,000 Haitians paroled into this country or who have applied for asylum before December 1995. That directive runs out in December.

President Clinton has indicated that he would support legislative protection for Haitians.

The issue of fairness for Haitians boiled over after Meek and other members of the Congressional Black Caucus unsuccessfully sought to include Haitians in a measure masterminded last session by Rep. Lincoln Diaz-Balart, R-Miami. That act gave green cards to 153,000 Nicaraguans and Cubans and spared other Central Americans from deportation.

Haitian advocates argued that they ought to be entitled to protection from deportation, too.

Some advocates still find fault with Graham's bill, which they complain does not take into consideration the case of thousands of Haitian children, who were either born in the United States or grew up in this country. Sending those children to Haiti would amount to sending them to their deaths, they argue.

Nonetheless, said Marlene Bastien of *Fanm Ayisyen nan Miami*, a grass-roots organization, "Graham's bill is an important step in the right direction."

HAITIANS DEMONSTRATE AGAINST IMMIGRATION DISCRIMINATION

IMMIGRANTS - The Seattle Times (SETL)

STORY 107

NEWS

HAITIANS DEMONSTRATE AGAINST IMMIGRATION DISCRIMINATION

WILLIAM E. GIBSON

SUN-SENTINEL, SOUTH FLORIDA

1748 Characters

03/24/98

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WASHINGTON - Thousands of Haitians streamed to the steps of the U.S. Capitol today to show their political muscle and shout for equal treatment under immigration law.

Alarmed by turmoil in their homeland and angered by what they consider discrimination in this country, the demonstrators demanded that Congress create a general amnesty for those who fled Haiti before December 1995. An estimated 100,000 Haitians are potentially subject to deportation unless Congress acts.

The immigration controversy has become a rallying point in the Haitian-American community, inspiring pride and anger among established citizens, not just those who live in legal limbo.

"If the Haitian people do not receive equal treatment, which we believe we deserve, we who are citizens of the United States will vote out some of the congressmen," said Jean Renelus of Fort Lauderdale, Fla.

Haitians watched in frustration last year when Congress bypassed their pleas and enacted a law that granted legal residence to Nicaraguan immigrants who had fled the leftist Sandinista regime. That law also allowed thousands of Guatemalans and Salvadorans to remain in this country.

Haitians claim they should be given the same treatment.

The Senate Judiciary Committee will consider a bill next month that would allow about 40,000 Haitians to remain in the United States legally while seeking asylum. The bill is sponsored by Florida Sens. Bob Graham, a Democrat, and Connie Mack, a Republican.

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Editorial Boards Support Fair Treatment of Haitian Refugees

In 1997, Congress passed legislation to provide relief from deportation for some Central American, Cuban, and Eastern European immigrants whose status in the United States was called into question by overly-restrictive provisions of the 1996 immigration law. The legislation, however, failed to include any form of assistance for Haitian refugees who also fled civil wars, persecution, and political strife in their homeland. Disappointed and indignant at this clear disparity of treatment based on nationality rather than circumstances, editorial boards continue to voice their support for the fair treatment of Haitian refugees in America. On December 23, 1997 President Clinton used his executive authority to direct the Attorney General and the Immigration and Naturalization Service to defer the deportation of Haitian refugees for one year. In the meantime, "The Haitian Refugee and Immigration Fairness Act" has been introduced in both the House of Representatives and the Senate to provide permanent relief for these deserving refugees. The legislation passed the Senate Judiciary Committee by voice vote, and identical language has passed the Senate as an amendment to the Treasury/Postal appropriations bill (HR 4104).

Los Angeles Times

"Last year, Congress granted asylum to 150,000 Nicaraguans who fled the Central American wars of the 1980s, and it gave more than 5,000 anti-Castro Cubans eligibility for permanent residence. But 30,000 to 40,000 Haitians who are seeking asylum have been excluded. That is unfair. To remedy this, an impressive array of senators, Democrats and Republicans alike, co-sponsored a bill known as the Haitian Refugee Immigration Fairness Act. ... The provisions of pro-Haitian Senate Bill 1504...have been attached to the Senate's version of the Treasury-postal appropriations bill. When the bill goes to conference committee in early September, the measure with the Haitian asylum provisions should pass." ("Equality on Haitians' Asylum," August 27, 1998)

Arizona Daily Star

"There's no logical reason why Congress would have granted 150,000 Nicaraguans and 5,000 Cubans legal permanent residency last year, but excluded the Haitians. The Immigration Fairness Act would fix the error. The Senate has already amended another bill, the Treasury-Postal appropriations bill, to include this Haitians provision. ... Arizona's Rep. Jim Kolbe serves on a conference committee that will hear the proposed bill in September. As an Arizona congressman, Kolbe knows well the hardships that refugees from Latin America have endured, including those fleeing persecution. He could put in words of support for moving this measure along so the full Congress can consider it. It's time to straighten out this... ." ("Justice for Haitians," August 25, 1998)

Minneapolis-St. Paul Star Tribune

"To leave 40,000 people worried and uncertain about their future, let alone force them to uproot their families and return to Haiti, would be to pile inhumane, discriminatory treatment by Congress on top of all else these people have faced. One ill-informed Texas congressman should not be allowed to inflict that much hardship on that many people. If Smith refuses to budge on this issue, House Speaker Newt Gingrich should budge him." ("U.S. should let Haitians stay," August 3, 1998)

