

National Coalition For HAITIAN REFUGEES

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Counsel
Ira Kurzban, Esq.

Jocelyn McCalla
Executive Director
Anne Fuller
Associate Director

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DEC 20 1991

Congressman William Lehman
Washington, DC 20515

December 19, 1991

Dear Representative:

We urge you to convey to the Administration immediately your opposition to the deportation of Haitian refugees.

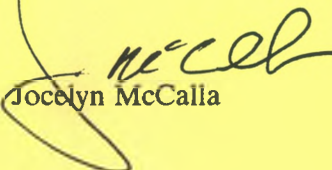
Wednesday morning, only hours before the government was to begin deporting Haitian refugees to their turmoil-ridden country, a federal judge in Miami issued a temporary restraining order. A federal appeals panel had overruled a previous injunction by the same judge on Tuesday. Deportations could resume tomorrow if the judge does not issue a preliminary injunction on new legal grounds.

Ironically, these events follow a renewed outbreak of violence in Haiti that led to the murder of Deputy Astrel Charles by militarized sheriffs reinstated since the coup. Human rights monitors in Haiti have reported intensified shooting in Port-au-Prince, its suburbs, other cities and remote villages. In the village of Plaisance, for instance, some 50 houses were burned down, livestock and grain were destroyed by rampaging troops. In Port-au-Prince, the army conducted house-to-house searches, arresting and brutalizing residents possessing posters of President Aristide.

The humane and politically responsible response to the Haitian refugees does not lie with their forced return to Haiti, but with the immediate suspension of deportations and the granting of Temporary Protected Status until the political situation stabilizes.

The attached packet contains information on events in Haiti since the coup and documentation regarding individuals who have fled. Future legislation may be required to mandate relief for Haitians, but Congress must communicate its concerns to the Administration today.

Sincerely,


Jocelyn McCalla

TEMPORARY PROTECTION FOR HAITIAN REFUGEES

ISSUE

Several thousand Haitians have fled Haiti since a military coup ousted the democratically elected government on September 30, 1991. Haitians rescued by the U.S. Coast Guard are now detained in camps at Guantanamo Bay or aboard vessels at sea. In spite of the ongoing violence and deteriorating conditions in Haiti, only Haitians who can prove they have individualized persecution claims are allowed to apply for asylum in the U.S.; all others will be forcibly returned to Haiti even though their lives are likely to be endangered there.

PROPOSAL

No Haitian should be forcibly returned to Haiti until the democratically elected government has been restored and the welfare of returning Haitians can be assured. Haitians in the United States (or U.S. custody) should be granted "temporary protected status." Haitians rescued at sea should be brought to safety and given an opportunity to present their individual asylum claims, while a regional solution is developed. Legislation introduced in the House and Senate would temporarily bar deportations to Haiti until conditions there improve.

RATIONALE

Under U.S. law, Temporary Protected Status (TPS) may be granted for a limited period of time to persons from countries experiencing war, natural disaster or other extraordinary conditions that endanger physical safety and well-being. Present conditions in Haiti warrant immediate TPS designation by the Attorney General.

On September 30, President Aristide, elected in the first democratic elections in Haiti in 200 years, was ousted by a military coup which has conducted a reign of terror on the Haitian people, marked by widespread killings and violence. The international community has imposed sanctions to pressure the military to restore the constitutional government. In the meantime, many Haitians have fled in unseaworthy vessels rather than risk death or other human rights abuse at home.

Several thousand Haitians have been rescued by the U.S. Coast Guard and are temporarily being held at Guantanamo Bay or on U.S. Navy and Coast Guard vessels. Under international and domestic laws, no refugee may be returned to a country where his or her life or freedom would be threatened. But, unless Congress acts first, the U.S. will soon resume the forcible return of Haitians whose lives may be endangered.

If the U.S. gives safe haven to Haitians, then other nations in the region are more likely to do the same.

It has been suggested that granting TPS would be a magnet for more Haitians to flee. The best insurance that Haitians do not leave Haiti is not to deny them refuge, but to restore their elected government.

QUESTIONS AND ANSWERS REGARDING TEMPORARY PROTECTION FOR HAITIAN REFUGEES

(1) What is Temporary Protected Status (TPS)?

The Immigration Act of 1990 authorizes the Attorney General to grant safe haven to nationals from countries experiencing war, natural disaster or other extraordinary conditions that endanger physical safety. The statute only permits nationals from designated states who are already in the United States, but who may not fit the textbook definition of "refugee" or "asylee", to remain and work until they can safely return home, provided they register and meet the other eligibility requirements. TPS is for a limited period of time; the TPS law does not create an admissions program or allow anyone to remain in the U.S. permanently.

