

LOCAL NEWS

Kennedy, Congressmen Blast INS Detention of Haitian Asylum Seekers

By Bill Forry

Massachusetts' senior U.S. Senator and two Bay State Congressman joined a chorus of national leaders who are blasting a policy shift by the Bush administration that has led to the four-month confinement of Haitian asylum-seekers in Miami. The backlash comes after a lawsuit filed against the Immigration and Naturalization Service (INS) on March 15 revealed that Haitians are being singled out for detention by the agency.

In a statement to the *Boston Haitian Reporter* on March 20, Sen. Edward Kennedy said, "The continued detention of Haitian refugees is a serious problem, and I plan to continue looking into this situation. There is a long history of Haitians being treated unfairly compared to other similarly situated asylum seekers. We can not let this continue."

Congressmen Michael Capuano (D-Somerville) and Stephen F. Lynch (D-Boston) also lashed out at the Bush administration for its policy shift.

"I am appalled that the INS has seemingly changed its policy toward Haitian refugees without warning and, to my knowledge, without justification," Capuano said in a statement to the *Boston Haitian Reporter*. "The United States has always welcomed asylum seekers from other countries, and I don't see why this has been altered. I hope and expect that the INS will see the error of its ways and return to its previous practice of community parole-release for asylum seekers."

In his own statement to the *Reporter*, Congressman Lynch echoed Capuano's disdain for the detentions.

"The INS should not grant asylum requests based on race or ethnicity, but rather should keep to its commitment to process every case on its own merits," Lynch said. "Haitians who arrive on our shores deserve equal treatment under the law and equal treatment by the INS. I will continue to monitor the situation and help to resolve the matter in any way I can."

The reaction follows revelations stemming from a lawsuit filed on March 15 by immigration activists in Miami. According to the Associated Press, government attorneys responding to the complaint disclosed on Monday that the Bush administration secretly changed its detention policy towards Haitian refugees in December to discourage a feared mass exodus from the Caribbean nation.

The lawsuit was prompted by the detention of more than 200 Haitian refugees who were detained by the Coast Guard off the U.S. Coast in December, 2001. Most of the Haitians are still being held in three separate South Florida facilities.

The policy marks a departure for the INS, which has previously released asylum seekers to family members or Haitian community leaders.

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Massachusetts State Rep. Marie St. Fleur (D-Dorchester), the nation's first Haitian-American legislator, said that the policy sets a bad precedent.

"Discriminatory practices based on race or nation of origin really run counter to the basic principles of the Constitution," St. Fleur told the *Reporter*. "If we start accepting it at our borders, it really becomes problematic as to where it will extend into our communities."

St. Fleur said that the policy shift is the latest example of unfair treatment of Haiti by the U.S. government. She called on Haitian-Americans to lobby their elected officials for action.

"It is incumbent on Haitian-Americans to put pressure on the government to encourage fairer treatment of their countrymen, just as other countries, like Russia or Cuba."

Earlier in the week, National Coalition for Haitian Rights (NCHR) called on U.S. Attorney General John Ashcroft to free the Haitian detainees. The group said it was "gravely concerned" that the U.S. was discriminating against the Haitians based solely on their race and nationality.

"This policy applies solely to Haitians," said Dina Paul Parks, NCHR's Acting Director. "And this was not the case before December. We are baffled by this abrupt and blatantly discriminatory change in policy."

Parks says that this group of Haitians is being detained at three different facilities in Miami: the Krome Service Processing Center, the Turner Guilford Knight Correctional Center and a Miami motel. Also, according to Parks, four Haitian minors have been transferred to a facility in Pennsylvania, while newly arriving Haitians have been sent directly to other detention facilities in states such as New Jersey.

Before December 2001, Parks says, the INS would typically parole Haitian asylum seekers, releasing

them to family or other community members once they had established a "credible fear of persecution" before an Asylum Officer and as they were pursuing their claims.

"I think what we are seeing here is nothing more than the old kind of institutionalized racism that I thought we were getting rid of in America," said Janet McAliley, a board member of the Florida Immigration Advocacy Center, which filed a lawsuit aimed at INS on March 15.

The lawsuit asks a federal judge to hold a speedy hearing and free Haitian asylum seekers detained under the new policy.

The detentions have coincided with an acceleration in court hearings, which has resulted in Haitians unfamiliar with the legal requirements for pursuing their claims going to court without lawyers. About 50 Haitians are now facing deportation under the speedup, immigration lawyers say.

Immigration lawyer Ira Kurzban said the procedures in place now are similar to those imposed in the late 1970s and early 1980s and struck down by federal judges.

"They are being detained for no other reason than they're Haitians," said Randy McGroarty of Catholic Charities.

Haitians being held indefinitely at a Miami immigration jail, a Miami-Dade County Jail and a suburban Miami hotel are becoming desperate and depressed, said Marleine Bastien of Haitian Women of Miami. U.S. Rep. Carrie Meek, a Miami Democrat, and Miami Mayor Manny Diaz sent representatives to a news conference announcing the lawsuit. Miami-Dade Commissioner Barbara Carey and officials from the NAACP and Haitian and Latin American community activists offered their support.

Parks says that her New York-based coalition group is also "troubled by the pace of proceedings" in the case, saying it is "highly improbable that an asylum seeker would have a full and fair hearing under such circumstances."

"We thought we were beyond this," added Ms. Paul Parks. "What's happening now erases years of progress and hard-won victories not just for Haitians but for the very notions of American justice and fair play. Perhaps this is just a temporary practice. But NCHR, along with key allies such as the Florida Immigrant Advocacy Center, Lutheran Immigrant and Refugee Service, Lawyers Committee for Human Rights, and U.S. Conference of Catholic Bishops will not rest until this discriminatory policy is rescinded and Haitian asylum seekers are given a full and fair hearing."

(Associated Press reports contributed to this report)

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