

Aliens Are Paying a Price for Honesty

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Body

If Mohsen Moharerzadeh, a 26-year-old Iranian photographer, had secretly waded across the Rio Grande into the United States, he would probably be free, working here and pursuing an application for political asylum.

Instead, he leaped from a Turkish freighter before it entered Port Newark and asked the Coast Guard for asylum. Because he came forward, he is behind bars at the Immigration and Naturalization Service Detention Center in lower Manhattan, along with 120 other inmates, most of whom have criminal records.

He must stay there while he applies for political asylum, a process that can take several years, according to Immigration Service officials.

Prompted Hunger Strike

Like 30 other inmates at the center, and about 100 nationwide, Mr. Moharerzadeh's only crime was trying to enter the country illegally. Their frustration led 17 of the 30 inmates to begin a hunger strike that ended Monday.

In contrast, illegal aliens arrested after gaining entry are free to pursue applications for political asylum without being detained.

Mr. Moharerzadeh, then, would have been free today if he had sneaked off the ship after it docked rather than coming forward.

"The liars and sneaks put themselves in a much better legal position than those who come forward and ask for political asylum when they try to enter," said Arthur C. Helton, director of the political asylum project for the Lawyers Committee for Human Rights.

J. Scott Blackman, the immigration agency's assistant district director for detention and deportation, said the detention was necessary to prevent vast numbers of people from showing up at airports and the borders asking for asylum. He added also that there are established procedures for seeking asylum: applying through third countries, for example.

Of the 30 inmates at Varick Street, some asked for political asylum immediately and others were caught trying to enter with false documents and then asked for asylum.

The hunger strike there began on Nov. 23. Mr. Moharerzadeh was one of the last three inmates to break the fast. They did so on Monday afternoon with a cup of broth.

'Here for No Reason'

Aliens Are Paying a Price for Honesty

"All we wanted to do was to show the American people that there are these guys here for no reason," said Mr. Moharerzadeh, who added that they were tired of living among criminals and being harassed by the other prisoners.

Mr. Moharerzadeh and another of the three, Shahram Alik Akbar, a 29-year-old Iranian construction worker, voiced their anger in an interview Tuesday in a waiting room at the detention center at 201 Varick Street. They wore yellow, institution-issue jump suits.

Mr. Akbar, who has been at the center for 12 1/2 months, said that he had been harassed by other prisoners and that one had tried to rob his ring and watch. "Once four of them came at me and grabbed me by the neck," he said.

Mr. Akbar and Mr. Moharerzadeh, who has been detained 11 1/2 months, said the guards were often unable to act quickly enough to break up fights, many of which arise over what television program to watch.

Through the Dining Room

Moreover, they said, the detention authorities were upset at the hunger strikers and forced the weakened prisoners to walk through the dining room at mealtime rather than letting them stay on their cots. During the hunger strike, two inmates were hospitalized.

Mr. Blackman said the Varick Street center was safe and patrolled 24 hours a day.

The hunger strike, he said, "essentially had no effect" on the status of the 30 inmates.

Mr. Blackman said other foreigners wanting to enter the United States were patient enough to apply from third countries rather than trying to enter illegally.

Mr. Helton countered that many of those who would like to enter the United States legally from third countries do not have the leisure to do so because they are pursued by agents from their native countries.

"This is not an issue in which there should be categorical detention but we have to look at the cases on an individual basis," he said.

Attention in Congress

Jailing of refugees from Ethiopia, Afghanistan and Nicaragua makes little sense, Mr. Helton said, because the State Department has said that refugees from Ethiopia and Afghanistan should not be sent back and that those from Nicaragua should be reviewed carefully.

Mr. Blackman agreed that this was United States policy but said agency practice called for the refugees to be detained until their political asylum applications are approved. The policy was instituted in 1981 after more than 30,000 Haitians arrived in Florida in small boats, seeking political asylum.

The hunger strike drew the attention of several members of Congress, and five signed a letter written by Representative Barney Frank, Democrat of Massachusetts. The letter, sent on Dec. 16 to the Immigration Service's appeals board in Washington, asked that each case be reviewed.

So far the Immigration Service has not responded. A House staff member said that if the answer is not satisfactory, Mr. Frank, a member of the House Subcommittee on Immigration, Refugees and International Law, was likely to pursue a more involved review of the policy.

One primary concern of critics is the time taken by the immigration agency to consider the asylum applications, either at the first review or on appeal. The inmates at the Immigration and Naturalization Service Processing Center on Varick Street have been there from 4 to 22 months.

Graphic

photo of Iranians who took part in hunger strike (NYT/Jim Wilson)

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