Our nation presently extends TPS to Kuwaitis, Lebanese, Liberians, Salvadorans and Somalians, and gives similar protections to Chinese and Palestinians. Because conditions in Haiti are so volatile and many lives are endangered, legislation compelling the Attorney General to designate Haiti for TPS has been introduced in both Houses. By granting TPS, the U.S. would provide an incentive to other countries in the region to extend similar protections.

(2) Is it true that Haitians are coming solely for economic reasons?

No. Since the coup on September 30, 1991, human rights groups have reported that elements of the Haitian military have engaged in a continual reign of terror aimed at eliminating all potential opposition to the coup. In both urban and rural areas, premeditated executions and random violence are directed against poor people, who are the strongest supporters of Mr. Aristide. Human rights monitors report that the morgue is continually full. Reporters, political leaders and missionaries have also been beaten-up and arrested. Almost all diplomats and international aid workers have been evacuated. In the meantime, the U.S. and other countries have imposed sanctions on Haiti to pressure the military junta to resign.

Although Haiti is a poor country, the history of the last decade reveals that significantly fewer people left during periods in which the political situation was hopeful, as was the case during President Aristide's brief tenure. The recent return to violence has resulted in a dramatic increase in the number of people fleeing Haiti. While the embargo is causing widespread hardship, Haitians interviewed recently by the press and human rights groups have stressed that the military's violence is the overwhelming factor that has caused them to flee.

(3) What about people who are not yet in the United States? Won't TPS create a magnet for them to flee Haiti in unsafe boats and possibly drown?

People who are fleeing rampant violence and possible death may take desperate risks that don't seem sensible to those of us who have never been in their position. Haitians are risking their lives at sea to escape the arbitrary killings, gross human rights abuse and reign of terror of the military regime. Tragically, some lives have been lost. It would be cruel to force the survivors to return while conditions remain unstable.

Several thousand Haitians are now being held at Guantanamo Bay or on U.S. Navy and Coast Guard vessels. To discourage more Haitians from leaving and endangering their lives, proposed legislation would make Haitians eligible for TPS only if they were in the U.S. (or in U.S. custody) by a specified cut-off date. Haitians rescued after that date could apply for asylum on a case-by-case basis in accordance with international agreements and established INS procedures. People not qualifying for asylum would be given safety in the region until conditions in Haiti improve. The best insurance that Haitians do not continue to flee Haiti is not to deny them refuge, but to restore their democratically-elected government.

(4) Wouldn't a large influx of Haitians have a detrimental impact, particularly on Florida?

Persons with TPS receive temporary permission to work in the U.S. and are expected to be self-supporting. TPS does not entitle a beneficiary to receive public assistance. In fact, the law bars all federal assistance and gives states and local governments the authority to do the same. There are, however, community agencies religious and other non-governmental organizations that help refugees adjust to the U.S. and become self-sufficient during the time they are here. Moreover, granting TPS would likely save resources that are now being used to detain Haitians at Guantanamo Bay and the Krome detention center.

So far, about 200 Haitians have been admitted to the United States to apply for asylum. Last year, for comparison, 2,000 Palestinians were airlifted to the U.S.. They have not been a burden to the U.S. or to the communities in which they live. If an emergency were to develop, however, another provision in the Immigration Act of 1990 provides up to \$35 million dollars to impacted states.

(5) Doesn't the U.S. have a program to bring refugees to the U.S.? Isn't this possible for Haitians?

Each year, the U.S. identifies refugees abroad for resettlement in the United States. The U.S. government has never resettled a Haitian refugee in the U.S. since the passage of the Refugee Act in 1980. Moreover, no U.S. President has ever proposed that any of the refugee slots available each year be allocated to Haitians.

An individual who reaches the U.S. may be granted asylum if he or she proves past persecution or a "well-founded fear of persecution on the basis of race, religion, nationality, membership in a particular social group or political opinion." Many Haitians may not have individualized persecution claims that would qualify them for asylum, yet they are endangered by the widespread violence in Haiti and have much to fear if they are forced to return. It is in such cases that Temporary Protected Status is appropriate.

