

Chinese Immigrants From Stranded Ship Are to Be Released

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Byline: By CELIA W. DUGGER

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Body

The Clinton Administration decided yesterday to release all 53 remaining illegal Chinese immigrants who have been detained by Federal immigration authorities since the freighter Golden Venture ran aground off Queens three years and eight months ago.

The men and women will be freed during the next three weeks if they pass background checks to insure that they have no criminal records. They will be under Federal supervision while their lengthy legal battles continue. Most have asked for asylum in the United States on the ground that they were persecuted for resisting the Chinese Government's population control policies.

The decision to release the passengers marks a sharp change in policy for the Clinton Administration, which had taken the position that smuggled immigrants, with few exceptions, should be detained until their claims were resolved, as a deterrent to smuggling gangs.

But a White House official said President Clinton felt that their continued incarceration no longer served any useful purpose. Congress passed a law last year that, when it goes into effect on April 1, is expected to speed the deportation of immigrants who try to enter the country illegally, providing a sufficient deterrent to smugglers, said the official, who spoke on condition that his name not be used.

The decision to free the Golden Venture detainees, most of whom are being held at York County Prison in York, Pa., was greeted with jubilation by the lawyers and volunteers who have worked on their behalf for years and developed a close personal connection with the men and women behind bars.

"I'm shaking and trembling and crying," said Cindy Lobach, a volunteer who has attended most of the 182 weekly candlelight vigils held at the prison.. "I'm jumping up and down."

John Burgess, a lawyer in San Francisco who represents three women and two men from the Golden Venture being detained in Bakersfield, Calif., said, "Finally. I felt they had become political prisoners of the United States after almost four years. It's an overdue act of mercy and justice."

Lawyers who represent the detainees said an article in The New York Times on Feb. 3 and the intervention of a powerful politician brought the issue to a turning point.

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For months, the Administration had been considering whether to release the remaining Golden Venture passengers. The immigrants' requests for asylum had taken far longer to resolve than anyone expected. Then, last September, Congress passed a law that made resistance to China's coercive population control policies a ground for political asylum.

Immigration courts that had routinely denied such claims will now have to reopen many of the Golden Venture cases in light of the new law, further prolonging the immigrants' detention by as much as a year or more, officials said.

The news article, on the front page of The Times, focused on the continuing detention of the Golden Venture detainees and the policy debate over the asylum issues raised by their cases.

The next evening, as President Clinton left the lectern where he had delivered his State of the Union message and walked through the applauding Congressmen, he paused to chat briefly with Representative Bill Goodling, a Republican who represents York, Pa., and who is also chairman of the House Education Committee.

"I said, 'Mr. President, you still have 38 Golden Venture Chinese in my York County prison,' " Mr. Goodling said he told the President. "He told me, 'Yes, that makes me angry. I just read about it in The New York Times.' "

On Wednesday, Representative Goodling visited Mr. Clinton at the White House for a 40-minute one-on-one talk about education. Mr. Goodling said he again brought up the Golden Venture cases. And he gave Mr. Clinton some of the artwork the York detainees had fashioned during their years behind bars: an eagle made of hundreds of tiny pieces of folded paper and a papier-mache tree.

"The President said, 'They're beautiful,' " Mr. Goodling said. "I said, 'They've had four years to sit in prison and do that.' "

Yesterday afternoon, the President called the Congressman to say that he had decided to release the immigrants. Mr. Goodling, asked whether he thought his position as chairman of the House Education Committee had influenced Mr. Clinton's decision, laughed heartily and said, "It's because he felt strongly that an injustice had been done."

The White House official said the decision to release the Golden Venture detainees was reached by the Administration, not unilaterally by the President. "Obviously, the President favored the decision and that is a heavy vote," he said. "but I don't want to characterize it as the President making a decision over anyone's head."

The official said the decision had taken a long time because of "a lively debate" within the Administration about whether releasing the smuggled immigrants would encourage smugglers.

"Bureaucratic decisions take a long time to make," he said. "You've got to get views and convince many agencies."

The United States Immigration and Naturalization Service issued a press release after the President telephoned Mr. Goodling yesterday, saying it had decided to release the detainees "following discussions within the Administration."

Russell A. Bergeron Jr., a spokesman for the agency, said the immigration service had not yet decided whether the individuals who were released would be required to post bond or how often they would have to report to the immigration authorities.

"It's too early to expect us to have worked all that out yet," he said.

The Golden Venture, an aging freighter, ran aground on a sandbar off the Rockaway Peninsula on June 3, 1993. Ten of its 286 passengers drowned in the frigid, pounding surf that drizzly night. A few swam ashore and escaped, but most were caught.

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In the years since that night, 99 were sent back to China, more than a third were **released** on various grounds or resettled in Latin American Countries, and the rest remained in detention.

They arrived at a time when the Clinton Administration was embroiled in one crisis involving illegal boat people -- Haitians trying to reach America in rickety craft -- and feared **Chinese immigrant** smuggling was on the rise.

Graphic

Photo: The Golden Venture, a freighter trying to smuggle **Chinese** refugees into this country, after it ran aground off Rockaway Peninsula in Queens in June 1993. Many passengers were deported, but 53 are still being detained. (Paul J. DeMaria) (pg. 28)

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