

Testimony Presented By:

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Before

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Subcommittee on Immigration  
Refugees and International  
Law

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Mr. Chairman and members of the Subcommittee on Immigration, Refugees, and International Law, I am Barbara Carey, County Commissioner, from Metropolitan Dade County, Florida. I appreciate the opportunity to appear before you today as you begin an oversight hearing on the interdiction and detention of Haitians attempting to enter the United States. I sincerely hope that as you review these policies you will look closely for comparisons to policies implemented towards other foreign nationals who seek respite within our borders. I believe that as a result of your search for similarities and comparisons you will only find disparity and extremes in our nation's treatment of Haitian Nationals. It is to that point that I will address my comments.

Representing Metropolitan Dade County, a community which has had 30 years of experience in dealing with immigration and refugee matters, affords me an opportunity, rare to most local officials, to experience the effects of immigration policies firsthand. We in Dade County, are not newcomers to the immigration debate. Therefore, I must share with you that the current policies governing the immigration of Haitians have created feelings and beliefs on the part of the Black

community and residents of Dade County as a whole, that these individuals are being deliberately and unfairly singled out for treatment not experienced by any other immigrant groups. Since the rationale for this policy cannot be clearly expanded and justified when comparisons are made, it leads to the perception that the only possible reason for these actions to be taken against Haitians is because of the color of their skin.

Anticipating this perception and desiring equality of treatment for all who come to our community, my colleagues on the Commission as well as the administration have, since 1980, taken the position that immigration policy must guarantee fairness and equity in the treatment of all individuals who seek to enter this country. Over the past nine years I have actively opposed the interdiction policy, the creation of a permanent detention facility at the Krome Avenue site, and have asked for humanitarian releases for Haitians detained there.

All changes in policy must be accompanied by facts which should provide the foundation through which the change is made. Clearly, public perception is not enough. In addition, we assess the effectiveness of our policies through the

successes they achieve. Thus the question should be posed, has the interdiction policy worked by reducing the number of Haitians attempting to enter the United States? On face value, the answer would appear to be yes. However, let me share some facts that should be considered:

- 1) Since 1981, more than 20,000 Haitians have been interdicted off the Florida coast, yet in March 1989 alone, 1,535 Haitians in 17 vessels were stopped representing the largest monthly total in this policy's 8 year history.
- 2) So far this year, 2,545 Haitians have been interdicted.
- 3) The total number of Haitians interdicted in 1988 was 33% higher than in 1987, and based upon the numbers reflected so far this year, the percentage will increase in 1989 as well.

Based upon these facts, the interdiction policy is having no appreciable impact on discouraging Haitians from fleeing their homeland. However, it is creating acts of desperation by Haitians at sea who, when faced by the Coast Guard, are threatening suicide rather than be boarded, resulting in lengthy and emotional negotiations in order for the Coast Guard to carry out their orders. An example of this

emotionally charged situation occurred off the Florida coast as recently as June 1. When a boat containing more than 100 Haitians was confronted by the Coast Guard, individuals on board threatened to throw their infant children into the seas rather than be forced to return to Haiti. Negotiations which began in the early afternoon were not successfully completed until after 10 p.m. that night and the Coast Guard cutter required the assistance of three additional Coast Guard ships to calm the situation. Besides the issues of fair play, due process, and simple human compassion that are called into question as a result of these actions, the cost to the federal government to implement its policy on June 1, alone must be staggering. This is the second of this type of confrontation since March of this year and if they continue only tragedy will result.

Clearly, the interdiction policy is not reducing the number of Haitians attempting to enter the United States, is becoming increasingly confrontational, is diverting desperately needed resources away from the battle against incoming drugs, and is effectively implemented only against Haitian Nationals. Therefore, it must be rescinded unilaterally.

As with the interdiction policy, a close review of the policy regarding the detention of Haitians calls into light questions of fairness, equity, and due process. Haitians are caught between legal definitions that are separated only by interpretations. They are considered, for the most part, as excludable rather than deportable aliens. Theoretically speaking, they have never entered the country and therefore are not entitled to lengthy due process rights including various levels of appeals or work permits as they await the outcome of their case. On the other hand, individuals who cross our borders in Texas, who are not caught by INS are oftentimes considered deportable aliens and afforded the very rights that the Haitians are denied. These legal distinctions, albeit defensible from INS's standpoint, leave our country's immigration policy subject to charges of favoritism or political expediency, neither of which has a place in an equitable immigration policy.

The concept of "economic refugees" consistently seems to be applied to Haitians as opposed to other immigrant groups, thereby effectively eliminating their claims of political asylum and making their detention more easily justified. Certain occurrences demand that this "label" be more closely reviewed. For example:

- 1) Although we all witnessed the bloody outcome of the attempted 1987 elections in Haiti, according to a viewpoint article in Newsday, not a single Haitian was granted political asylum in 1987.
- 2) According to Refugee Reports, of the more than 20,000 Haitians interdicted only 6 have been brought to the United States to pursue political asylum claims.
- 3) That same report stated that between June of 1983 and September 1988, of the more than 1,700 Haitian asylum cases decided only 2% were approved.
- 4) The Krome Detention Center has a capacity for 525 persons. Currently, there are approximately 700 individuals incarcerated there, an estimated 70% are Haitians, and very few of the immigration staff at the center speak Creole.

These situations when looked at collectively, paint a questionable picture with regard to fairness in which our immigration laws are applied. The inconsistencies in the policies as they are directed towards Haitians versus other foreign nationals who migrate to this country are witnessed more closely in Dade County than in other locales. These

disparities, both real and perceived, serve only to heighten the frustration and anger in the Black community as a whole. I respectfully request that this committee move swiftly to restore fairness and equity to our immigration laws.

In conclusion, this country's founders fled their homelands not only because of religious or political persecution, but because they were unable, as a result of their government's policies, to provide the basic needs for their families' survival. Political and economic systems are too closely intertwined to allow arbitrary classifications to be applied automatically. The Statue of Liberty hold out her arms to the tired, poor and huddled masses yearning to be free. The Haitians undertake a life threatening journey when they leave their island by boat in their quest for freedom. These desperate acts by men and women willing to give their lives in pursuit of their dream demands priority consideration and your attention.