

## **Mexico's Position on Aliens Contradicted by Past Deeds - Correction Appended**

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 **Correction Appended**

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### **Body**

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Despite its recent declarations that Mexico will never act as an agent of American immigration policy, the Mexican Government has for years been quietly deporting undocumented aliens heading to the United States.

For at least the last three years, Congress has appropriated \$350,000 a year to pay Mexico for its costs in deporting residents of third countries passing through Mexico on the way to the United States.

In the past, most were from Central America.

But in April a boatload of about 300 Chinese bound for San Francisco made it to an inlet near Ensenada, Mexico, where Mexican authorities found them locked in a smuggler's safe house.

#### Delayed Flight Back Home

Using the money provided by the United States, Mexico chartered a plane to repatriate all but six of the Chinese. A United Nations official determined that the six had valid claims of political asylum.

The United States, however, refused to grant the plane landing rights to refuel in Alaska because officials feared that the Chinese would claim political asylum on American soil.

While the issue of landing rights was debated, about 100 of the Chinese escaped from a crowded hangar at the airport in Mexicali, about 80 miles northeast of Ensenada on the United States border. All but a few were caught by American officials and detained. The remaining Chinese, about 200, were returned to their homeland after the Mexican plane secured permission to refuel in Europe.

#### Rift in Diplomacy

The quiet but rocky arrangement between the United States and Mexico was noisily thrust into the open in the last week. Mexican officials learned from American newspapers, rather than through diplomatic overtures, that the United States wanted them to accept and then deport 659 Chinese who had been intercepted at sea by the United States Coast Guard and escorted to within 60 miles of Ensenada.

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It was a breach of protocol, and Mexican officials publicly took offense, defending their country's sovereignty.

"Of all the countries to ask to do this, Mexico must be the least appropriate," a senior Mexican Foreign Ministry official said. "I don't think it is Mexico's place, nor do I think anybody reasonably expects Mexico to become an arm of the U.S. immigration service."

Victor Spencer, a spokesman for the Mexican Foreign Ministry, said yesterday that the ministry had no immediate comment on its stance on accepting American financing.

American immigration officials prefer to prevent boat people from landing in the United States because once in this country they have the right to pursue claims of political asylum that can take years to resolve. Federal law and an international treaty to which the United States is a party prohibit the deportation of aliens without a hearing on their claims.

Mexico has never signed the international treaty. And advocates for refugees charge that the Mexican Government, which has historically prided itself on an open-arms policy toward refugees, has recently treated many potential applicants for asylum, particularly Central Americans, summarily, even abusively.

Moreover, these advocates have been alarmed by the agreement between the United States and Mexico. "We have been paying -- and continue to pay -- for deportations from a country that doesn't show any respect for the basic human rights of refugees," said Bill Frelick, senior policy analyst with the United States Committee for Refugees, an advocacy group based in Washington.

In addition to Mexico, the Clinton Administration has enlisted the cooperation of other foreign governments in keeping potential applicants for political asylum from reaching the United States.

In April, for instance, a boatload of Chinese bound for the United States was intercepted by the Coast Guard 200 miles off Honduras. The boat, registered in Honduras, was allowed to land in Honduras, and two lawyers from the Immigration and Naturalization Service flew there to interview the Chinese. The lawyers determined that five of them were political refugees, a former Government official deeply involved in immigration matters said, and that about 40 others had claims worth pursuing.

But United Nations officials in Geneva, who had final say in the matter, determined that none of the Chinese qualified as political refugees, and Honduras returned them to China at American expense.

### Crucial Court Ruling

Immigration experts expect that the United States will continue to seek other countries' cooperation in helping to process and repatriate illegal aliens bound for the United States. Indeed, a new Administration policy calls for the interdiction and "redirection" of boats smuggling aliens.

The Supreme Court ruled recently that Federal and international laws prohibiting the summary return of aliens do not apply to those stopped in international waters or outside the United States. And immigration experts believe that ruling has emboldened the Administration.

Some human-rights advocates are concerned that the Government is pushing the limits of its powers in seizing and redirecting foreign vessels. The United States, through a treaty with the Haitian Government, has permission to interdict only Haitian boats.

In the latest case, a State Department official, Joseph Snyder, said one boat captain gave the Coast Guard permission to take control. Because the other boats were believed to be registered in Taiwan, the Government asked the Taiwan Government for permission to board them. Taiwan officials said they could not confirm that the boats were indeed sailing under a Taiwanese flag "but that they had no problems with the Coast Guard boarding and inspecting them," Mr. Snyder said.

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Lucas Guttentag, an immigration expert at the American Civil Liberties Union, questioned the Government's actions of the **past** week. "Is the U.S. Government obfuscating or blatantly violating the international law of the seas?" he asked. "This would seem to come perilously close to piracy."

## Correction

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An article yesterday about other countries' repatriation of **aliens** bound for the United States misstated the circumstances of the fatal shooting of a Chinese **alien** in Honduras in some editions. According to a former American official, he was killed at a detention center, not while boarding a plane for repatriation.

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