San Antonio Express-News

"The Republican chairman of the House immigration subcommittee [Rep. Lamar Smith] has bottlenecked legislation that would give amnesty to more than 50,000 Haitian refugees in this country, a measure that has bipartisan support. A similar bill last year granted relief to Nicaraguans, Salvadorans and Guatemalans who, like the Haitians, fled civil strife. Smith has made a good case for consistent immigration laws that don't change with the political winds. But laws should not be so inflexible that humanitarian concerns cannot be considered. Further, a precedent was set last year by giving amnesty to the Central Americans. To turn back the Haitians now would be unconscionable. The refugees face a precarious return to their homeland. ... Smith should step aside and let the entire Congress decide the fate of these refugees. If lawmakers don't approve relief, so be it. But strangling the refugees' future should not singularly be Smith's call, nor on his conscience." ("Smith alone holds fate of refugees," July 20, 1998)

The Miami Herald

"The U.S. record on Haitian immigrants speaks shamefully for itself. Haitians repeatedly have been singled out for interdiction and forcible return. ... Less than 40 working days remain before Oct. 9, the date that Congress has scheduled for adjournment. Without immigration relief by then, these Haitians, many with U.S.-born children, could be deported after President Clinton's "shield" expires on Dec. 23." ("In Search of Champions: For Haitian Immigrants Mired in Legislative Limbo, Critical Immigration Relief will Die Unless Pushed," July 9, 1998)

The Washington Post

"...there is powerful reason to offer legal permanent residence to all of these displaced people [Haitians covered by pending legislation] who were legally admitted or who applied for asylum by 1995—no one is talking open borders. The Haitians among them fled hardship and terror, conditions that persist. Some 11,000 of them were admitted through the American base in Guantanamo in a screening that sent twice as many back to Haiti for failing to prove they had a credible fear of persecution there. The Central Americans avoided the rigors of individual screening; they were treated as a class." ("For Haitians, Too," March 29, 1998)

New York Times

"President Clinton's decision to shield thousands of Haitian refugees from immediate deportation gives them the protections that Congress recently granted to refugees from Central America. Congress left the Haitians out last month when it corrected overly stringent provisions in the 1996 immigration act that made it much harder for Central Americans who had fled civil wars to fight deportation even though many had lived in this country for years. ... But Congress ignored the plight of thousands of Haitian refugees. By invoking authority to exempt some 20,000 Haitians who have sought asylum from deportation for at least a year, Mr. Clinton corrects that error. Congress should use that time to enact legislation to eliminate inequalities toward the Haitians." ("Fair Treatment for Haitians," December 23, 1997)

Chicago Tribune

"Congress urgently needs to make one more revision to correct a grossly unjust omission that denies Haitian refugees the same protections and benefits extended to other immigrants from the Caribbean and Central America. ... Everyone except the 40,000 Haitians who were pointedly, and unjustly, excluded from this amnesty. Parallel bills moving through the Senate and House, and enjoying bipartisan support, would correct this situation and deserve prompt approval. They would make permanent a one-year delay in deportations ordered by President Clinton last Christmas. ... To forcibly repatriate these Haitians would benefit no one. The refugees have settled in the U.S., and many have bought property and formed families here. Politically and economically, Haiti remains a basket case." ("Haitians Deserve Equal Opportunity," May 16, 1998)

The Miami Herald

"We celebrate with those Nicaraguans, Salvadorans and Guatemalans. ... The joy for them, however, puts in sharp contrast those immigrants who still will face harsh, unjust treatment – because of what this Congress has failed to fix, and even worsened. Most glaring in this community, the legislation wrongfully excluded Haitians. They, too, fled human-rights abuses and civil strife." ("Relief for Immigrants: Congress Grants Central Americans Deserved Relief. Now It Should Treat Haitians Similarly," November 17, 1997)

St. Petersburg Times, Florida

"Thousands of Haitians fled to this country to escape the violence of Haiti's 1991 military coup that installed Gen. Raoul Cedras in power. It is true that the threat to those refugees diminished after American-led peacekeepers arrived and former President Jean-Bertrand Aristide was returned to office. However, those refugees should not be forced to leave while their claims for permanent residency are under review. For some, deporting them means taking them from U.S.-born spouses and children, from jobs and from communities in which they have lived for years." ("A Reprieve for Haitian Immigrants," December 25, 1997)

Buffalo News, New York

"Congress was wrong last year to make Haitians second-class refugees when it refused to include them in a list of foreigners exempted from tough new deportation laws. ... The peace in Haiti remains fragile. ... Sending thousands of refugees back into such an atmosphere could be more than Haiti could stand right now. It would wreck all that has been accomplished and derail any hopes for permanent, democratic stability there. Clinton was right to act, both for the refugees and for the tiny nation. In addition, his one-year reprieve gives Congress time to rethink its discriminatory treatment of Haitian refugees and a chance to permanently remedy a legislative wrong." ("Clinton Rightly Spares Haitian Refugees," December 26, 1997)

Miami Times

"The Haitians have the support of the Congressional Black Caucus, including both Blacks in Congress from South Florida, Reps. Alcee Hastings and Carrie Meek. They no doubt also have the strong support of all Americans who embrace justice." ("Bias towards Haitians," November 6, 1997)

The Star-Ledger, Newark, New Jersey

"Enforcing tougher immigration policies is fine if it is done in an even-handed manner. Certainly the Haitians fit the standards for exemption set by lawmakers." ("Haitian Shuffle," January 3, 1998)

Haitian Refugees

IMMIGRANTS - Los Angeles Times (LATM)

STORY 22

Metro; Letters Desk

Haitian Refugees

2186 Characters

09/08/98

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* Rep. Lamar Smith (R-Texas) misleads your readers when he states that "Haitians have been treated better by the United States than refugees from almost any other nation" (letter, Sept. 1). This is historically false. Haitian refugees have experienced the harshest immigration measures devised by the United States. In 1981, the Reagan administration launched the Haitian Migrant Interdiction Operation, an unprecedented policy to prevent Haitian refugees from reaching U.S. shores by posting Coast Guard cutters on the high seas near Haitian territorial waters. Between 1981 and 1991, only six Haitians out of more than 23,000 intercepted by the Coast Guard were given the opportunity to seek asylum in the U.S. The rest were returned to Haiti.

