

## ***In a Shift, U.S. Grants Asylum For Mexicans***

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### **Body**

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The **United States** has quietly **granted** political **asylum** to at least 55 Mexican citizens in the last 14 months, a major **shift** after many years in which virtually all **asylum** applications from **Mexicans** were routinely rejected.

Immigrants-rights advocates hail these **grants** of **asylum**, which are made by individual Federal immigration agents and judges on a case-by-case basis, as a collective milestone that amounts to formal recognition by the **United States** that political repression occurs in Mexico. But the actions have created a growing diplomatic headache for the Clinton Administration by angering the Mexican Government and the ruling party that has dominated the country for more than 60 years.

The **asylum** approvals come during a time of huge increases in the numbers of such applications from **Mexicans**. Applications increased to 9,304 in the 1995 fiscal year, which ended Sept. 30, from 6,397 in 1993 and from only 122 in 1990. From 1990 through 1993, not a single **asylum** application was approved; in 1994 five were approved, and in the most recent fiscal year it was 54.

The cause of the increase is itself the subject of intense debate. Advocates for those seeking **asylum** say the increase reflects the Mexican public's growing opposition to the ruling political party and **asylum** applicants' fears of retaliation for their political activities. But Federal immigration officials say that much of the increase represents fraudulent applications submitted by **Mexicans** seeking to take advantage of a loophole in the **asylum** law that allowed them to work legally in the **United States** pending review of an **asylum** request.

Among those **granted asylum** are environmentalists and critics of the Government, including the former Mayor of Ojinaga, Ernesto Poblano, and Ana Maria Guillen, the former leader of the opposition Democratic Revolutionary Party in Matamoros, near the **United States** border.

"I'm happy because we have created an opening for our compatriots," said Ms. Guillen, whose petition was approved this week by an immigration judge in San Antonio. "I'm sad because the situation is worse and we don't have the conditions that will allow us to return."

A portrait of these refugees is difficult to assemble: the Federal Immigration and Naturalization Service, citing confidentiality laws, declined to release details of the **asylum** petitions that have been approved.

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In the vast majority of cases, asylum requests from Mexico are still turned down, a point that both Mexican and State Department officials emphasized in interviews. And Gustavo Mohar, the minister in charge of immigration affairs at the Mexican Embassy in Washington, insisted Mexican citizens had no reason to fear retribution for their political activities.

"We have in Mexico the mechanisms to protect people who feel their life is threatened," Mr. Mohar said today in a telephone interview. "The Government position is that there is no action against people. They can speak and say whatever they will."

The Immigration and Naturalization Service has taken pains to portray the surge in asylum petitions as largely the result of fraudulent claims. But even after the provision that allowed applicants to begin working legally was rescinded early this year under a much-heralded reform of asylum procedures, the numbers of applications increased slightly over the year before.

And advocates for the Mexican petitioners say a growing number of opposition leaders in Mexico have cited abuse, torture and fear for their lives in their requests to remain in the United States -- and several have persuaded immigration judges to approve their requests based on such evidence.

"There is this sort of myth that Mexico is functioning as a full democracy where people can object without facing reprisals," said Dan Kesselbrenner, director of the immigration project of the National Lawyers Guild, a resource center for groups that represent immigrants.

"The willingness of judges to grant asylum relief to people from Mexico reflects the actual objective conditions in Mexico," he said, "where there is political repression of people who are active against the Government."

And Maria Jimenez, director of the immigration law-enforcement monitoring project of the American Friends Service Committee here in Houston, said the rulings "corroborate what Amnesty International and Americas Watch have reported, that there's no prosecution of people, the police or army or anyone, who commits these violations."

Under Federal immigration statutes, asylum is approved if an applicant can demonstrate "a well-founded fear of persecution based on race, religion, nationality, political opinion or membership in a particular social group." The approval can come from officers of the naturalization service or Federal immigration judges.

In one case last year, in apparently the first specific ruling by immigration authorities that sexual orientation constituted grounds for persecution, a gay Mexican man was granted asylum after contending he was harassed, tortured and raped by Mexican police.

Most of the Mexican cases appear to involve political activism. Carlos Spector Calderon, an El Paso lawyer, said he had represented or advised five people granted asylum in the past few years, all of whom held leadership positions in opposition parties.

Still, some of those granted asylum have apparently not applied on political grounds. For instance, an official familiar with immigration rulings said today that among those granted asylum last year were several relatives of a man accused in the assassination of the Mexican Presidential candidate, Luis Donaldo Colosio.

The relatives were not themselves involved in political activities and simply feared retaliation, said the official, who spoke on condition of anonymity. But a spokesman for the immigration service said the agency could not confirm that account.

Ms. Guillen said Mexican officials had put out a warrant for her arrest after she was attacked by police when she tried to enter a building where ballots were being counted. She fled to San Antonio and at her hearing, presented testimony from Juan Gutierrez, a colleague who said he had been held by the police, beaten and threatened with "disappearance." She also presented affidavits from witnesses who said they had seen other members of the party beaten.

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In a ruling on Monday, a Federal immigration judge, Richard F. Brodsky, said Ms. Guillen was "similarly situated" to members of her party who had been the subject of persecution, and he approved her request. In doing so, he overruled an earlier denial of the application by the immigration service.

Asked if she wanted to return to Mexico eventually, she said: "If the conditions allow, of course. I will return to my country when they get better."

## Graphic

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Photo: Ana Maria Guillen, the former leader of the opposition Democratic Revolutionary Party in Mexico, was **granted** political **asylum** by a Federal immigration judge, who said she was a target of persecution. (Craig Stafford for The New York Times)(pg. B14)

Graph: "ALMANAC: Political **Asylum**" shows **Mexicans** applying for **asylum** from 1990 to 1995, **Mexicans** **granted asylum** from 1990 1995 and countries with the most nationals **granted asylum** from 1990 to 1995. (Source: Immigration and Naturalization Services)(pg. B14)

## Classification

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