

Draft Sign-on Letter to Senate to Support S. 1504, Haitian Refugee Immigration Fairness Act of 1997

Dear Senator _____:

The undersigned organizations and individuals are writing to urge you to co-sponsor and support S. 1504, the Haitian Refugee Immigration Fairness Act of 1997.

Enactment of S. 1504 is in the national interest and consistent with American traditions of equitable treatment and protection of the persecuted and oppressed. The Haitian refugees protected by S. 1504 are already in the United States, and many were admitted after the INS determined that they had demonstrated credible fear of persecution. These temporarily-protected Haitians are now in a legal limbo, similar to that in which Central Americans and others found themselves in prior to passage of the *Nicaraguan Adjustment and Central American Relief Act* (NACARA) last year. This bill would provide similar relief to that already provided for Nicaraguans and Cubans.

The number of Haitians who will benefit from this legislation, according to INS estimates, is fewer than 40,000—a much smaller number than the number of Nicaraguans and Cubans who were granted relief under NACARA.

There is significant precedent for providing to Haitians the relief which S. 1504 accords. Congress enacted similar legislation in 1957 for Hungarians; in 1966 for Cubans; in 1977 for Indochinese; in 1992 for Chinese students; in 1996 for Poles and Hungarians; and in 1997 for Nicaraguans and Cubans.

The limited number of Haitians protected under S. 1504 have contributed greatly to the communities in the United States in which they now live. Many have married, had children who are U.S. citizens, started businesses and served in the military. In Miami, New York, Boston, Chicago, and many other areas where Haitians reside, state and local officials from both parties support enactment of S. 1504.

S. 1504 has been co-sponsored on a bi-partisan basis by Senators Mack, Graham, Abraham, Kennedy, and others. We urge you to join them as co-sponsors and to support the bill when it is before you.

Sincerely,

Why Congress Should Enact Legislation to Protect Haitian Refugees in the United States

Congress is now considering bi-partisan legislation that would end the legal limbo status of certain Haitian refugees who have been temporarily protected in the U.S. from deportation. Three similar bills are currently being considered—S. 1504 in the Senate and H.R. 3049 and H.R. 3303 in the House. Congress should act to pass legislation to protect Haitians. Here's why:

The Haitian refugees who would benefit from this legislation, for the most part, sought refuge here after fleeing persecution. Many of the men, women and children who were forced to flee this small island country faced persecution because they or their close family members tried to participate in democratic elections. They, and others like them, suffered at the hands of regimes whose police, military and paramilitary forces engaged in the brutal killings, rape, and torture of its citizens. Many of these individuals were given temporary safe haven on our naval base at Guantanamo Bay, Cuba, and were later allowed into the U.S. after they were determined to have a "credible fear" of persecution.

The Haitian refugees protected by the legislation are already here in the United States. Many, in fact, were permitted to come to the United States after U.S. officials determined that they had a "credible fear" of persecution in Haiti. Enactment of the Haitian Refugee Immigration Fairness Act would only benefit arrivals currently in the United States, and not provide any benefit to future arrivals.

The number of Haitian refugees protected is relatively small. According to estimates made by the Immigration and Naturalization Service (INS), the number of Haitians already in the United States that would benefit from this legislation is fewer than 40,000—far fewer than the number of Nicaraguans and Cubans granted the opportunity to pursue similar relief as a result of the Nicaraguan Adjustment and Central American Relief Act passed last year.

It is in our national interest to allow Haiti's fragile democracy to take hold. That job will be made much more difficult should thousands of individuals be forced to return to Haiti by the U.S. These people may again become the targets of political violence, spawning another episode of political and social disorder, in which thousands of people attempt to flee by boat. It took U.S. military intervention to restore order after the last round of violence, and the achievements of our peacekeeping effort would be cancelled if we forced thousands of refugees back to Haiti at this time. Haitian President Rene Preval has asked President Clinton to recognize the fragile political and economic situation in Haiti in considering relief for Haitian nationals in the United States.

There is ample precedent for providing similar relief to people who fled persecution. Congress has enacted legislation providing relief for other populations fleeing similar violence on at least ten occasions since the late 1950s. This was done in 1958 for Hungarians; 1960 for Europeans; 1966 for Cubans; 1977 for Indochinese; 1978 for Chinese, Soviets, and Indochinese; 1986 for Cubans and Haitians; 1992 for Chinese Students; 1996 for Poles and Hungarians; and 1997 for Nicaraguans and Cubans.

Restoration of the democratically elected government in Haiti does not necessarily mean that it is safe for all to return. Amnesty International USA, the internationally respected human rights organization, has indicated that the safety of Haitian nationals can not be assured upon their return. In testimony before the Senate Judiciary Subcommittee on Immigration on December 17, 1997, Amnesty International indicated that the situation in Haiti is unstable and has worsened in recent months. The problem is that the individuals who persecuted those who ultimately fled have never been arrested, and "[a]nyone returning to Haiti cannot be assured that they will be protected by the existing Haitian justice system..."

Haitian nationals living in the United States have contributed greatly to the communities in which they live. Many have married, had children, bought homes, started businesses, and served in the military. In bettering their lives, they have enriched the American communities into which they have settled.

The history of the U.S. immigration policy towards our Haitian neighbors has been marked by insensitivity and unequal treatment. It's time to make up for past mistakes. A review of our immigration policy and practice toward Haitians and its implementation would more than adequately demonstrate harsh and arbitrary treatment. This treatment has ranged from surrounding the island of Haiti with our Coast guard—in order to prevent refugees from escaping beyond Haitian waters—to an almost automatic denial of Haitian asylum seekers. During almost 20 years of protracted litigation, federal court judges have repeatedly criticized the INS for its wholesale violations of Haitians' fundamental legal rights.