When President Jean-Bertrand Aristide was overthrown in a military coup in September 1991, thousands more tried to seek protection abroad from the Haitian military's wrath. They were intercepted and returned. When the U.S. was forced by a judge's injunction to set up refugee camps in Guantanamo, three out of four Haitians interviewed for "credible fear" determinations were rejected and returned to Haiti. The National Coalition for Haitian Rights was deeply involved in the legal and political battles of that sad period. Gains that were made on behalf of Haitians resulted from winning some of these battles, not from a generous asylum policy.

Finally, let us note that the 200,000 Haitians admitted as legal permanent residents did so through normal channels, in accordance with the immigration laws and regulations.

Haitians are not seeking a general amnesty. They are demanding that refugees and orphaned children be treated the same as Nicaraguans. This is the essential remedy that Congress is being asked to provide. It's feasible and it's the right thing to do.

JOCELYN McCALLA

Executive Director, NCHR

New York

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"Newsday"
September 8, 1998

EDITORIAL / Don't Leave Haitian Refugees Out in the Cold

From time to time, Congress has granted permanent-resident status to groups of refugees who fled human-rights crises in their homelands only to land in bureaucratic purgatory here. Last year, for example, Nicaraguans and Cubans were given residency and Salvadorans, Guatemalans and Eastern Europeans were allowed to apply for residency under more lenient rules in effect before 1996.

Left out completely were 40,000 Haitians who sought asylum here after 1991, when their country's democratically elected government was toppled in a brutal military coup. Congress should correct this inequity by granting them permanent residence.

This is not a case of indiscriminately opening the country's borders to all comers. An amendment attached to a Senate appropriations bill is narrowly tailored to help two groups of Haitians: Those who applied for asylum before 1996 and those who were screened by immigration officials at the U.S. Naval Base at Guantanamo Bay, Cuba, and found to have a credible fear of persecution.

Similar legislation has been blocked in the House. Members of the committee that will reconcile House and Senate versions of the appropriations bill - including Rep. Michael Forbes (R-N.Y.) - should make sure that Haitian immigration relief is included.

Haitians covered by the amendment fled persecution by paramilitary death squads that, in cahoots with the military junta running the country, wantonly beat, raped, mutilated and murdered thousands. The United States and the United Nations forced the junta from power in 1994 but Haiti remains volatile. After a visit in April, Secretary of State Madeleine Albright said it is a country without a government.

None of the Haitians being considered for residency is in this country illegally. They've played by the rules. Still, they face almost certain deportation. Congress should act now so they can get on with their new lives.

Chicago Tribune

Haitians deserve equal opportunity

Rather than a definitive solution to the thicket of problems and disparities in U.S. immigration policy, the reform legislation Congress passed in 1996 has itself proved to be a work in progress. It has already been amended a half-dozen times.

Congress urgently needs to make one more revision to correct a grossly unjust omission that denies Haitian refugees the same protections and benefits extended to other immigrants from the Caribbean and Central America.

They came to the U.S. in waves during the late 1980s and early 1990s: Salvadorans and Guatemalans fleeing right-wing repression and civil wars, Nicaraguans and Cubans escaping left-wing repression and economic deprivation.

And following the overthrow of Jean-Bertrand Aristide in September 1991—and the subsequent military reign of terror and an economic blockade by the U.S.—thousands of desperate Haitians took to the high seas aboard a flotilla of rickety crafts. Most of them were intercepted by the U.S. Coast Guard, taken to refugee camps at Guantanamo Bay Naval Station in Cuba and eventually settled in the U.S.

After several years, all these groups of refugees gradually began to apply for permanent visas—until retroactive provisions in the 1996 reform act made that practically impossible.

So in 1997 Congress approved an amendment that effectively grandfathered under the old law everyone—Nicaraguans, Salvadorans, Guatemalans and Cubans—who had arrived here before Dec. 31, 1995, so they could get permanent visas.

Everyone except the 40,000 Haitians who were pointedly, and unjustly, excluded from this amnesty. Parallel bills moving through the Senate and House, and enjoying bipartisan support, would correct this situation and deserve prompt approval. They would make permanent a one-year delay in deportations ordered by President Clinton last Christmas.

To forcibly repatriate these Haitians would benefit no one. The refugees have settled in the U.S., and many have bought property and formed families here.

Politically and economically, Haiti remains a basket case. President René Garcia Préval heads a democratically elected, but fragmented and impotent, government. The economy is similarly catatonic. The return of tens of thousands of Haitians to this volatile stew would solve nothing and could precipitate the collapse of the regime and another foreign policy headache for the U.S.

There have been several justifiable amendments to the 1996 immigration reform act. This one is particularly compelling, for both the Haitians and the United States. Congress should approve it at once.

Justice for Haitians

Congress stands on the verge of committing inhumane, discriminatory treatment of about 40,000 Haitian immigrants because one congressman, a South Texas Republican, won't allow a reasonable remedy even to be heard.

When Congress passed an immigration reform bill in 1996, it made permanent residency nearly impossible to win for several immigrant groups, including Haitians. They could have faced mass deportations even though they were already well settled in the United States.

Then when Congress took corrective action in 1997, it gave amnesty to groups such as Central Americans - but not for Haitians. Once again, they face deportation.

Now there's a new effort called the Haitian Refugee Immigration Fairness Act that would fix this oversight for those who arrived before 1996. It would give them amnesty just as the other groups enjoy. A Senate bill to offer equal treatment has wide bipartisan support, but Rep. Lamar Smith, chairman of the House immigration subcommittee, refuses to hear the claim. Haitians, opined Smith, have generally gotten better immigration treatment than people from most other countries.

