

U.S. ANNOUNCES NEW POLICY FOR PAROLE OF SOME HAITIANS

The New York Times

June 15, 1982, Tuesday, Late City Final Edition

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Section: Section A; Page 24, Column 1; National Desk

Length: 1013 words

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Dateline: MIAMI, June 14

Body

The Justice Department announced today that it was issuing guidelines for the release of some Haitians from Federal detention facilities. The Haitians would be paroled to sponsors while they awaited hearings on whether they would be deported.

Many of the nearly 2,000 Haitians have been detained as long as a year under a Reagan Administration policy designed to discourage illegal immigration.

The latest action, essentially a return to the policy of a year ago, was announced this afternoon in Federal District Court here, where a ruling on a lawsuit that seeks to free the Haitians is expected any day. Attorneys for the plaintiffs and other advocates for Haitians in Miami said the timing of the announcement indicated that the Government expected to lose the case and had changed its policy to save face.

MIAMI, June 14 - The Justice Department announced today that it was issuing guidelines for the release of some Haitians from Federal detention facilities.

The new guidelines, set forth in a memorandum from Attorney General William French Smith to the Immigration and Naturalization Service Commissioner, Alan Nelson, allow parole for Haitians who are represented by individual counsel, have a "responsible sponsor" and can offer "acceptable assurances" that they will appear for court hearings.

Forms of Acceptable Assurance

Acceptable assurance, said Robert Bombaugh, a Justice Department trial lawyer, could be a pledge from relatives or others of longstanding residence in the community, or could be in the form of "reasonable bonds."

The condition of "reasonable bonds" raised immediate concern among those attempting to aid the Haitians. "It sounds fairly good in theory and easily manipulated in practice," said Ira Kurzban, one of the principal lawyers in the lawsuit, which was filed in behalf of the Haitians in detention as a class. "For example," he said, "say they ask \$2,000 bond. No one gets out."

The Rev. Gerard Jean-Juste, executive director of the Haitian Refugee Center Inc. in Miami, said that if "it is implemented properly, it is a fair proposal," adding: "The only thing I'm concerned about is the bonding. If they ask \$500 to \$2,000, we're back to Square One again."

Mr. Bombaugh said that he could not "get into details" and that a meeting with immigration officials had been set for Thursday to "discuss details of the implementation."

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He said the move "does not in any way resolve the issues currently before this court." Judge Eugene Spellman, who is hearing the case, agreed, saying he would make his decision in the lawsuit before the end of this week. The judge and Mr. Bombaugh agreed to meet June 23 with the Dade County Bar Association and voluntary sponsoring groups to work out the procedures for those eligible for release.

600 Held at Miami Center

About 600 Haitians are being held at the Krome Avenue Detention Facility, a former missile base 25 miles west of Miami. There are 650 at the Fort Allen Detention Facility in Puerto Rico, and the rest of the 2,000 are being held at Federal correction facilities in Kentucky, New York, Texas and West Virginia. Civil libertarians contend they are political refugees and ought to be released.

The lawsuit seeks to prove that the Government's s detention of Haitians is discriminatory because aliens of other nationalities are routinely released. The Government contends that the Haitians are treated "specially," though not discriminatorily, in part because, while they are seeking political asylum, the Government's s position is that they have come here for economic reasons.

Other aliens without proper documents are routinely expelled, Government witnesses said, while the Haitians have prolonged their incarceration with petitions for political asylum and class-action lawsuits. The detention policy, according to testimony, was adopted last summer as a deterrent to further illegal immigration. It was also put into effect after it was discovered that more than 20,000 Haitians who were paroled in the custody of sponsors over the last decade, pending exclusionary hearings on their cases, never appeared for the hearings.

About 800 of the Haitians are represented by lawyers and apparently would be the first to be considered for parole. But an agreement between the Government and the Commonwealth of Puerto Rico stipulates that Haitians cannot be released there. Judge Spellman asked Mr. Bombaugh about that today, but he could not say what would be done with those now held on the island.

'Abuse' of Parole Asserted

Until last summer, the immigration service, after a cursory medical examination, routinely paroled Haitians who arrived in the United States illegally. Mr. Bombaugh said that the policy was "abused" and that it "caused more, not less, illegal immigration."

The new, much stricter parole policy will be "monitored closely," Mr. Bombaugh said. The numbers of Haitians who do not show up for hearings will be "kept track of," he said, adding that if it is found that the paroles are "encouraging more illegal immigration," the program will be rescinded.

Asked in Washington whether the timing of the announcement was connected to the lawsuit in Miami, Associate Attorney General Rudolph W. Giuliani, one of the witnesses in the two-month trial, said it was "not in any way an attempt to influence" the judge's s decision.

Commissioner Nelson said in an interview, "We are not in any way backing off or waiving from the detention policy." Mr. Kurzban speculated that the Reagan Administration had "gotten a lot of political heat," and "felt they were going to lose the case." He said, "This was a way of softening the blow and making it look like they were doing it on their own."

There was no word of reaction by those being held at the Krome Facility, which has barred all visitors except for immediate relatives because of "rising tension."

Graphic

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Illustrations: photo of Haitians at Miami detention center

Classification

Language: ENGLISH

Subject: IMMIGRATION (90%); PAROLE (90%); LAW ENFORCEMENT (90%); SUITS & CLAIMS (90%); LAWYERS (90%); JUSTICE DEPARTMENTS (90%); LAW COURTS & TRIBUNALS (89%); JUDGES (89%); IMMIGRATION LAW (89%); LITIGATION (89%); IMMIGRANT DETENTION CENTERS (89%); DEPORTATION (78%); CITIZENSHIP (78%); PUBLIC POLICY (78%); ATTORNEYS GENERAL (78%); REFUGEES (77%); ILLEGAL IMMIGRANTS (73%); TALKS & MEETINGS (72%); ASSOCIATIONS & ORGANIZATIONS (69%); BUSINESS & PROFESSIONAL ASSOCIATIONS (60%)

Company: SQUARE ONE (52%); SQUARE ONE (52%); US DEPARTMENT OF JUSTICE (94%); US DEPARTMENT OF JUSTICE (94%)

Organization: US DEPARTMENT OF JUSTICE (94%); US DEPARTMENT OF JUSTICE (94%); US DEPARTMENT OF JUSTICE (94%); US DEPARTMENT OF JUSTICE (94%)

Industry: LAWYERS (90%)

Geographic: MIAMI, FL, USA (90%)

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