

Cuba: Dad May Retrieve Cuban Boy

Associated Press Online

January 5, 2000; Wednesday 17:11 Eastern Time

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Section: International news

Length: 10247 words

Byline: ANITA SNOW

Dateline: HAVANA

Body

Cuba's government will not stop the father of 6-year-old Elian Gonzalez from retrieving his son in Miami if he wants to, says Fidel Castro's point man on U.S. affairs.

But Juan Miguel Gonzalez shouldn't go unless U.S. officials agree ahead of time to let the boy return to Cuba, said Ricardo Alarcon, president of Cuba's National Assembly.

"He's a free man," Alarcon told reporters after meeting Tuesday with the Rev. Joan Brown Campbell, the National Council of Churches leader who came here in hopes of helping reunite father and son.

"He should do whatever he wants. And we will help him. But if I were him I would ask, for what reason: to finally return the boy, or to delay and delay the case even longer.

A U.S. official said Tuesday that the Clinton administration had asked Cuba to let Gonzalez escort the boy back to the island if U.S. officials decide the boy should return to Cuba.

Gonzalez has not commented publicly on the newest report from Washington, but earlier said that he did not think he should have to go the United States to pick up his boy.

The U.S. official, who asked not to be identified, said the request was a contingency plan and does not signal a decision by the Immigration and Naturalization Service to send Elian back to his homeland.

Elian was retrieved from an inner tube off the coast of Florida on Nov. 25. He had been aboard a Florida-bound boat that capsized, killing 10 other passengers, including his mother.

A tug of war ensued, with his father demanding his return and his relatives in Florida insisting he would have a better life in the United States. U.S. officials paroled the boy to the temporary care of his great-uncle in Miami.

The Immigration and Naturalization Service set a Jan. 21 hearing on the case, but American officials have said a decision could be reached beforehand.

State Department spokesman James P. Rubin said a decision by the father to apply for a nonimmigrant visa would be welcome. But for Gonzalez to make the trip, he also would need travel documents from the Cuban government, Rubin noted.

The speculation both here and in the United States has been that Havana is worried that if Gonzalez goes to retrieve his child he may never return.

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If he stayed, however, he could risk permanent separation from his current wife, his 4-month-old son, and his parents in Cuba. And after weeks of protests by hundreds of thousands of people demanding his son's return, Gonzalez, a member of the Communist Party, has repeatedly expressed his gratitude to the Cuban government and people.

Yet another gathering in support of Elian's return was held on Tuesday, this time by Cuba's leading artists, writers, musicians and other cultural figures. President Castro showed up at the gathering at the Palace of Conventions in Havana his first presence thus far at a pro-Eliau rally.

Campbell, the church council's outgoing secretary-general, met briefly with Castro on Monday. The council is the United States' largest ecumenical organization, representing 35 Protestant and Orthodox denominations comprising 52 million congregants.

After spending most of Monday with Gonzalez and Elian's four grandparents and a great-grandmother, Campbell was convinced that the boy should be with them.

"The human emotion in this family is very real and very powerful," said Campbell, a Baptist minister. "We believe that this family has both the emotional strength and economic resources to raise this child."

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Eliau Gonzalez's Miami relatives, who have been fighting to keep the boy, expected to learn the decision late this morning, spokesman Armando Gutierrez said.

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An immediate appeal is planned if the decision goes against the wishes of relatives trying to keep the boy in Miami.

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The boy's father, Juan Miguel Gonzalez, has been trying to get him back ever since, saying his ex-wife didn't have permission to take the boy out of his communist homeland. He has had the backing of Cuban President Fidel Castro, whose government has orchestrated giant demonstrations backing the father.

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The Clinton administration asked the Cuban government this week to issue an exit visa to the father to allow him to personally escort the boy back home if immigration officials decide he should return to the island.

On Tuesday, Ricardo Alarcon, president of Cuba's National Assembly, said Cuba's government would not stop the father from going to the United States, but said he shouldn't go unless U.S. officials agree ahead of time to let the boy return to Cuba.

"He should do whatever he wants. And we will help him. But if I were him I would ask, for what reason: to finally return the boy, or to delay and delay" the case even longer.

Also this week, the Rev. Joan Brown Campbell, outgoing leader of the U.S. National Council of Churches, met with the father and other relatives in Cuba. The council has urged the boy's return to Cuba.

While Cuban adults who reach the U.S. mainland are routinely allowed to stay, the boy's age created diplomatic problems. Many Cuban exiles insist his mother's death in a bid to live in a free country was enough to allow Elian to stay, regardless of the desires of his Cuban relatives.

U.S. immigration officials have decided that the Cuban father of 6-year-old Elian Gonzalez has a right to custody of the boy, government officials said today.

The U.S. decision, which would allow the boy, now in Miami, to be returned to Cuba, was to be announced today by Doris Meissner, commissioner of the Immigration and Naturalization Service.

But Meissner was not expected to immediately explain how the boy might actually be returned to his father because that question involves possible legal action outside the government's control, according to this official, who requested anonymity.

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In Cuba, the boy's father, Juan Miguel Gonzalez, could not be reached for comment, and there was no immediate reaction from Cuba's communist government.

Armando Gutierrez, a spokesman for the boy's relatives living in Florida, said any decision to return the boy to Cuba would be appealed.

Should the boy's relatives sue, a ruling by Meissner in the father's favor would be a powerful weapon in his ability to prevail in court, the U.S. officials said.

These officials believe U.S. courts might conclude they had no jurisdiction over the case in light of Meissner's ruling.

Rather than explaining the details of the boy's return to his father in Cuba, the INS was expected to call on all members of the child's family to work together for a quick and easy return of the boy to his father, these officials said.