He is seriously misinformed. In fact, Haitians have suffered more aggressive interdiction as they try to reach U.S. shores and stronger efforts to repatriate them to Haiti than other immigrant groups. Like other immigrant groups that have been here for years, they have jobs and community ties where they're raising their families. And they pay their taxes like other immigrants and citizens.

During the 1980s, when the Duvalier regime reigned in Haiti, very few Haitians managed to register asylum claims because they were being interdicted and forcibly returned to Haiti. In that decade, they had the lowest asylum approval rate of any nationality, 1.8 percent. At the same time, Soviet asylum approvals were 74.5 percent.

There's no logical reason why Congress would have granted 150,000 Nicaraguans and 5,000 Cubans legal permanent residency last year, but excluded the Haitians. The Immigration Fairness Act would fix the error.

The Senate has already amended another bill, the Treasury-Postal appropriations bill, to include this Haitian provision. But what's holding it up in the House is Smith's refusal to let it be heard.

Arizona's Rep. Jim Kolbe serves on a conference committee that will hear the proposed bill in September. As an Arizona congressman, Kolbe knows well the hardships that refugees from Latin America have endured, including those fleeing persecution. He could put in words of support for moving this measure along so the full Congress can consider it.

It's time to straighten out this injustice and move the bill along past an obstructive congressman.

August 3, 1998

Our perspective
Haitians

U.S. should fix mistake, let them stay

In the three years following the 1991 overthrow of Haiti's elected Aristide government, hundreds of thousands of Haitians attempted to flee their poor and repressive island home. Many were stopped at sea by U.S. authorities and eventually returned to Haiti. About 40,000 were allowed to continue on to the United States, where they joined hundreds of thousands of similar safety-seekers from Central America and Eastern Europe. All but the Haitians are being allowed to stay in the United States as permanent residents. That discriminatory treatment needs to be rectified, soon.

When Congress passed an important immigration reform bill in 1996, it made permanent residency almost impossible to obtain — not only by the Haitians, but also by the Guatemalans, Salvadorans, Cubans, Nicaraguans and Eastern Europeans. Without corrective legislation, mass deportations appeared likely of people who had put down solid, constructive roots in American society. To avert that horror show, Congress in 1997 passed legislation allowing these long-term visitors to stay — all but the Haitians.

Almost everyone, of every political stripe, now recognizes that was a bad legislative mistake. With strong support from the religious community and from members of Congress representing Florida, where most of the Haitians live, legislation has been introduced to rectify that mistake. The

It would extend to the 40,000 Haitians who arrived before 1996 the same permanent-resident status granted last year to the others.

There's just one problem, and his name is Rep. Lamar Smith, R-Texas,

chairman of the House immigration subcommittee. Smith refuses to hear the bill, claiming that Haitians have generally gotten better immigration treatment than people from most other countries — a claim egregiously upside down. Would-be Haitian immigrants, whether those fleeing persecution or those seeking a better life, actually have been subjected to a more energetic interdiction and repatriation effort than residents of any other country. Sometimes there have been good reasons for that U.S. behavior — such as discouraging others from risking and often losing their lives at sea — but in no way can Haitians accurately be characterized as “favored” by U.S. immigration policy.

Late last year, President Clinton issued an executive order postponing for a year any deportation of these unfortunate Haitians. His action was intended to give Congress time to pass the corrective legislation. Unfortunately, action on that bill has stalled, primarily because of Smith. Unless Congress passes the bill before the end of the legislative year in October, it's possible that some of the Haitians could face deportation proceedings late this year.

To leave 40,000 people worried and uncertain about their future, let alone force them to uproot their families and return to Haiti, would be to pile inhumane, discriminatory treatment by Congress on top of all else these people have faced. One ill-informed Texas congressman should not be allowed to inflict that much hardship on that many people. If Smith refuses to budge on this issue, House Speaker Newt Gingrich should budge him.

Star Tribune
NEWSPAPER OF THE TWIN CITIES

Minneapolis
Edition

Editorial, San Antonio Express-News, Friday, July 17, 1998

Smith alone holds fate of refugees

Haiti is thousands of miles away from South Texas. But one local man holds the fate of many Haitians in his hands: U.S. Rep. Lamar Smith.

The Republican chairman of the House immigration subcommittee has bottlenecked legislation that would give amnesty to more than 50,000 Haitian refugees in this country, a measure that has bipartisan support.

A similar bill last year granted relief to Nicaraguans, Salvadorans and Guatemalans who, like the Haitians, fled civil strife.

Smith has made a good case for consistent immigration laws that don't change with the political winds.

But laws should not be so inflexible that humanitarian concerns cannot be considered. Further, a precedent was set last year by giving amnesty to the Central Americans. To turn back the Haitians now would be unconscionable.

The refugees face a precarious return to their homeland.

Haiti held democratic elections in 1995 and is being propped up by U.S. aid, but to suggest that stability has been restored would be stretching reality.

Amnesty International says Haiti's human rights record remains poor. Its government is on shaky ground and, some argue, would further be destabilized economically by the refugees' return. Haitian expatriates reportedly send \$500 million a year back home to their families.

Forcing their return will also divide families that have made new lives in America. Many Haitians now have children who are U.S. citizens.

President Clinton last December gave the Haitians a one-year reprieve, but more than six months of that time is up. Congress will adjourn in early October.

Smith should step aside and let the entire Congress decide the fate of these refugees. If lawmakers don't approve relief, so be it. But strangling the refugees' future should not singularly be Smith's call, nor on his conscience.

