

Haitian policy signals U.S. shift on refugees; Critics say sending back boat people violates U.N. convention

Star Tribune (Minneapolis, MN)

June 22, 1992, Metro Edition

Copyright 1992 Star Tribune

Section: News; IN DEPTH; Pg. 4A

Length: 1184 words

Byline: Wendy S. Tai; Staff Writer

Body

The U.S. **policy** toward Haitian refugees - **stopping** them at sea and summarily **returning** them to Haiti - signals a dramatic shift in U.S. treatment of refugees.

The practice also poses a precedent that could prompt other nations to turn away people seeking sanctuary.

Since World War II, the United States has led others in setting a humane standard for refugee care. But, advocates and other experts assert, the recent U.S. action toward **Haitians** violates at least the spirit of a 1951 U.N. convention.

The convention on refugee protection was expanded in 1967, and the United States and about 105 other nations have signed at least one of the conventions.

The **Bush** administration defends the executive order on **Haitians** issued May 24, saying it remains in compliance with the agreements **since Haitians** are **stopped** at sea, outside U.S. waters.

Except in an emergency, they are then **returned** without being screened for possible political persecution.

"We will be able to process any **Haitians** who fear persecution at our embassy in Port-au-Prince," a State Department official said during a recent congressional testimony.

The **policy** was adopted with the hope that it would stem the flow of tens of thousands of **Haitians** fleeing their increasingly violent and poor Caribbean country. The administration maintained that the tent city at Guantanamo Bay, Cuba, is full with 12,500 **Haitians**, and that it was like a magnet, drawing more **Haitians** to leave Haiti.

"We were forced to change our **policy**," Brunson McKinley, deputy assistant secretary for refugee programs in the State Department, told a congressional panel. "We have not violated the convention, and we have no intention of lessening our advocacy of its principles around the world."

He said the **policy** is not racist and doesn't treat **Haitians** differently from Cubans or Vietnamese.

In light of what the administration has said or done for other groups of people in flight, the Haitian case marks an inconsistency.

A long-standing U.S. **policy** allows the U.S. Coast Guard to bring to the United States Cuban asylum seekers they pick up.

Haitian policy signals U.S. shift on refugees; Critics say sending back boat people violates U.N. convention

The United States has criticized others, namely Malaysia and Hong Kong, for turning away Vietnamese boat people. When Hong Kong forcibly **returned** Vietnamese refugees, **Bush** publicly opposed it.

In accordance with the Immigration Act of 1990, the administration also has offered temporary protection in the United States for those from countries devastated by war, natural disasters or other conditions that prevent their people's safe **return**. The Temporary Protective Status has been given to those from such places as Liberia, Kuwait and Somalia. Efforts to include **Haitians** have failed.

"The standard we have held to other countries is not the standard when **it's** on our doorstep," said Bill Frelick, senior **policy** analyst with the U.S. Committee for Refugees, an advocacy group in Washington, D.C.

"We expect Pakistan to host 3 million Afghan refugees for 10 years, and Thailand has half a million refugees from various [Southeast Asian] countries. And Malawi, a very poor country with an average personal income of \$ 180 a year, has 950,000 from Mozambique.

"We don't have the capacity to provide temporary refuge? Then show me a country on Earth that has a greater capacity than the U.S."

Bush has defended his decision, saying that the nation remains open to the "politically oppressed," but that he won't "open the doors to economic refugees from all over the world."

But about a third of the more than 35,000 **Haitians** rescued by the U.S. Coast Guard **since** September have been screened and allowed to pursue asylum claims. Presumably, there are at least that many among those being **returned** to Haiti without screening, said Frelick and others.

"**It's** too crowded because they put barbed wire around it and said **it's** too crowded. But there are 47 square miles," said Lionel Rosenblatt, director of Refugees International, an advocacy group in Washington, D.C.

"**It's** preposterous. We're not asking that all these people come to Florida," he said. "We're saying that they're entitled to a fair hearing as specified under international law, which we've dodged with a technicality."

A U.S. district court judge recently **upheld** the **Bush** administration's decision, but harshly condemned it.

"This court is astonished that the United States would **return** Haitian refugees to the jaws of political persecution, terror, death and uncertainty," wrote Judge Sterling Johnson Jr.

Legislation has been introduced in the House and the Senate to prevent the forced **return** of **Haitians** without determining if they would be persecuted upon **return**.

Experts say the U.S. action points to a trend in the care of refugees in the post-Cold War era. Many refugees are being **returned** to their countries as resolutions are found for political problems there.

"The problem we confront is that the 1951 [U.N.] convention never contemplated the hundreds of thousands and millions of refugees who are now streaming across borders and over the high seas," said David Scheffer, a lawyer and senior associate at the Carnegie Endowment for International Peace, a foreign-**policy** think tank in Washington, D.C.

He said the U.S. decision should work as a "wake-up call" for nations to draft a new agreement. Fighting in Yugoslavia is the latest example of civil strife that has displaced people who don't fit under the old profile of a refugee.

Many believe the new U.S. **policy** is racist. They question if **Bush** would give the same treatment to **boatloads** of Irish people seeking asylum. McKinley denies it, saying that over the last 10 years, 140,000 **Haitians** have come through the legal immigration process.

Haitian policy signals U.S. shift on refugees; Critics say sending back boat people violates U.N. convention

Experts agree that the United States has supported international refugee programs and resettled hundreds of thousands of refugees, such as Southeast Asians. But it seldom has been a host country for a mass exodus of refugees, as Thailand or Somalia have been, experts said.

The exception was in 1980, when thousands of Cubans fled to Florida by boat. That experience hurt then-President Jimmy Carter politically, because he was seen as not having control of the situation.

Now, "It looks, in the short run, like you're in control by pushing Haitians back," Rosenblatt said. "It's easy to be tough with refugees, but what about a tough-minded, effective policy on Haiti, which the administration is still groping for?"

Facing a difficult reelection, Bush is catering to what he perceives as an anti-immigrant mood in the country, critics said. And the nation's stance could influence others.

The Dominican Republic, Haiti's neighbor, already treats Haitian refugees with "open hostility," according to a recent report by the U.S. Committee for Refugees.

Frelick said, "We feel the situation is likely to get worse with the Dominican Republic saying, 'Hey, if the U.S. can push Haitian refugees back, why can't we?' "

Classification

Language: ENGLISH

Subject: REFUGEES (91%); US FEDERAL GOVERNMENT (90%); PUBLIC POLICY (89%); FOREIGN POLICY (89%); STATE DEPARTMENTS & FOREIGN SERVICES (89%); IMMIGRATION (78%); POLITICAL ASYLUM (78%); EMBASSIES & CONSULATES (77%); IMMIGRATION LAW (74%); NATURAL DISASTERS (73%); AGREEMENTS (73%); UNITED NATIONS (73%); WORLD WAR II (72%); EXECUTIVE ORDERS (69%); RACISM & XENOPHOBIA (67%)

Company: AL MUDON INTERNATIONAL REAL ESTATE CO KSCC (51%); AL MUDON INTERNATIONAL REAL ESTATE CO KSCC (51%); UNITED NATIONS (91%); UNITED NATIONS (91%)

Organization: UNITED NATIONS (91%); UNITED NATIONS (91%)

Ticker: ALMUDON (KUW) (51%)

Geographic: PORT-AU-PRINCE, HAITI (73%); DISTRICT OF COLUMBIA, USA (79%); HAITI (98%); UNITED STATES (98%); CUBA (90%); SOMALIA (79%); PAKISTAN (79%); CARIBBEAN ISLANDS (79%)

Load-Date: June 24, 1992