

Order May Let Utah's Refugees Stay Put; Refugees May Stay Put Thanks to Order

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Body

Roger fled Nicaragua 18 years ago. When he came to the United States, he believed his case for political asylum was airtight: His business had been confiscated by the Sandinistas, he spent nearly a year in jail and he even joined the U.S.-sponsored Contras in Honduras.

But a judge ruled last year that Roger was not a political refugee and he was ordered deported. So Roger, who asked that his last name not be used, requested a hearing to explain why his deportation should be suspended.

Then came the 1996 immigration law and refugees such as Roger, who lives in Provo, lost the chance to make their case before a judge. Most were ordered to be deported immediately.

But earlier this month, Atty. Gen. Janet Reno stopped the deportation of tens of thousands of immigrants who have lived in the United States for years. All now will receive a hearing before an immigration judge.

Now, Roger's family has a chance of staying in what has become, after more than a decade, his home.

"Our first choice was not to come to the United States," said 62-year-old Roger. "In Nicaragua, I had my business and my family. After they took me to jail for the second time, I ran. Now, my wife is here, my children are here, my grandchildren are here. We've made a life here."

Reno set aside a controversial interpretation by the Board of Immigration Appeals that prevented many longtime undocumented immigrants from asking a judge to let them stay in the United States.

Her action affects an estimated 300,000 war refugees from Central America and tens of thousands of other undocumented immigrants who found themselves facing immediate deportation despite having lived for years in this country.

Many immigrants from Central America who came to the United States illegally in the 1980s while their countries were in the midst of civil wars were granted special asylum.

Those denied asylum were eligible for deportation, but established U.S. policy allowed suspension of deportation on humanitarian grounds -- especially if the asylum-seekers' enemies also were enemies of the U.S. government.

Roger was among the unlucky Nicaraguans who was not granted political refugee status.

For Salvadorans seeking political asylum the task was even more difficult -- nearly impossible.

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"Nicaraguans were fleeing Sandinistas who were our ideological enemies, therefore they were presumably anti-communist and good," said Robert Kahn, author of *Other People's Blood: U.S. Immigration Prisons in the Reagan Decade*. "Salvadorans were fleeing a government the United States supported. Therefore, they were presumably communists and bad."

In 1985, Salvadorans and Guatemalans sued the U.S. government in a class-action lawsuit because -- despite well-documented human-rights violations in their countries -- only about 2 percent of applicants were granted asylum.

Though the lawsuit was settled in 1990, the Immigration and Naturalization Service did not begin asylum interviews of Salvadorans and Guatemalans from the suit until April 1997.

In the 1980s, the United States had an immigration crisis, partly of its own making. Civil wars raging in El Salvador and Guatemala, fueled by U.S. military assistance, drove a million refugees to the United States. The U.S.-sponsored Contra war in Nicaragua had the same effect.

Yet critics of Reno's decision say that the wars in Central America are over and that the refugees can return safely to their homelands.

But Roger is not so sure.

The social and economic problems of the region, he argues, still have not been resolved.

It is true that the Sandinistas no longer are in power in Nicaragua, Roger acknowledges, but the revolutionaries still control the army and some Contras are rearming.

And in El Salvador, although the peace accord there is more than 5 years old, there has been a reappearance of right-wing death squads.

"I can't guarantee that there is a threat to my life," said Roger, who does construction work in Utah County. "But the people who put me in prison are still there."

Even more important, Roger says, is that his wife, two children and two grandchildren have roots in the United States.

Roger's grandchildren were born in this nation. The United States is all they know.

"After so long in this country," Roger said, "what would they do in Nicaragua?"

Luis, an undocumented immigrant from Mexico who now lives in the Rose Park neighborhood of western Salt Lake City, has been asking himself the same question.

"My children do not know any other country but the United States," said Luis, who asked that his last name not be used. "They are American."

Like Roger, Luis' family now has a chance to argue their case before an immigration judge.

Reno's move was praised by some lawmakers -- including House Speaker Newt Gingrich, R-Ga. Sen. Bob Graham, D-Fla., called the decision a "victory for fairness."

But Rep. Lamar Smith, R-Texas, a longtime crusader for reducing the number of immigrants to the United States, said that Reno had created a dangerous precedent.

"The consequence of this decision will be to open the door for tens of thousands of illegal aliens to remain in the United States," Smith said in a written statement. "This decision is further proof that the Clinton administration is soft on illegal aliens."

Meantime, Reno has asked Congress to:

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-- Allow immigrants who applied for a suspension of deportation before April 1 to not comply with the new law. They will not be affected by the cap imposed by Congress limiting the number of suspensions to 4,000 each year.

-- Extend the deadline to apply for a suspension to 180 days from the date an immigrant receives a final order of deportation.

Reno also said she will push for legislation ensuring that applicants for "suspension of deportation" have to meet only the federal standards in effect when they applied.

Before the 1996 law, illegal immigrants who had been in the United States for seven years had to prove that they were of "good moral character" and that deportation would pose an "extreme hardship" on them or their families.

Under the new law, which took effect April 1, immigrants have to have been in the United States for 10 years and show that their deportation would pose an "exceptional and extreme hardship" on their relatives who are either U.S. citizens or legal residents.

If a bill is not passed, Reno said she would recommend that the president use administrative measures to protect Central Americans in danger of deportation.

Reno's decision has given Luis hope.

"I want to be a part of this country," he said.

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