A woman who answered the phone at Gonzalez's house in the coastal town of Cardenas, a two-hour drive east of Havana, said Gonzalez was not at home and she had no information about his whereabouts.

The Rev. Joan Brown Campbell of the National Council of Churches said before leaving Havana for New York this morning that Gonzalez and all four of Elian's grandparents had attended a late-night dinner in Havana with President Fidel Castro.

Elian was plucked from the ocean on Thanksgiving Day after his boat sank, killing his mother, stepfather and eight other people.

The boy's father has been trying to get him back ever since, saying his ex-wife didn't have permission to take the boy out of his communist homeland. He has had the backing of Castro, whose government has orchestrated giant demonstrations backing the father.

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U.S. immigration officials have decided that the Cuban father of 6-year-old Elian Gonzalez has a right to custody of the boy, government officials said today. The boy must be returned by Jan. 14, according to officials familiar with the decision.

The U.S. decision, which would allow the boy, now in Miami, to be sent back to his father in Cuba, was to be announced today by Doris Meissner, commissioner of the Immigration and Naturalization Service.

But Meissner was not expected to immediately explain how the boy might actually be returned to his father because that question involves possible legal action outside the government's control, according to U.S. officials, who requested anonymity.

Congressional officials familiar with the decision, however, said that the INS would announce the Jan. 14 date had been set for the boy's return.

The ruling will hold that the boy's father, a hotel worker, has the legal authority to speak on behalf of the boy, the officials said. Details for how the boy should be returned will be left to the families involved, the officials said.

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"Family reunification has long been a cornerstone of both American immigration law and U.S. practice," Meissner said. "This little boy, who has been through so much, belongs with his father."

She said the INS was ready to work with Elian's family in Miami and others to secure his return to Cuba.

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But after interviews with the elder Gonzalez, the boy's great-uncle and lawyers in Miami, the INS found that the father had the sole legal authority to speak on behalf of his son regarding his immigration status in the United States.

Even though the boy's parents were divorced, the INS found that Elian had a "close and continuous relationship" with his father.

"The father made it very clear that he wants Elian returned to him as soon as possible," Meissner said.

Just before Meissner's announcement, about 30 people gathered in front of the home of the boy's relatives in Miami's Little Havana.

Sandy Cobas, 45, and her boyfriend Jose Paredes, 49, who heard about the developments on Spanish-language radio, left her job at a cigar factory to rally at the house.

"Now it's a battle between Clinton and Castro," Cobas said. "It's all politics. Castro wants him, and Clinton will let him go. He doesn't care."

At the INS offices in Miami, one man was escorted away by police after a fist fight almost erupted. Protesters carried signs saying "How can you send a child back to a country that violates human rights?" and "No More Castro No More Desperate Crossings."

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"The administration silenced Elian and chose to pursue its policy of rapprochement with Castro rather than to allow all sides to present their case in court and to afford the U.S. legal system the opportunity to rule on this issue," she said in a statement.

But White House spokesman Joe Lockhart said President Clinton believed the INS considered the matter fairly.

"He believes this was a difficult case for the INS, they acted appropriately, they gathered the facts in a very comprehensive way and applied the relevant rules and regulations and law fairly," Lockhart said.

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"The father made it very clear that he wants Elian returned to him as soon as possible," Meissner said.

Elian was attending classes for the second day at the Lincoln-Marti School in Miami when the INS announcement was made.

"He is a special kid, but we have treated him like any other student at our school. He gets along with the other kids. He smiles a lot," said the school's director, Demetrio Perez. "It is going to affect his personality a lot if he is sent back. It is a mistake. His father should come here and see what the child has here."

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James Nicholson, chairman of the Republican National Committee, offered to "pay the cost to bring Elian's entire family to Miami so that we can learn for sure what his father wants free of communist coercion."

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"Family reunification has long been a cornerstone of both American immigration law and U.S. practice," Meissner said. "This little boy, who has been through so much, belongs with his father."

She said the INS was ready to work with Elian's family in Miami and others to secure his return to Cuba.

The boy's father, Juan Gonzalez, was not immediately available for comment.

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Elian quickly found himself in the middle of high-level diplomatic discussions as Cuban-Americans who had fled the communist island demanded that he be allowed to remain in the United States. Cuban President Castro joined Elian's father in demanding the boy's return and sponsored massive demonstrations on the boy's behalf.

Even before the INS ruling was publicly announced, Elian's relatives in Miami said they would appeal.

But after interviews with the elder Gonzalez, the boy's great-uncle and lawyers in Miami, the INS found that the father had the sole legal authority to speak on behalf of his son regarding his immigration status in the United States.

Even though the boy's parents were divorced, the INS found that Elian had a "close and continuous relationship" with his father.

"The father made it very clear that he wants Elian returned to him as soon as possible," Meissner said.

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Classification

Language: ENGLISH

Subject: CHRISTIANS & CHRISTIANITY (90%); CITIZENSHIP (90%); US FEDERAL GOVERNMENT (89%); IMMIGRATION (86%); CLERGY & RELIGIOUS VOCATIONS (78%); US PRESIDENTS (77%); POLITICAL PARTIES (73%); PAROLE (71%); PASSPORTS & VISAS (69%); RELIGION (55%); STATE DEPARTMENTS & FOREIGN SERVICES (50%)

Company: NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA (57%)

Organization: NATIONAL COUNCIL OF THE CHURCHES OF CHRIST IN THE USA (57%)

Person: FIDEL CASTRO (58%)

Geographic: MIAMI, FL, USA (92%); HAVANA, CUBA (78%); FLORIDA, USA (93%); **UNITED STATES** (97%); CUBA (94%)

Load-Date: January 5, 2000