The Miami Herald

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In search of champions

Propagandists well know that the more something is repeated, the more people believe that it's true — regardless of the facts. No one knows this better than U.S. Rep. Lamar Smith, R-Texas, who has perfected this art.

"Haitians have been treated better by the United States than refugees from almost any other nation," Mr. Smith has repeated incessantly since last year. Like a catchy tag line, this patently false assertion has heralded his twisted campaign to torpedo legislation that would grant legal status to Haitian refugees.

The U.S. record on Haitian immigrants speaks shamefully for itself. Haitians repeatedly have been singled out for interdiction and forcible return.

Indeed, between 1981 and 1991, INS shipboard screeners allowed only 28 Haitians, out of some 25,000 interdicted, into the United States to pursue asylum claims. Among those who did manage to file claims during the 1980s, a time of political terror in Haiti, only 1.8 percent were granted asylum — the lowest approval rate of any nationality. Most egregiously, between 1992 and 1994, the United States began to interdict Haitians even within U.S. territorial waters, some within view of South Flor-

FOR HAITIAN IMMIGRANTS
Mired in legislative
limbo, critical
immigration relief will
die unless pushed.

ida, directly returning them to the land of their oppression without allowing them to ask for asylum.

Perhaps it is a testament to Mr. Smith's power of persuasion that Haitian immigration-relief legislation

now sadly is stalled in Congress. That's despite determined efforts by U.S. Rep. Carrie Meek, D-Miami, last year to salvage Haitian relief from legislation that offered legal status to Central Americans; despite one-year protection that President Clinton said would "shield these Haitians from deportation while we work with Congress to provide them long-term legislative relief;" and despite the deft support of Sen. Spencer Abraham, R-Mich. Thanks to that effort, the Senate Judiciary Committee approved a bill that would grant green cards to some 50,000 Haitians who arrived in the United States before 1996.

Time is no friend, either. Less than 40 working days remain before Oct. 9, the date that Congress has scheduled for adjournment. Without immigration relief by then, these Haitians, many with U.S.-born children, could be deported after President Clinton's "shield" expires on Dec. 23.

Haitian refugees need champions in Congress, and they need them now.

For Haitians, Too

THE UNITED States has long given sanctuary to people fleeing war, revolution or persecution in their own countries. But there has been an asterisk on the American performance. In the last half-century, most of those benefiting have come from Communist-ruled countries. American law and policy have failed to offer similar comfort to people who may be no less vulnerable to repression but who happen not to live under communism. This is how some 30,000 or 40,000 Haitians come to be in an unhappy American limbo now.

Close to a million Cubans and hundreds of thousands of Central Americans have exchanged violence and political strife in the Caribbean and Central America for a new life in the United States. Among those unsettled, only arrivals from Nicaragua and Cuba now enjoy permanent residence—the one formerly and the other still Marxist-ruled. Salvadorans and Guatemalans, from countries once caught in revolutionary turmoil, at least can appeal deportations. But Haitians are without access to classification as either immigrants or refugees. Their opportunity

to seek such status was actually reduced by Congress in 1996. A recent presidential directive spares them deportation for only a year.

Criminals and special cases aside, there is powerful reason to offer legal permanent residence to all of these displaced people who were legally admitted or who applied for asylum by 1995—no one is talking open borders. The Haitians among them fled hardship and terror, conditions that persist. Some 11,000 of them were admitted through the American base in Guantanamo in a screening that sent twice as many back to Haiti for failing to prove they had a credible fear of persecution there. The Central Americans avoided the rigors of individual screening; they were treated as a class.

An Alexis de Tocqueville Institution study notes that the Haitians have been well received in Florida, have put down roots and send home valuable remittances. Much the same could be said of the Central Americans. Far from being deported or kept in painful suspense, they should be welcomed for the contribution they are already making to their new country.

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Haitians deserve equity

The South Florida Haitians who rode in seven buses to Washington, D.C., to stage a lunchtime rally on the capitol steps Monday are fighting the cause of their life. They are asking Congress to give them hope for a future in the country where they work, pay taxes, and have raised children, some for a decade.

About 1,500 Haitians rallied, asking Congress to let them apply for green cards — and thus open the door to seeking citizenship. Last fall Congress opened that door for thousands of Central Americans who in the 1980s fled communism and civil strife. Congress excluded Haitians, to the dismay of U.S. Rep. Carrie Meek, D-Miami.

In December 1997 President Clinton signed a directive that prevents for a year the deportation of about 40,000 Haitians who either have been paroled into this country or who applied for asylum before 1996, while Congress worked on the issue. That was welcome but left out about 100,000 Haitians who lack regular immigration status, says Ms. Meek. She has introduced a bill that would grant amnesty to all Haitians.

FROM CONGRESS Give longtime Haitian immigrants same legal status as Hispanics.

Florida's U.S. Sens. Bob Graham, Democrat, and Connie Mack, Republican, are sponsoring a measure that would give amnesty only to most of the 40,000 Haitians

affected by the President's directive. Ms. Meek thinks that her bill has no chance, but she's counting on the Senate.

The Graham-Mack measure would provide some relief but still deny an estimated 100,000 Haitians, many in South Florida. They will face deportation. Some grew up here. Their language is English, their cultural ties American. Under old immigration rules, they might have been able to apply for citizenship after living here seven years. No more; Congress switched the rules on them and other aliens thanks to a pervasive new anti-immigrant mood.

Deporting long-time Haitian residents could cripple Haiti, already impoverished and politically unstable. Haitians here send up to \$500 million to Haiti yearly, aiding its economy. It's nonsense — from humane and diplomatic standpoints — to deny so many who call the United States home a fair chance to make that sentiment legal.

EDITORIAL

Haitian shuffle

1785 Characters

01/03/98

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Haiti is an issue that America can't shake.

