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U.S. Admits Nine Survivors from Plane Crash, Renewing Tensions with Cuba

by LADB Staff

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The crash of a Cuban plane in the Gulf of Mexico and the subsequent admission of the survivors to the US has again strained Cuba-US relations over the seemingly insurmountable immigration problems. Still, a day later, the two countries sent representatives to New York for their regular biannual meeting to review the progress of the 1994, 1995 bilateral immigration accords. On Sept. 19, a Cuban crop-dusting biplane carrying a pilot and nine passengers crashed in the Gulf of Mexico killing one person and injuring two others. Some details of the incident have gone unexplained and there are conflicting accounts of the flight.

Cuban air-traffic control informed air-traffic control in Miami that the pilot had reported the plane had been hijacked, which implied that the passengers were not seeking asylum in Florida. But family members said their relatives on the plane were seeking asylum and the plane had not been hijacked. The plane was heading toward Mexico, not Florida, when it crashed. The Coast Guard said the plane went down 80 km west of Cuba and 456 km from Key West.

The survivors said the pilot, Angel Lenin Iglesias, who had flown the plane for 12 years, got lost en route to Florida and ran out gas. Relatives in Cuba said the pilot left from an airstrip west of Havana then landed in the westernmost province of Pinar del Rio, where his wife and two children boarded along with the other passengers.

Incident raises immigration issues

A spokesperson for the Immigration and Naturalization Service (INS) said that, if the plane were hijacked, the US would not admit the hijackers because, under the Cuban Adjustment Act of 1996, political asylum cannot be extended in cases of air piracy or other criminal acts.

The survivors would be interviewed to see if they qualified for political asylum and if not they would be repatriated. If their claims that they had a credible fear of political persecution should they return to Cuba were denied, they would be sent to the US Naval Station at Guantanamo and eventually sent to another country. The two injured survivors who were sent to Florida for treatment would not be eligible for asylum until the issue of whether their flight resulted from criminal acts was resolved, said the spokesperson.

The Cuban government insisted that a crime had been committed and the US had not acted in accordance with its own laws. Fernando Ramirez, a diplomat in the Cuban Interests Section in Washington, said, "They stole the plane. So they [the US] should send these people back to Cuba according to international agreements." Survivors paroled into US Despite the unanswered questions and Cuba's claims, the INS decided to parole the nine survivors into the US. Seven were taken to the Krome Detention Center in Miami and later released on INS parole along with the two who were sent to a hospital in Key West.

State Department spokesman Richard Boucher said the Coast Guard had made a determination at sea that all nine survivors should be taken to Florida for medical attention, even though only two needed hospitalization. Once in the US, Cuban emigres usually are considered to have met the credible-fear criterion for political asylum and are given an INS parole. After one year, they may apply for permanent residence. Boucher said that the issue of whether the plane had been hijacked had not been resolved and that it would be a matter for the courts to decide.

Ricardo Alarcon, president of the Cuban National Assembly, said the action made the US an accomplice in an act of air piracy. He said it was "a case of double piracy," since, besides the initial act of stealing the plane, US authorities brought the hijacker to "the cave of pirates that is Miami." He asked why the Coast Guard evacuated two injured survivors to a hospital in Key West when hospitals in Cuba and Mexico were closer.

Critics say admission was for political reasons

Critics of the INS decision were quick to say the survivors were admitted to give presidential candidate Vice President Al Gore an electoral boost among voters in Florida's Cuban exile community. Attorney General Janet Reno said she had no knowledge of any political motive in paroling the survivors. Reno was asked at a press conference if the parole was a payback to the Cuban exile community for the government's decision to return six-year-old Elian Gonzalez to Cuba in June (see NotiCen, 2000-07-13).

Reno would only say that the decision to bring the survivors to the US was made by the Coast Guard, based on a determination that the survivors needed medical attention. Wayne Smith, former head of the US Interests Section in Havana and a critic of US policy in Cuba, called the decision political. "It had to be political; there's no other reason to do it," said Smith. "They've looked at Florida and they think it's a battleground state. They seem to think that to win Florida you simply must pander to the hard-line exiles."

Coast Guard plays key role in deciding fate of Cubans

Boucher and other US spokespersons have been vague in explaining why the nine survivors, including seven who did not require hospital attention, were paroled. But their comments focused attention on the generally underreported role of the Coast Guard in deciding who gets admitted. During the Elian Gonzalez controversy, Reno and INS Commissioner Doris Meissner insisted that the INS had primary authority in making decisions pertaining to the admission of undocumented Cubans.

But Reno and the State Department are now saying that, in cases of rescue at sea, the commanding officer of Coast Guard vessels may make the initial decision on humanitarian grounds to send Cubans to Florida, where parole and asylum are essentially automatic. At a State Department news briefing Sept. 21, a reporter asked Boucher if all Cubans picked up at sea were not automatically eligible for parole.

"Well, the escape route, going across the waters, is an ordeal," said the reporter. Isn't it logical that anybody who would try to get in this way could instantly be judged to have a medical problem and

would have the ticket to the US? No?" Boucher replied, "The Coast Guard decides based on the actual conditions. There is no ipso facto, if you're in a boat on the sea, you're suffering and therefore deserve to come to the States. When they pick people up people get picked up, they look at them. They interview many of them on the high seas to determine if they have a need to come to the States under asylum procedures, but basically this is handled by the Coast Guard based on the individual situation."

US official says immigration talks were satisfactory

A day after the survivors were given parole in the US, Cuban and US representatives met in New York for their regular talks on immigration issues. Although Cuba had canceled the previous meeting, it signalled a willingness to resume the talks in the midst of its recent public-relations campaign against US immigration policies (see NotiCen, 2000-08-04).

In late September, Havana responded to a US diplomatic note criticizing Cuba for blocking emigration by Cubans who had valid US visas (see NotiCen, 2000-09-08). While defending its own emigration policies, the Cuban government said it would attend the September meeting. Surprisingly, the disagreements between the two sides regarding US handling of the plane crash as well as US immigration policy in general did not appear to hurt the talks.

US representative at the talks

Deputy Assistant Secretary of State William Brownfield said the two sides made advances. He did not go into detail except to say the representatives discussed increased smuggling of undocumented Cubans. Cuban representatives brought up the airplane incident, though it was not on the agenda, said Brownfield in a press conference. He said the Cuban delegation, headed by Alarcon, had not asked the US to return the downed plane.

Concerning Cuban criticism of US handling of the case, Brownfield said he told the Cubans that the US had followed Coast Guard procedures and the terms of the migratory agreements between the two countries. Brownfield reiterated the US charge that Cuba was placing barriers in the path of Cuban holders of US visas trying to leave Cuba. It was unclear what "advances" might have been made on the smuggling issue since Cuba continues to pound the US with charges that it does nothing to prosecute smugglers, most of whom are based in South Florida.

Also, since Cuba has never been satisfied with the wet-feet/dry-feet formula for determining repatriation, it is unclear what advances might have been made at all, given that the nine survivors made it to dry land only because they were transported there by the Coast Guard. [Sources: CNN, 08/21/00; Associated Press, Juventud Rebelde (Cuba), 09/20/00; The Los Angeles Times, World Data Service (Cuba), US Department of State daily press briefing, 09/21/00; Sun-Sentinel (Florida), 09/19/00, 09/21/00; Agence France-Presse, 09/21/00, 09/22/00; Notimex, Granma (Cuba), 09/22/00; The Miami Herald, 09/16/00, 09/23/00]

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