

STATEMENT OF THE HONORABLE WILLIAM LEHMAN
SUBCOMMITTEE ON INTERNATIONAL LAW, IMMIGRATION, AND REFUGEES
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Mr. Chairman, I would first like to thank you for taking the initiative in seeking just treatment for the Haitians who are fleeing the terrible political and economic conditions in Haiti. As you know, for a number of years Haitian refugees have suffered in comparison to other ethnic groups that have come to the U.S. seeking freedom. In 1980, with the passage of the Refugee Act, I had hoped that equitable treatment of Haitian claims to asylum would be the result. Unfortunately, discrepancies continued to exist. Cubans, Nicaraguans, and others received far more generous treatment. Incidents such as Mariel and Brownsville demonstrated that the orderly process envisioned by the Refugee Act was just not a reality.

Today there are new circumstances in Haiti which lend even greater credence to Haitian asylum claims, whatever one may have thought in the past. A democratically-elected government has been overthrown. An illegal government is in power and is actively engaged in repression and terror. Our response should be one of compassion and justice.

I support Congressman Rangel's resolution calling for temporary protected status for those Haitians already in the United States and permitting those whom we save at sea to come to a safe

haven. I understand the Administration's fear of a magnet effect, and I certainly do not want to see an exodus on the scale of Mariel. We cannot, however, ignore the horrendous situation in Haiti and turn our backs on those who at great personal risk seek freedom.

We need good intelligence so we can better predict what kind of outflow to expect. With the current embargo in place, economic conditions in Haiti will definitely deteriorate. It is of course my hope that the embargo will result in the demise of the illegal government and the restoration of democracy. In the meantime, the number of people trying to leave Haiti has been increasing, although the means of leaving is likely to be limited by the lack of fuel. Nevertheless, greater desperation may result in Haitians attempting to take even more unseaworthy vessels.

Once we are committed to providing a safe haven for the refugees, we need to share the burden. I have no problem with sending Haitians to third countries as long as we do not end up with permanent refugee camps such as we have seen in Southeast Asia. Burden-sharing within the United States should exist as well, with other states besides Florida lending a hand.

It was my understanding that the Administration was trying to arrange for a regional approach to safe haven for even those Haitians who had not yet been picked up at sea. Apparently, the

Administrations agreement with Venezuela, Belize, Honduras and Trinidad-Tobago is limited to providing refuge for only the 550 Haitians who were at sea last week, but not the 1,000 or more who have been picked up since. Those countries should be urged to continue their role so that we have an emergency process already worked out during until a legitimate government is restored.

The restoration of the Aristide government would resolve the immediate problem we face, but questions that have arisen over the years concerning the treatment of Haitian asylum seekers will not go away. It is important to address the issues of interdiction, detention and the adequacy of asylum interviews. It is my hope that the subcommittee will deal with these issues during the reauthorization of the Refugee Act, and I would invite that chairman and members of the subcommittee to visit Dade County and see first hand some of the human consequences of our current law.

I would also like to salute the Coast Guard for carrying out the difficult tasks placed upon it. The Coast Guard's role in immigration enforcement has been to follow the policy directives set by other agencies. It has tried to carry out its role in a professional and humane manner. I know that during the recent crisis the Coast Guard was very vocal in pressing for a resolution to the problem of where to bring the refugees.

The administration, however, must bear a large share of the blame for the spectacle of Coast Guard cutters filled with Haitians

stranded on the high seas for days with nowhere to go. At the time of the Aristide overthrow, the likelihood of Haitians fleeing the island should have been obvious. It also was obvious that returning Haitians to the care of an illegal government was not a possibility. We should not have waited for the Coast Guard to intercept Haitians at sea before deciding what to do with them. This was unfair to the Coast Guard and grossly unfair to the Haitians themselves.

The problem was compounded just this last weekend by an outrageous decision made at the highest levels. Whereas it had appeared to the Congress last week that, until the restoration of President Aristide and of legal authority in the country, the Administration would agree to help provide temporary safe haven to Haitians intercepted at sea. Instead, the White House has directed the Coast Guard to return interdicted refugees, as the policy had been before the coup. Can the Administration honestly certify that Haiti is now stable and a safe place for these fleeing people? I doubt it. The Administration is making a mistake by returning Haitians to a country upon which we have imposed an embargo, a country that is under a military coup which rules by the gun, not by the law. The Administration is not in a position to monitor what happens to returnees. It is unconscionable for the U.S. to turn away these boat people under these unstable political circumstances.

The U.S.'s tradition has been to welcome refugees from around the world when their countries have been unable to vouchsafe their human and civil rights, yet the Haitians have somehow always been given short shrift. We need to remove the taint of discrimination in dealing with the Haitians as versus the Cubans, the Afghans, and all others who have sought safe haven in desperate times.

Mr. Chairman, I thank you again for focusing attention on this very serious problem, and I look forward to working with you in seeking fair and equitable solutions to this and other refugee-related dilemmas.