Though our effort to restore democracy there a few years ago once appeared successful, Haiti has become a recurring headache. And the issue is once again pitting President Clinton against the Republican- led Congress.

Clinton has used his executive authority to grant up to 40,000 Haitians refuge in the United States for another year.

Clinton said the Haitians should be treated like Central Americans who escaped civil wars in their homelands and have been permitted by Congress to stay.

Sending thousands of Haitians home at this time would destabilize an already weak democratically elected government, which could cause a new flood of refugees to seek asylum in America, Clinton said. The action applies to Haitians admitted to Guantanamo Bay Naval Base in Cuba following the 1991 overthrow of Haitian President Jean- Bertrand Aristide, those who reached U.S. shores and were permitted to remain and those who applied for asylum before the end of 1995. Haitians were omitted from legislation exempting hundreds of thousands of refugees from civil wars in Nicaragua and El Salvador from deportation rules under the strict 1996 immigration law. The legal revisions signed by Clinton in November also granted amnesty to Nicaraguans and Cubans who have been in America since Dec. 1, 1995, and allowed them to apply for status as legal permanent residents.

Enforcing tougher immigration policies is fine if it is done in an even-handed manner. Certainly the Haitians fit the standards for exemption set by lawmakers.

The Washington Post

AN INDEPENDENT NEWSPAPER

Haitians in the Queue

POLITICAL PRESSURES are forcing change upon last month's revision of last year's immigration reform law. This time the intended beneficiaries are Haitian immigrants. Their sponsors in Congress and in the advocacy community have now induced President Clinton to lift for a year the threat of deportation hanging over some tens of thousands of Haitians seeking political asylum in the United States. The order will "shield these Haitians from deportation while we work with Congress to provide them long-term legislative relief," the president said.

On a humanitarian basis, the Haitians' claim to avoid prompt deportation is strong. They are poor, they are here, and if sent back they would face real hardship. Moreover, they are not the only group to ask for exemption from the legal asylum requirement to demonstrate a fear of political persecution. Just last month, Nicaraguans, Salvadorans and others identified as "victims of communism" were moved up in the queue, although the communist component in their countries is no more. The Haitians are no less needy; their misfortune is to be victims of current domestic deterioration rather than past international communism. To spare Haiti

the burden of their return will help create the stable and democratic Haiti that is the best safeguard against a renewed flow of Haitian migrants, Mr. Clinton said.

At the same time, the presidential order temporarily suspending Haitians' deportation does seem, as House Immigration Committee Chairman Lamar Smith (R-Tex.) argues, to cut across the very reform legislation that President Clinton has just signed. The affected Haitians, he says, were given favored treatment by being paroled into the United States to pursue their asylum claims, were not the victims of unfair hearings and in many cases have abused the terms of their parole by not applying for asylum.

You might expect that immigration would proceed under terms negotiated in the national law-making process. But that procedure seems to be under heavy pressure from different ethnic constituencies and their supporters, who, if they fall short in one branch, then promptly appeal to the other. This would be fine if it resulted in a consistent and well-thought-out immigration policy. But it is producing improvisation instead.

Buffalo News (BFNW)

EDITORIAL PAGE

CLINTON RIGHTLY SPARES HAITIAN REFUGEES

2476 Characters

12/26/97

(Copyright 1997)

Congress was wrong last year to make Haitians second-class refugees when it refused to include them in a list of foreigners exempted from tough new deportation laws.

Now lawmakers will have a chance to reconsider, at no peril to the affected Haitians, thanks to President Clinton's issuance this week of a directive that delays any such deportations for up to a year.

The presidential directive puts Haitian refugees on a par with those from other war-torn nations, like Nicaragua and El Salvador, who were exempted from a stern 1996 immigration reform law because they'd fled civil wars.

But Congress turned a deaf ear to pleas for similar treatment for Haitians, who also fled a brutal dictatorship that took over and instituted a reign of terror in 1991.

That regime remained in power for three years, murdering and torturing Haitians in a coup so bloody that a U.S. intervention force had to restore the democratically elected government in 1994.

Many Haitians fled for their lives in the interval, coming here in ships and rafts, just as refugees from other war-ravaged areas did.

Now they deserve to have their cases treated the same as those of other refugees.

But even more important than the fate of the 20,000 to 40,000 Haitians who might be covered under the directive is the fate of the country itself.

The peace in Haiti remains fragile. U.S and U.N. forces gave democracy a chance to take hold, but Haiti's politicians have been disappointingly slow to grasp it. The government has been paralyzed by internal divisions and indecision. The police force has yet to be fully trained by international experts. Many of those responsible for atrocities remain in Haiti, despite the forced departure of the coup leaders. And the U.N. peacekeeping force pulled out earlier this month.

Sending thousands of refugees back into such an atmosphere could be more than Haiti could stand right now. It could wreck all that has been accomplished and derail any hopes for permanent, democratic stability there.

Clinton was right to act, both for the refugees and for the tiny nation. In addition, his one-year reprieve gives Congress time to rethink its discriminatory treatment of Haitian refugees and a chance to permanently remedy a legislative wrong.

St. Petersburg Times (STPT)

EDITORIAL

A reprieve for Haitian immigrants

Series: EDITORIALS

2990 Characters

12/25/97

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In the last days of this year's congressional session, hundreds of thousands of immigrants were granted exemptions from deportations that were part of the harsh immigration law passed in 1996. Cubans, Salvadorans, Nicaraguans, Guatemalans and some Eastern Europeans were given the opportunity to remain in the United States while their permanent residency and political asylum claims were considered. One group was conspicuously absent from that reprieve: Haitians.

