

## ***Ruling tangles policy on Chinese immigration / Approval of asylum foils Clinton's crackdown vow***

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**Byline:** Maria Puente

### **Body**

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The Clinton administration's promised **crackdown** on illegal **Chinese immigration** has run up against a federal judge's **ruling** that China's coercive family-planning **policies** may be grounds for **asylum**.

The result is that American **policy** on **asylum** as it applies to **Chinese** is as confused as it was during the Bush administration - and could remain so for months or years while the issue is debated in the courts.

"There's an urgent need for the Clinton administration to come back with a clear statement on its **policy**," says Dan Stein, head of the Federation for American **Immigration** Reform, which advocates reducing **immigration**.

China tries to force couples to have just one child, a **policy** that has raised legal questions in the USA.

"The administration has dropped the ball . . . and as a result they're losing control of the **policy**," he says.

The Justice Department is trying to decide whether to appeal the **ruling**, which involves the **asylum** claim of one of 285 illegal **Chinese** immigrants found on the smugglers' vessel Golden Venture last June.

The government insists the **ruling** applies to just one case. But other judges may be influenced by it, and lawyers representing other **Chinese** say they intend to raise it.

Stein says that means the **ruling** - the first-ever judicial pronouncement on the issue - is a "disaster" and an open invitation to would-be **Chinese asylum** seekers.

Immigrant-rights groups agree the **ruling** may encourage would-be immigrants, but hail the decision as a victory for human rights.

"Clinton will have to take a position now - are human rights really a priority or is he going to coddle China as he accused Bush of doing," says Craig Trebilcock, who represents **Chinese asylum**-seekers.

But the **ruling** won't immediately help hundreds of **Chinese asylum**-seekers still in jail.

"It's an administrative abdication (by) sending the issue to federal court . . . but it means these people will remain in limbo for months or years," said Arthur Helton, head of the Lawyers Committee for Human Rights.

The **ruling** was issued last month by federal District Judge Thomas Ellis in Alexandria, Va., in the case of Guo Chun Di, 28.

Guo, being held in a Virginia jail, says he fled because he and his wife wanted two more children. When they resisted orders to be sterilized, he said, officials confiscated their property and destroyed their home.

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An immigration judge found Guo's story plausible but denied him asylum based on a 1989 Board of Immigration Appeals ruling. That ruling says that persecution under a coercive population control policy does not constitute grounds for political asylum.

The Justice Department argued Guo was not singled out for special persecution, that Congress didn't intend for family planning policies to be grounds for asylum, and the 1989 case should be the precedent for deciding such cases.

But Ellis, who was appointed by President Reagan, said involuntary sterilization is "an egregious infringement on the fundamental right to procreate," and Guo's opposition to China's policy constitutes "political opinion" that makes him eligible for asylum.

Moreover, Ellis said U.S. policy on this issue had been hopelessly muddled during both the Bush and Clinton administrations - with nine inconsistent government pronouncements since 1988.

"Taken together, they amount to an administrative cacophony undeserving of judicial deference," Ellis said.

The cacophony may continue. Last summer, Clinton promised significant reform in the nation's overwhelmed political asylum system, including a crackdown on smugglers. Since then little has happened in either the White House or the Congress.

Attorney General Janet Reno was supposed to clarify administration policy last year, but in December declined to do so, saying the cases presented to her weren't good ones on which to base policy.

"Clinton made promises about significant reforms but internally everything's gone to pieces," Stein said. "They're making no one happy and getting nothing done."

## Notes

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## Graphic

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PHOTO, b/w, Michael Albans, AP

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