On the other hand, a number of Haitians intercepted by the Coast Guard since October have strong asylum claims. The Immigration and Naturalization Service (INS) is "pre-screening" interdicted Haitians at Guantanamo Bay or on Coast Guard cutters to determine if they have asylum claims. About 212 of the people interviewed so far have been permitted to apply for asylum in the U.S. The screening process, however, is a cursory process that lacks normal procedural safeguards and has been conducted by INS interviewers who are totally unfamiliar with the Haitian political and human rights situation. As a result, there are documented cases where some members of a family were "screened-in" while other family members who suffered the same abuses were "screened-out." Such uneven decisionmaking raises serious doubts about the reliability of the screening process.

The forced deportations of Haitians have been temporarily enjoined by a federal district judge in Miami who considered compelling evidence that the U.S. government is not employing adequate procedures to ensure that eligible refugees are not being rejected and sent back to Haiti where their lives are endangered. That injunction could be lifted in the near future unless Congress acts first.

(6) Why has the Administration been accused of engaging in discriminatory immigration policies?

The United States has never treated another group of refugees like the Haitians. Between 1981 and the September coup, the U.S. government has interdicted more than 24,000 Haitians on the seas and returned all but 28 to Haiti. Haitians who somehow reached the U.S. were immediately incarcerated by the INS at its Krome detention facility. During this same time period, more than 75,000 Cubans who arrived in the U.S., including 2,000 Cuban boat people inter-

cepted by the Coast Guard this year, were promptly released from detention and given work permission. None has been involuntarily returned to Cuba. Moreover, the U.S. has vigorously intervened to prevent Thailand from pushing out Laotians and Cambodians, Malaysia from preventing Vietnamese boat people from landing, and Zimbabwe from turning away Mozambicans, because such conduct violates international law.

(7) Why should the U.S be responsible for protection of the Haitians? Shouldn't other countries in the region also be asked to protect fleeing Haitians?

The U.S. should aggressively encourage all countries in the region to offer protection to Haitians until it is safe for them to return to their country.

The U.S. is the most appropriate country of first protection ("first asylum") for Haitians, however. The Dominican Republic, the nation with which Haiti shares the island of Hispaniola, has indicated its active hostility to fleeing Haitians, making it impossible for them to seek refuge there. Within the last several months the Dominican Republic has forcibly repatriated thousands of Haitians over the strong objections of international human rights groups. It has also heavily armed its border with Haiti to prevent refugees from entering. Similarly, Cuba, with its dismal human rights record, and failing economy is unlikely to act as a first refuge for fleeing Haitians.

The U.S. is therefore the geographically closest country to Haiti that can offer Haitians adequate initial protection. This is why the U.S. must continue to rescue Haitians, bring them to safety, and aggressively work to persuade other countries to extend safe haven to an appropriate number of Haitian refugees.

Honduras and Venezuela have already accepted several hundred Haitians. But if other nations are expected to provide refuge to a large number of Haitians, the U.S. must set an example and accept its fair share.

Countries that offer safe haven to Haitians should not keep them prisoner in closed camps. They are entitled to be treated with dignity, compassion and respect, with the same rights as other foreigners, while they await a return to safe conditions in Haiti. In addition, the U.S. and other countries of safe haven should aid Haitians to locate family members who can assist them until they are able to return home.

National Coalition For HAITIAN REFUGEES

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Human Rights Watch
Gary Rubin
American Jewish Committee
The Rev. Guy Sencioq
Haitian Apostles

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Executive Director
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NATIONAL COALITION FOR HAITIAN REFUGEES:

A STATEMENT ON THE FORCED REPATRIATION OF HAITIAN BOAT PEOPLE November 26, 1991

The member organizations of the National Coalition for Haitian Refugees deplore the United States government's enforced return of Haitian refugees to their violence-torn homeland. We are fearful of the uncertain fate awaiting these boat people, who fled from Haiti for their lives, and we urge President Bush to halt this inhumane policy immediately.

Attempts to depict the forced repatriation of the boat people as a humanitarian gesture, designed to prevent drownings on the high seas by discouraging future crossings, are misguided. The repatriation completely contradicts what State Department officials acknowledged two weeks ago in the decision to harbor the refugees aboard Coast Guard vessels, while seeking safe haven for them in other, more hospitable countries: Given the continuing widespread political violence and repression in Haiti, returning refugees to face potential persecution there is a grave violation of the United Nations Protocol Relating to the Status of Refugees and the mandate of the Organization of American States.

The dire conditions prevailing in Haiti since the bloody military coup d'état on September 30 have, in fact, been underscored by the Bush Administration's own statements. The Executive Order of October 29 emptied the U.S. embassy in Port-au-Prince of non-essential personnel and urged the departure of all U.S. citizens from Haiti because of the impossibility of guaranteeing their safety. The danger for Haitians is even more serious.

