

TENNIS DEFECTOR DIVIDES U.S. AIDES

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Body

An application for political asylum by Hu Na, a 19-year-old Chinese tennis player, has provoked a "unique" disagreement between the State Department and the Immigration and Naturalization Service, a Reagan Administration official close to the case said today.

"The whole case has been irregular," the official said. He said Miss Hu's case was the first in which the Immigration Service, which is part of the Justice Department, had failed to grant asylum quickly after a favorable recommendation had been made by the State Department.

No final action has been announced by the Justice Department. But Alan C. Nelson, commissioner of the Immigration Service, has failed for several months to follow the State Department's recommendation that asylum be granted.

WASHINGTON, March 30 - An application for political asylum by Hu Na, a 19-year-old Chinese tennis player, has provoked a "unique" disagreement between the State Department and the Immigration and Naturalization Service, a Reagan Administration official close to the case said today.

The Immigration Service appears to be worried that granting Miss Hu permission to stay would create a precedent that might be used by more than 1,000 other Chinese citizens now in this country who have applied for asylum. Fewer than a dozen of the requests have been approved.

Asylum Asked Last Summer

Miss Hu defected to the United States last July 20 during a tennis tournament in Santa Clara, Calif., and applied for political asylum July 26.

She said in an interview this month that she felt Chinese officials had been trying to coerce her into joining the Communist Party, and that she feared she would be caught up in factional political struggles in China.

High-level Peking officials have demanded that Miss Hu be returned to China. A Chinese Foreign Ministry spokesman said last week that Miss Hu would not be prosecuted if she returned to China and would be sent soon to play in a tournament in Switzerland.

The Immigration and Naturalization Service and the Justice Department have the legal power to grant or deny asylum applications, and the State Department's formal role is limited to making recommendations.

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But in practice, according to the Administration official, the State Department's advice "is always followed." He said that "the way things work in fact, the State Department makes the decision, and for it to be subjected to months of review at the I.N.S. is unique."

Dissension 'Clearly' Seen

The Administration official, who requested anonymity, said that news reports that Mr. Nelson had suggested that Attorney General William French Smith deny Miss Hu asylum were consistent with what he had been told by another official close to the case.

He said that "there has clearly been dissension" within the Immigration Service as well as in the State Department about the case.

Mr. Nelson did not return a reporter's phone calls today. Verne Jervis, a spokesman for the Immigration Service, said he could neither confirm nor deny the reports, asserting that it was agency policy not to discuss "any case that's under consideration."

Mr. Jervis said the Immigration Service "occasionally although rarely" deviated from State Department recommendations in asylum cases.

Another Justice Department official said that Mr. Nelson had not yet made any written recommendation on Miss Hu's application.

More Details Requested

Terrence B. Adamson, a Washington lawyer representing Miss Hu, said in a telephone interview today that the Immigration Service had recently asked the State Department to provide more detailed reasons why Miss Hu should be granted asylum. The response, he said, was a cursory reaffirmation of the original recommendation.

"It sounds as if some official at some level of the Government has views on the process to be used in asylum cases inside the executive branch and not on the merits of Hu Na's well-documented application," Mr. Adamson said.

He expressed confidence that Miss Hu met the legal requirement for being granted asylum, which is that she have a "well-founded fear of persecution" if she were to return to China.

The State Department first recommended late last year that Miss Hu be granted asylum. This represented a victory for the Bureau of Human Rights and Humanitarian Affairs, which favored her request, over the China desk, which was concerned that granting asylum would harm relations with Peking, the Administration official said. The dispute over Miss Hu's status has aggravated the strained relations between the two countries.

Graphic

Illustrations: photo of Hu Na

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