That unfortunate omission was partly rectified Tuesday by President Clinton. The president used his executive authority to direct the attorney general and the Immigration and Naturalization Service to defer for one year the deportation of a group of Haitians who had filed for political asylum by Dec. 31, 1995, or had been screened through the refugee camp at Guantanamo Bay, Cuba, by that date. The order is expected to affect up to 40,000 people.

The move allows many Haitian immigrants to remain in the United States while Congress considers two bills that would give them even more permanency. The first, sponsored by Florida's two U.S. senators, Bob Graham and Connie Mack, would grant this same group of Haitians automatic permanent residency. The second, sponsored by U.S. Rep. Carrie Meek, D-Miami, would give permanent residency to any Haitian who arrived in the United States before Dec. 31, 1995. Meek's bill would affect an estimated 105,000 people.

Thousands of Haitians fled to this country to escape the violence of Haiti's 1991 military coup that installed Gen. Raoul Cedras in power. It is true that the threat to those refugees diminished after American-led peacekeepers arrived and former President Jean-Bertrand Aristide was returned to office. However, those refugees should not be forced to leave while their claims for permanent residency are under review. For some, deporting them means taking them from U.S.-born spouses and children, from jobs and from the communities in which they have lived for years.

In issuing the order, the president noted that suspending the deportations would "help support a stable and democratic Haiti, which, in turn, is the best safeguard against a renewed flow of Haitian immigrants to the United States."

But there is a more important symbolic reason for granting a suspension of deportation to 40,000 Haitians. Leaving them out of the initial reprieve that focused primarily on Central American immigrants gave the impression that light-skinned immigrants are more welcome than dark-skinned ones. With this action, the president, who has an avowed commitment to racial equality, has shown himself to be a leader in ensuring that our immigration laws are uniformly and fairly applied, regardless of color or national origin.

Fair Treatment for Haitians

President Clinton's decision to shield thousands of Haitian refugees from immediate deportation gives them the protections that Congress recently granted to refugees from Central America. Congress left the Haitians out last month when it corrected overly stringent provisions in the 1996 immigration act that made it much harder for Central Americans who had fled civil wars to fight deportation even though many had lived in this country for years. Those harsh rules, which increased residency requirements from 7 to 10 years and eliminated hardship to the immigrants themselves as a basis to challenge deportation, could

have pushed out hundreds of thousands of refugees.

Congress reversed some of those rules by granting permanent residency to 150,000 Nicaraguans and 5,000 Cubans. It also allowed Salvadorans, Guatemalans and Eastern Europeans to apply for permanent residency under more lenient pre-1996 rules. But Congress ignored the plight of thousands of Haitian refugees.

By invoking authority to exempt some 20,000 Haitians who have sought asylum from deportation for at least a year, Mr. Clinton corrects that error. Congress should use the time to enact legislation to eliminate inequities toward the Haitians.

"Miami Times"

November 6, 1997

Bias towards Haitians

The Haitian community in Miami and across the country has been staging a series of demonstrations, including a large rally in Washington, D.C., to protest being excluded from a proposed amendment to the immigration laws that would allow certain refugees to avoid deportation and pursue permanent legal residency. It is a cause that merits the full support of all who believe in fair play and justice.

The measure is the result of a move by President Bill Clinton to provide some relief to about 191,000 Salvadorans, 118,000 Guatemalans and 21,000 Nicaraguans facing deportation under new immigration laws so they can stay in the country longer and make a case for legal permanent residency.

The proposed amendment does not, however, cover some 18,000 Haitians who fall into the exact same circumstance and that is the cause for concern. U.S. Rep. Lincoln Diaz-Balart, who initiated legislative action, has explained that he did not include Haitians because that would have made the amendment impossible to pass. Who says? Is it now the order of things in the Republican-controlled Congress that once something has to do with Haitians, it would be dead on arrival on Capitol Hill? That may be the case, indeed, but a national lawmaker who is himself from a "minority" group ought to have the courage to stand on principle and win over his colleagues to his side.

In fact, the Senate has approved by 99-1 a change that would cover the Haitians. That proposal came from both U.S. Senators from Florida, Mr. Bob Graham and Mr. Connie Mack, as well as Massachusetts Sen. Ted Kennedy. The House has, however, not approved a similar change.

The Haitians have the support of the Congressional Black Caucus, including both Blacks in Congress from South Florida, Reps. Alcee Hastings and Carrie Meek. They no doubt also have the strong support of all Americans who embrace justice. Our community, which has known its share of injustice and exclusion, should also join with their brothers and sisters from Haiti to send a message to Washington, D.C., that their exclusion will not be acceptable.

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(B) was paroled into the United States prior to December 31, 1995, after having been identified as having a credible fear of persecution, or paroled for emergent reasons or reasons deemed strictly in the public interest, or

(C) was a child (as defined in the text above subparagraph (A) of section 101(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1101(b)(1))) at the time of arrival in the United States and on December 31, 1996, and who—

(1) arrived in the United States without parents in the United States and has remained without parents in the United States since such arrival,

(11) became orphaned subsequent to arrival in the United States, or

(111) was abandoned by parents or guardians prior to April 1, 1996 and has remained abandoned since such abandonment; and

(2) has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed, except that an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(C) STAY OF REMOVAL.—

(1) IN GENERAL.—The Attorney General shall provide by regulation for an alien who is subject to a final order of deportation or removal or exclusion to seek a stay of such order based on the filing of an application under subsection (a).