We call on the United States to reclaim its honorable tradition of offering refuge to individuals fleeing political repression. If we are truly to express our humanitarian concern for the risks faced by the boat people, then let the Coast Guard assume its mandated task by operating "search and rescue" missions. Until Haiti's rightful democratic government is reinstalled with President Aristide at its head, these refugees should be given safe haven. There must be neither further interdictions, nor forced returns to a brutal regime that no nation in the world has recognized as legitimate.

STATEMENT SIGNERS

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Muzaffar Chisht
ILGWU Immigration Project

Ralston Deffenbaugh
Lutheran Immigration and Refugee Service

Dale S. de Haan
Church World Service

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International Ladies Garment Workers Union

Jocelyn McCalla
National Coalition for Haitian Refugees

The Most Rev. Edward A. McCarthy
Archbishop of Miami

The Right Rev. Paul Moore, Jr.
Episcopal Bishop of New York

Cecilia Munoz
National Council of La Raza

Walter Naegle
Bayard Rustin Fund

Rev. Phyllis Nicholas
Evangelical Crusade

William O'Neill
Lawyers Committee for Human Rights

Brenda Pillors
Aide to Representative Ed Towns

Joseph L. Rauh

Primitivo Rodriguez
American Friends Service Committee

Kenneth Roth
Americas Watch

Gary E. Rubin
American Jewish Committee

Rev. Guy Sansaricq
Haitian Apostolate

Edith Tiger
National Emergency Civil Liberties Committee

Rev. Thomas Wenski

Amy Wilentz

Roger Winter
U.S. Committee for Refugees

October 22, 1991

The Honorable James A. Baker III
Secretary of State
Department of State
2201 C Street, N.W.
Room 7226
Washington, D.C. 20520

Dear Secretary Baker:

As organizations concerned with the welfare of refugees, asylum seekers and displaced persons in need of protection, we want to raise with you special concerns and recommendations about the plight of Haitians in light of the last week's events. We call upon the United States government to provide leadership and protect the lives of Haitians who have fled the island, or who are now leaving in fear for their lives.

The nation of Haiti is once again convulsed by violence and repression, following the military takeover and ouster of the constitutional government of President Jean Bertrand Aristide. The democratic forces that brought President Aristide to office only nine months ago are under severe threat, and there are reports that several hundred persons were killed in the last week. The armed forces are engaged in a campaign of terror, death and destruction, especially against the poorer sectors of Haitian society. The Senate of Haiti, in clear extraconstitutional ways and under extreme pressure from the army, has rubber stamped the illegal action of the military takeover.

The United States, acting in concert with the Organization of American States (OAS), is calling for a return of democracy to Haiti. We applaud the swift actions that ensured President Aristide's safety in the early hours of Monday, September 30, 1991. We support the cut-off of U.S. assistance to Haiti in face of this grave violation of democratic rule.

We urge you to immediately institute the following policy actions:

1. Suspend all deportation and exclusion proceedings for Haitians in the United States, pending a resolution of the deep political and military crisis in Haiti.
2. Begin a coordinated search and rescue at sea operation by the U.S. Coast Guard, stopping the interdiction and refoulement of Haitian boat people. Bring Haitians rescued at sea to the United States for temporary safe haven, saving those who flee the violence, the persecution and the anarchy of their homeland. This action would also satisfy the humanitarian requests of the Inter-American Commission on Human Rights of the OAS calling upon the United States to suspend the interdiction of Haitians on the high seas.
3. Designate Haiti as a nation covered by Temporary Protected Status under INA Sec. 244A, effective the date the announcement is made in the Federal Register. We strongly believe that the Administration can and should use the statutory authority available to offer a modest temporary protection for persons from Haiti who are presently in the United States.

We believe that these modest steps would go a long way to ensure that persons fleeing the current violence in Haiti are provided a modicum of safety and that persons who are in danger if returned home can find temporary safe haven.

Implementation of these recommendations would demonstrate, in a concrete way, the United States government's concern for the welfare of the Haitian people. It also gives a strong signal to the international community and the armed forces of Haiti that the recent actions and events in Haiti are not acceptable, that the democratically elected government must be returned to power, and that an illegitimate government cannot be trusted to offer protection to people from whom they usurp power.

Thank you for your attention to this important matter.

