

TO JUDGE A PLEA FOR ASYLUM FAIRLY AND SPEEDILY

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Body

To the Editor:

Your May 12 editorial "Refugees and Refoulement" addresses the critical issue of how this country decides who are refugees. The Senate Judiciary Committee version of the Simpson-Mazzoli bill, S. 529, offers a practical, fair response to the problem you correctly outline: a 30-fold increase since 1980 in claims for asylum clogged in a system not staffed or funded to handle large case volumes.

The bill creates a United States Immigration Board to hear appeals from decisions of asylum judges also created by the bill. The specially trained judges would decide asylum cases through formal hearings, where full process rights would pertain.

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Decisions could be appealed to the board, whose nine members would be appointed by the Attorney General for six-years terms. Judicial review would be available through a writ of habeas corpus to remedy errors in providing due process to asylum applications.

The scheme provides the mechanism, resources and avenue of review necessary to meet the twin objectives required to meet the asylum challenge: fairness and timeliness of decisions.

In advocating Senator Kennedy's amendments to these asylum provisions, you have made a puzzling leap in logic that does not flow from your apt description of the asylum issue or your heretofore wellreasoned, statesmanly support for workable immigration reform measures.

The Kennedy amendments create an administrative law judge system, a Presidentially appointed board and full Federal court review of asylum cases. Because the judicial process is inherently protracted, invoking it to adjudicate asylum cases is likely to result in precisely what legislation seeks to cure: paralysis of the system, so that arriving in the U.S. and filing an asylum claim creates de facto refugee status and admission to the country.

Such an outcome is unfair to bona fide claimants, who deserve speedy resolution of their claims; to the spirit and purpose of immigration reform, and to the integrity of our system of laws.

The Senate Judiciary Committee prescription is comparable to actions of other Western nations facing the same problems with asylum as the U.S. Those approaches are working, and the goals of fairness and timeliness are being maintained. Likewise, the American public has an equal interest and right to speedy and fair resolution of asylum claims.

I urge the Senate to endorse the recommendation of the committee-reported bill and The Times to re-examine its stand on this critical issue.

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ALAN C. NELSON, Commissioner, Immigration and Naturalization Service, Washington, May 16, 1983

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