

RESCUE COMMITTEE FOR HAITIAN REFUGEES

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PRESS RELEASE

CONGRESSIONAL REPORT EXPOSES STATE DEPARTMENT AND IMMIGRATION SERVICE DISCRIMINATION AGAINST HAITIAN REFUGEES

Remedial Measures Recommended to End Refugee Law Violations

A House Immigration Committee report (July 1, 1976) exposing the government's discriminatory treatment of Haitians seeking asylum and recommending remedial measures is seen as a significant victory for over 800 refugees from the Duvalier dictatorship. The report confirms criticisms -- voiced for several years by Members of Congress, religious and civic organizations, unions and others -- that Immigration and Naturalization Service and State Department procedures denying asylum to the Haitians violate the refugee law, the Protocol Relating to the Status of Refugees.

Upon their arrival in Florida after a hazardous 800-mile voyage in flimsy sailboats, Haitians fleeing the repressive Duvalier regime are "interviewed" (in one case, at 2 a.m.) for 20 minutes or less by Immigration officials. No attorney is permitted, or any opportunity provided to obtain witnesses. Pointing out that there is a "significant 'confidence factor,'" the report states: "It is questionable whether this procedure provides a sufficient opportunity for the alien to fully and fairly present his asylum claim...he or she should be entitled to consult with an attorney, with members of the Haitian community in the area, and with any voluntary agencies which have offered assistance."

In certain cases the Immigration and Naturalization Service consults with the State Department's Office of Refugee and Migration Affairs (ORM) on asylum applications. ORM sometimes refers such cases to the U.S. Embassy in Port-au-Prince for a check on the asylum claim. The report discloses: "Surprisingly, only a small percentage of cases (estimates range from 1 to 10%) are actually referred to the Embassy and serious questions naturally arise as to whether the State Department is satisfactorily performing its international responsibilities." The report also reveals that State Department officials have misled Congress: "Assurances have been given by the State Department on several occasions that Embassy officials in Port-au-Prince make every effort to substantiate or refute the factual allegations made by the asylum claimant as well as to monitor the well being of deportees, after their return. These assurances which have been given to Members of Congress are not warranted."

Referring to ORM'S responses to the Miami Immigration Office requests, the report finds that "in most instances ORM reports were grossly inadequate.... In general, they constituted arbitrary denials, based apparently on the socioeconomic status of the applicant."

After citing Immigration Commissioner Leonard Chapman's contention that "almost all of the Haitian claimants seek to enter the U.S. or to remain here for the purpose of obtaining employment," the report condemns "blanket decisions that applicants from a particular country would not be subject to persecution based upon generalizations relating to the economic or political situation in the applicants' home country...."

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Although most Haitian refugees are penniless, Immigration and Naturalization Service requires a \$500 bond for their release from detention while their cases are being considered by INS or reviewed by the courts. Many were jailed for over a year. Since November 6, 1975, 32 have been imprisoned at Immokalee, Florida. The report urges: "...humanitarian considerations would seem to dictate that the Haitians be released into the custody of the voluntary agencies...."

In a joint statement on the report, Dr. Paul Lehmann (Chairman of the American Committee for Protection of Foreign Born), Edith Tiger (Director of the National Emergency Civil Liberties Committee), and Fr. Jean-Yves Urfe (The Haitian Fathers) declared:

"We commend Congressman Joshua Eilberg and the House Immigration Committee for the comprehensive report regarding Haitian refugees and for their constructive recommendations, which will benefit all refugees. Our organizations and many others -- especially the National Council of Churches -- have long favored such proposals, and they should be fully and promptly implemented by the Immigration Service and State Department. The cursory and superficial inquiry procedures of these agencies presently endanger the lives of over 800 Haitian refugees.

"The recommendation that Haitians be released without bond into the custody of voluntary agencies, such as the Christian Community Service Agency in Miami, is most welcome. But the problem does not stop there. While the Haitians are challenging in the courts the very procedures condemned in the report, the Immigration and Naturalization Service has refused to give them employment authorization. Unable to work, they are surviving largely on aid provided by denominations of the National Council of Churches. Denial of employment authorization makes a mockery of their right to appeal. This harsh and coercive INS action is in startling contrast with that accorded 850,000 Cuban and Vietnamese refugees, who were immediately given the right of employment and, eventually, asylum.

"The AFL-CIO of Dade County has stated that the Haitians' employment would not endanger the livelihood of residents. We urge the Immigration and Naturalization Service to promptly grant work authorization to the Haitians!"

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