

1-6-1989

Changes In I.n.s. Regulations To Affect Central American Refugees

Deborah Tyroler

Follow this and additional works at: <https://digitalrepository.unm.edu/noticen>

Recommended Citation

Tyroler, Deborah. "Changes In I.n.s. Regulations To Affect Central American Refugees." (1989). <https://digitalrepository.unm.edu/noticen/2641>

This Article is brought to you for free and open access by the Latin America Digital Beat (LADB) at UNM Digital Repository. It has been accepted for inclusion in NotiCen by an authorized administrator of UNM Digital Repository. For more information, please contact amywinter@unm.edu.

Changes In I.n.s. Regulations To Affect Central American Refugees

by Deborah Tyroler

Category/Department: General

Published: Friday, January 6, 1989

Dec. 12: US immigration officials said they were planning an aggressive new program to identify and deport citizens of Nicaragua and other Central American countries who had entered the US illegally and could not demonstrate "a well-founded fear of persecution" in their homelands. The new plans would not affect the contras. US officials say that thousands of contras may migrate to the US in 1989, but that they would probably qualify for asylum because they could show a well-founded fear of political persecution in Nicaragua. Virginia Kice, a spokesperson for the INS in Harlingen, Texas, told the New York Times (12/14/88) that the number of aliens seeking asylum there was now 2,000 a week, compared to 400 to 500 a week in June. From May 30 through Dec. 8, she said, "27,122 aliens have come into our office and indicated they will apply for asylum." Kice said the deterioration of economic conditions in Central America, especially Nicaragua, was the main reason for the rising number of migrants. An estimated half of the asylum applicants at Harlingen are from Nicaragua. Kice said that very few of the aliens seeking asylum in Texas expressed fear of persecution. Most of the Nicaraguans arriving in the US are not connected to the contras. Reagan administration officials said that the US would honor its commitments to the contras and to Honduras, but would not open its doors to all Nicaraguans. Omer G. Sewell, director of the INS office in Harlingen, said he had "one trained examiner" to review asylum applications. He said that the Harlingen office would need 20 to 25 examiners to rule on the applications for asylum being filed by Central Americans. Perry A. Rivkind, director of the INS Miami office, told the Times there was a backlog of 50,000 asylum applications in Florida, including 35,000 from Nicaragua. In a Dec. 12 interview with the Times, INS Commissioner Alan C. Nelson said he was sending six or seven additional examiners to Harlingen in the same week, and would dispatch another 20 to 30 in January. Nelson said he was also ordering the deployment of more Border Patrol officers in Texas and sending additional examiners to Miami and Los Angeles, the two favorite destinations of Central Americans leaving Texas. Nelson said he and State Department officials would also try to gain the cooperation of Mexican officials in curbing "the flow of Central Americans through Mexico. Greg J. Leo, an INS spokesperson, told the Times that the plans to "streamline and expedite the process of adjudicating asylum claims" were not directed exclusively at Nicaraguans. However, the Times reported that INS documents say the program was designed to deal with the "Nicaraguan asylum - Harlingen situation." In July 1987, then-Attorney General Edwin Meese 3d declared that Nicaraguans with a well-founded fear of persecution should not be deported. He also ruled that Nicaraguans seeking work permits were entitled to them, and he directed the INS to "encourage and expedite Nicaraguan applications for work authorization." Justice Department officials, including Associate Attorney General Francis A. Keating 2d, are considering whether to revise or rescind Meese's directive on Nicaraguans.

Dec. 14: The INS announced that it will begin taking aggressive measures against illegal Central American immigrants who are entering the country via Mexico, and applying for political asylum. INS Commissioner Alan Nelson, saying the agency will decide cases more quickly, said he believes a substantial number of the more than 27,000 political asylum requests filed by Nicaraguan and other Central American refugees in the last six months are frivolous. Officials told the Washington

Post that about half of the claims at Harlingen are from Nicaraguans, 22% are from Salvadorans and 11% from Guatemalans and Hondurans. INS District Director William Carroll said that between 10 and 15 Salvadorans are filing political asylum claims at the district office in Arlington every day. Between 80,000 and 120,000 Salvadoran immigrants currently reside in the Washington area. Because of the backlogs at Harlingen, Los Angeles and Miami, some INS offices have been forced to automatically issue a work permit to political asylum applicants because they cannot process the applications within 60 days as required by law. By deciding the applications more promptly, Nelson said, he hopes to end that practice. Immigrants denied asylum will be placed in deportation proceedings but will have a chance to appeal. According to INS statistics, in 1987 the approval rate for Nicaraguans who applied for asylum was about 54% nationwide, compared with about 3% for Salvadorans. During the fiscal year that ended in September, only 73 Nicaraguans were deported, compared with 2,573 Salvadorans and 1,939 Guatemalans. Dec. 16: The INS's new policy went into effect in Brownsville, Texas, and is expected to concentrate more displaced potential migrants in the lower Rio Grande Valley. The policy requires the 2,000 asylum applicants each week to present their cases in the area, instead of waiting to apply until they reach their final destinations. Brownsville is about 30 miles south of Harlingen. In order to cope with the workload from the new policy, the INS sent six additional adjudicators to Harlingen to work 10 hours a day, six days a week interviewing applicants, and another 20 were scheduled to arrive after Jan. 1. Los Angeles has 30,000 pending cases, and Miami, 50,000. Similar procedures have taken effect in those two cities. The INS turned people away on Dec. 14 in Harlingen after limiting the number of asylum applicants to 200 for the day. The INS has promised to provide decisions on the cases within 30 days, and applicants were instructed to return Jan. 16. Files will be sent to Washington for advisory opinions on each case. Previously, when applicants applied at their destination cities, some would wait more than a year for a decision because of the backlog. Cases taking longer than 60 days require the INS to provide work authorization, which many received. Officials said that those involved in the more rapid process in Harlingen will not be allowed to work. However, in the same week, US District Judge Charles Legge in San Francisco issued a ruling that could affect the new INS policy if it is extended to other jurisdictions. Legge ruled that work permits must be given to aliens throughout their appeal of an asylum decision, a process that can take several years. Dec. 20: INS Commissioner Nelson has asked Attorney General Dick Thornburgh to disband a Justice Department unit that has helped Central Americans and others to seek asylum in the US. Nelson complained in a private memorandum to Thornburgh about the "validity" of the Asylum Policy and Review Unit, which has prodded the department to override a number of denials of asylum by the INS. "A.P.R.U. has cost I.N.S. appropriations \$750,000 since its inception," said Nelson's Dec. 13 memorandum, which was obtained by the Associated Press. "The entire purpose of APRU and its continued existence should now be reviewed by your staff." He wrote that the unit's reviews of rejections of asylum are "just plain financially wasteful." Justice Department officials, who spoke to AP on condition of anonymity, said the unit had persuaded immigration officials to reconsider 35 cases and referred another 35 to officials who then directed that they be reversed. The unit was established in 1987. Arthur Helton, director of the political asylum project of the Lawyers Committee for Human Rights, said, "The establishment of the Justice Department unit was a positive development in that it recognized that INS was incapable of handling the asylum function." The Committee supports removing the INS from the asylum process. About 60,700 people applied for asylum in the 12 months that ended Sept. 30, up from 26,100 in fiscal 1987. (Basic data from AP, 12/16/88, 12/20/88; Washington Post, 12/15/88; New York Times, 12/14/88; AP, 12/20/88)

-- End --