(2) DURING CERTAIN PROCEEDINGS.—Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION.—The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an "employment authorized" endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN.—

(1) IN GENERAL.—The status of an alien shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if—

(A) the alien is a national of Haiti;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a), except that, in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that he or she has been physically present in the United States for a continuous period beginning not later than December 31, 1995, and ending not earlier than the date the application for such adjustment is filed;

(C) the alien applies for such adjustment and is physically present in the United States on the date the application is filed; and

(D) the alien is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility,

the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (8)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE.—For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW.—The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to—

(1) applicants for adjustment of status under section 245 of the Immigration and Nationality Act; or

(2) aliens subject to removal proceedings under section 240 of such Act.

(f) LIMITATION ON JUDICIAL REVIEW.—A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent resident pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this title, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this title shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

(i) ADJUSTMENT OF STATUS HAS NO EFFECT ON ELIGIBILITY FOR WELFARE AND PUBLIC BENEFITS.—No alien whose status has been adjusted in accordance with this section and who was not a qualified alien on the date of enactment of this Act may, solely on the basis of such adjusted status, be considered to be a qualified alien under section 431(b) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as amended by section 5302 of the Balanced Budget Act of 1997 (Public Law 105-33; 111 Stat. 598), for purposes of determining the alien's eligibility for supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.) or medical assistance under title XIX of such Act (42 U.S.C. 1396 et seq.).

(j) PERIOD OF APPLICABILITY.—Subsection (1) shall not apply after October 1, 2003.

SEC. 103. COLLECTION OF DATA ON DETAINED ASYLUM SEEKERS.

(a) IN GENERAL.—The Attorney General shall regularly collect data on a nationwide basis with respect to asylum seekers in detention in the United States, including the following information:

(1) The number of detainees.

(2) An identification of the countries of origin of the detainees.

(3) The percentage of each gender within the total number of detainees.

GRAHAM (AND OTHERS) AMENDMENT NO. 3368

Mr. CAMPBELL (for Mr. GRAHAM for himself, Mr. MACK, Mr. KENNEDY, Mr. MOYNIHAN, Mrs. FEINSTEIN, Ms. MOSELEY-BRAUN, Mr. KERRY, and Mr. DURBIN) proposed an amendment to the bill, S. 2312, *supra*, as follows:

At the appropriate place in the bill, insert the following:

TITLE 1.—HAITIAN REFUGEE IMMIGRATION FAIRNESS ACT OF 1998

SEC. 1. SHORT TITLE.

This title may be cited as the "Haitian Refugee Immigration Fairness Act of 1998".

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN HAITIAN NATIONALS.

(a) ADJUSTMENT OF STATUS.—

(1) IN GENERAL.—The status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien—

(A) applies for such adjustment before April 1, 2000; and

(E) is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), (7)(A), and (9)(B) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS.—An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien who is a national of Haiti who—

(1) was present in the United States on December 31, 1995, who—

(A) filed for asylum before December 31, 1995,

(4) The number of detainees listed by each year of age of the detainees.

(5) The location of each detainee by detention facility.

(6) With respect to each facility where detainees are held, whether the facility is also used to detain criminals and whether any of the detainees are held in the same cells as criminals.

(7) The number and frequency of the transfers of detainees between detention facilities.

(8) The average length of detention and the number of detainees by category of the length of detention.

(9) The rate of release from detention of detainees for each district of the Immigration and Naturalization Service.

(10) A description of the disposition of cases.

(b) **ANNUAL REPORTS.**—Beginning October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsection (a) for the fiscal year ending September 30 of that year.

(c) **AVAILABILITY TO PUBLIC.**—Copies of the data collected under subsection (a) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

SEC. 404. COLLECTION OF DATA ON OTHER DETAINED ALIENS.

(a) **IN GENERAL.**—The Attorney General shall regularly collect data on a nationwide basis on aliens being detained in the United States by the Immigration and Naturalization Service other than the aliens described in section 403, including the following information:

(1) The number of detainees who are criminal aliens and the number of detainees who are noncriminal aliens who are not seeking asylum.

(2) An identification of the ages, gender, and countries of origin of detainees within each category described in paragraph (1).

(3) The types of facilities, whether facilities of the Immigration and Naturalization Service or other Federal, State, or local facilities, in which each of the categories of detainees described in paragraph (1) are held.

(b) **LENGTH OF DETENTION, TRANSFERS, AND DISPOSITIONS.**—With respect to detainees who are criminal aliens and detainees who are noncriminal aliens who are not seeking asylum, the Attorney General shall also collect data concerning—

(1) the number and frequency of transfers between detention facilities for each category of detainee;

(2) the average length of detention of each category of detainee;

(3) for each category of detainee, the number of detainees who have been detained for the same length of time, in 3-month increments;

(4) for each category of detainee, the rate of release from detention for each district of the Immigration and Naturalization Service; and

(5) for each category of detainee, the disposition of detention, including whether detention ended due to deportation, release on parole, or any other release.

(c) **CRIMINAL ALIENS.**—With respect to criminal aliens, the Attorney General shall also collect data concerning—

(1) the number of criminal aliens apprehended under the immigration laws and not detained by the Attorney General; and

(2) a list of crimes committed by criminal aliens after the decision was made not to detain them, to the extent this information can be derived by cross-checking the list of criminal aliens not detained with other databases accessible to the Attorney General.

(d) **ANNUAL REPORTS.**—Beginning on October 1, 1999, and not later than October 1 of each year thereafter, the Attorney General shall submit to the Committee on the Judiciary of each House of Congress a report setting forth the data collected under subsections (a), (b), and (c) for the fiscal year ending September 30 of that year.

(e) **AVAILABILITY TO PUBLIC.**—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.

(c) For purposes of this section—

(1) the term "contraceptive drug or device" means a drug or device intended for preventing pregnancy; and

(2) the term "outpatient contraceptive services" means consultations, examinations, procedures, and medical services, provided on an outpatient basis and related to the use of contraceptive methods (including natural family planning) to prevent pregnancy.

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