Very truly yours,

NATIONAL ORGANIZATIONS

A. Phillip Randolph Institute
American Baptist Churches - Immigration and Refugee Services
American Council for Nationalities Service
American Friends Service Committee
American Immigration Lawyers Association
American Jewish Committee
American Public Welfare Association
Center for Human Rights and Constitutional Law
Church World Service - Immigration and Refugee Program
Episcopal Migration Ministries
Lawyers Committee for International Human Rights
National Association for the Advancement of Colored People
National Coalition for Haitian Refugees
National Council of La Raza
United Methodist Committee for Relief
United States Catholic Conference
United States Committee for Refugees
United States Conference of Mayors

LOCAL ORGANIZATIONS

American Friends Service Committee, Miami, FL
American Friends Service Committee - Immigration Law Enforcement Monitoring Project,
Houston, TX
Bhrags Home Care, Brooklyn, NY
Catholic Charities, Archdiocese of New York
Catholic Charities of the Archdiocese of Chicago
Catholic Community Services, Archdiocese of Newark, NJ
Catholic Family and Community Services, Paterson, NJ
Central American Refugee Center, Los Angeles, CA
Coalition for Immigrant and Refugee Rights and Services
Ecumenical Immigration Services, New Orleans, LA
Friedland and McKey, Miami, FL
Haiti's Tenth Department, Midwest Bureau
Haitian Center - Diocese of Trenton, NJ
Haitian Center Council, New York, NY
Haitian Women's Program, New York, NY
Immigrant Legal Resource Center, San Francisco, CA
Intercommunity Center for Justice and Peace, New York, NY
Interfaith Coalition for Immigrants, Miami, FL
International Institute of Rhode Island
Lutheran Family Services of Colorado
Lutheran Social Ministries of New Jersey

Lutheran Social Services of Michigan
Mayor's Office of Immigrant Affairs, New York, NY
New York Immigration Coalition
North Texas Immigration Coalition
Proyecto Libertad, Harlingen, TX
Public Counsel, Los Angeles, CA
Travelers Aid Service, New York, NY
Washington Lawyers Committee for Civil Rights Under Law, Washington, DC



Office of the President

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*Most Reverend Daniel E. Pilarczyk, S.T.D., Ph.D.
Archbishop of Cincinnati*

November 20, 1991

The Honorable George Bush
The White House
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

I write, as President of the United States Catholic Conference, to express our opposition to the forcible repatriation of the Haitians currently seeking to come to the United States.

Persons willing to risk their lives in the dangerous passage from Haiti to this country are not coming for frivolous reasons. They are coming to escape violence and oppression that has, once again, become intolerable. Even if the majority of these desperate people can not demonstrate that they qualify for political asylum, there are other legal remedies available to them, such as Temporary Protected Status (TPS), which they clearly merit.

The Haitian people have been beset by many tragedies, compounded most recently by the violent overthrow of the first democratically elected government in their history. Returning interdicted Haitians to Haiti at this particular time will only aggravate this already turbulent situation. Since the United States does not recognize the new military government of Haiti, I urge you to suspend the interdiction agreement.

I urge you to express the compassion and welcome to the stranger in need that is so deeply a part of our national tradition. I ask you to authorize a more humane and flexible application of our immigration laws, to continue pressing other regional governments to provide safe haven for more of these refugees, and to halt the repatriation of interdicted Haitian refugees.

With my gratitude for your attention to this and assuring you of my prayers, I remain,

Yours sincerely,

Most Reverend Daniel E. Pilarczyk
Archbishop of Cincinnati
President, NCCB/USCC



The American Jewish Committee protects the rights and freedoms of Jews the world over; combats bigotry and anti-Semitism and promotes human rights for all; works for the security of Israel and deepened understanding between Americans and Israelis; advocates public policy positions rooted in American democratic values and the perspectives of the Jewish heritage; and enhances the creative vitality of the Jewish people. Founded in 1906, it is the pioneer human-relations agency in the U.S.

FOR IMMEDIATE RELEASE

AMERICAN JEWISH COMMITTEE OFFERS PLAN TO SAVE HAITIAN BOAT PEOPLE

NEW YORK, Dec. 3....The following statement was issued today by Gary Rubin, director of National Affairs for the American Jewish Committee:

"The American Jewish Committee ardently advocates an immediate end to the policy of forcibly repatriating Haitians. The AJC opposes proposals to warehouse them in detention facilities. AJC supports granting temporary protected status in the U.S. for Haitians, which would allow them to live here legally and work to support themselves until the emergency in their home country is resolved.

"AJC closely identifies with boat people forced by violence to leave their homeland, who are then interdicted on the high seas and prevented from reaching a safe haven. Lack of welcome by the U.S. government recalls the experience of Jews shut out of countries of freedom, including the U.S. Remembering that experience can only add to our concern and support for the Haitian boat people.

"For this reason, AJC was a founding member of the National Coalition for Haitian Refugees and we serve on the Coalition's Executive Committee today.

"I visited Haiti on a human rights mission with the National Coalition in June of 1990. At that time, the country stood in precarious balance between systematic human rights violations and the promise of democracy. For a brief period democracy won out. Now, the forces of repression and chaos have deposed the legitimate government and terrorized the population.

"AJC has a long record of involvement in the refugee field. In addition to the coalition, we serve on the executive committees of the National Immigration and Refugee Forum and the Indochina Resource Action Center. The current crisis in Haiti ranks among the most serious situations we have seen.

"We call on the U.S. government immediately to take five interrelated actions:

- 1) All forcible deportations back to Haiti should be immediately stopped. The safety of returnees cannot be guaranteed given the general chaos, random shootings and lack of control over the military currently prevailing in that country.

Alfred H. Moses, President and Chair, Board of Governors • Mimi Alpert, Chair, National Executive Council

Bruce M. Palmer, Chair, Board of Trustees • Robert S. Jacobs, Chair, Executive Committee

David A. Harris, Executive Vice President

2) We should immediately cease the policy of interdiction of Haitians on the high seas. Instead, we should mount a rescue operation to assure that Haitian asylum seekers do not drown due to unseaworthy craft they utilize in a desperate attempt to escape from violence in their homeland.

3) We should not warehouse Haitians in Guantanamo or any other facility that amounts to a detention camp. The policy of setting up special camps only produces volatile frustration among internees with no productive way to use their time and will entail significant and needless costs to operate these facilities.

4) We should grant temporary protected status to Haitians in the U.S. for as long as the political emergency in that country lasts. This would include work authorization and result in a much more humane and cost-effective policy than detention in jerry-built camps.

5) We must do all we can to restore the democratically elected government of Haiti.

"Many of these goals could be accomplished by supporting legislation offered by Senators Connie Mack (R-FL) and Dennis DeConcini (D-AR) and Representatives Romano Mazzoli (D-KY) and Charles Rangel (D-NY). The urgency of the situation, however, requires immediate action by the Bush Administration. We call on the Government to respond to the pressing plight of the Haitians."

The American Jewish Committee protects the rights and freedoms of Jews the world over; combats bigotry and anti-Semitism and promotes human rights for all; works for the security of Israel and deepened understanding between Americans and Israelis; defends democratic values and seeks their realization in American public policy; and enhances the creative vitality of the Jewish people. Founded in 1906, it is the pioneer human-relations agency in the U.S.



U.S. COMMITTEE FOR REFUGEES

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Informing the public since 1958

November 19, 1991

President George Bush
The White House
1600 Pennsylvania Ave., NW
Washington, DC 20500

Dear Mr. President:

I am writing to you on behalf of the U.S. Committee for Refugees, a non-governmental organization which, for 33 years, has been defending the rights of refugees and asylum seekers throughout the world.

The decision yesterday to return interdicted Haitian boat people to Haiti at a time when that country's renegade regime is clamping down hard on its political opponents is a stunning setback to the principles of refugee protection that the United States has upheld for years.

Mr. President, we respectfully urge you to reconsider this decision. It does great harm, not only to the Haitians themselves who are being tossed back into a dangerous cauldron of violence and repression, but also to the principle that refugees and asylum seekers in flight should be admitted and protected on a temporary basis until a durable solution can be found to their plight.

Customary international law, formalized by the Executive Committee of the UN High Commissioner for Refugees (on which the U.S. government plays a key role), adopted a formal conclusion--No. 23 (XXXII)--in 1980 that states:

In accordance with established international practice, supported by the relevant international instruments, persons rescued at sea should normally be disembarked at the next port of call. This practice should also be applied in the case of asylum seekers rescued at sea. In cases of large-scale influx, asylum seekers rescued at sea should always be admitted, at least on a temporary basis. States should assist in facilitating their disembarkation by acting in accordance with the principles of international solidarity and burden-sharing in granting resettlement opportunities.

U.S. conduct at the present time falls far short of international human rights standards. The disparate treatment of Haitians, in contrast to our rescue of Cubans and defense of first asylum for Vietnamese and others, is, on its face, discriminatory and shameful. It should be rectified immediately.

Sincerely,

Roger P. Winter
Director