

Migrants and Asylum Seekers: Policy Responses in the United States to Immigrants and Refugees from Central America and the Caribbean

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ABSTRACT

Although the 1990s have witnessed unprecedented immigration and refugee flows, many receiving countries in the West, including the US, have begun to apply more restrictionist policies as a result of perceived threats to their economies and cultural homogeneity.

US immigration policy has generally responded to economic concerns and domestic pressures, while US refugee policy has reflected foreign policy concerns, especially the desire to embarrass communist systems during the Cold War. These policies have resulted in extensive immigration from Mexico and large numbers of refugees from Cuba and Nicaragua, but limited acceptance of asylum seekers from Haiti, El Salvador and Guatemala.

The Welfare Reform Act and Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) of 1996 and Proposition 187 movement in California (1994), which were meant to limit assistance to legal immigrants, reduce illegal immigration, and improve the efficiency of asylum process, were influenced significantly by American public opinion which viewed large numbers of immigrants as a threat to the American lifestyle.

This legislation also led to revisions in the Immigration and Naturalization Service's (INS) procedures including the "expedited removal" process and new guidelines on deportation and detention which many observers believe may lead to arbitrary decisions and possible violations of international guidelines. These policies present special problems for immigrants and refugees from Central America and the Caribbean who make up a large proportion of these cases.

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Since US policy results from a complex matrix of actors including the President, executive branch departments, Congress, the courts, state governors and legislatures and numerous interest groups, and is heavily influenced by perceptions of the American public, any attempt to modify these policies will require an extensive outreach programme on the part of UNHCR and other interested organizations.

In addition, US policy makers must be encouraged to integrate immigration and refugee policy into its overall long-term planning and to participate in efforts at regional cooperation (such as the Puebla process) in order to address the complex problems raised by current and future migration and refugee flows and ensure a more consistent and more humane response to the needs of immigrants, refugees and asylum seekers.

INTRODUCTION

The 1990s have witnessed unprecedented immigration and refugee flows. While international organizations such as the Office of the United Nations High Commissioner for Refugees (UNHCR) view these situations from a humanitarian perspective, nation states, especially receiving countries, tend to view them through a combination of humanitarian, domestic and foreign policy considerations. More recently, government officials and the public at large, in particular in Europe and the US, have reflected concerns about the impact of immigrants on their economies and cultural homogeneity and, in some cases, have displayed signs of xenophobia. While the right of sovereign states to determine who may, and may not, enter their territory is not being questioned, these governments have begun to apply more restrictionist policies which are inconsistent with international guidelines established by the 1951 Refugee Convention and the 1967 Protocol, and present new obstacles to those seeking asylum and protection from *refoulement*. UNHCR has expressed its concerns about these actions (United Nations, 1998: 27-28), which have been the subject of several recent studies comparing refugee and immigration policies in, among other countries, Germany, Japan and the US (Bade and Weiner, 1997; Kubat, 1993; Münz and Weiner, 1997; Teitelbaum and Weiner, 1995; Weiner and Hanami, 1998).

A restrictionist approach has not always been the norm in US policy. In 1991 a Ford Foundation report on migration noted:

America is deeply implicated in the migration flow and its destiny. American employers fuel the immigration, American foreign policy embraces it, and American family values maintain it ... As a nation, we have been there before. America thrives on its immigrant heritage. Part history, part ideology, immigration embodies the theme of national renewal, rebirth, hope. Uprooted

abroad, newcomers have become transplants in a land that promises opportunity (Papademetriou, 1991: 303).

Papademetriou suggests that managing the “delicate tensions” that underlie immigration and refugee interests is at the root of a sound immigration and refugee policy. Yet those tensions have now escalated to a point where US immigration and refugee policies are in disarray and threaten to undermine the humanitarian values and international agreements to which the US publicly subscribes. This article analyses the complex political environment in which these tensions exist, especially with regard to Central America and the Caribbean, and offers recommendations for managing them more effectively in the future.

HISTORICAL PATTERNS IN IMMIGRATION AND REFUGEE POLICY

Immigration policy

The US, other than its indigenous peoples, is a land of immigrants and refugees. Over 18 million persons immigrated between 1946 and 1992, with an average of approximately 700,000 during the last ten years of that period. But as the US immigrant population increased and began to strain government budgets, or was perceived as a threat to cultural homogeneity, public pressure led Congress to place restrictions on immigration.

This was not the first time that restrictions had been applied. Limits on Chinese immigration existed in the 1880s. Other Asians were restricted through the Immigration Act of 1917, and general limits were placed on all immigrants during the 1920s (Russell, 1995: 61). The Immigration Act of 1952 not only reduced restrictions on Asians (Russell, 1995: 61-62), it also removed racial and sexual bars to immigration and naturalization and established preferred categories of immigrants: those with high levels of education, relatives of US citizens, and spouses and children of permanent resident aliens (Diaz-Briquets, 1995: 163-164). The Immigration and Nationality Act of 1965 eliminated national origin quotas and “embraced an immigration selection system based on family reunification and needed skills”. However, the Act did place a ceiling for the first time on immigration from the Western Hemisphere while promoting immigration from Asia (Diaz-Briquets, 1995: 166-167).

Since the 1940s, the major source of immigrants to the US has been Mexico. A long, porous border, economic opportunities, a desire for “good neighbour” relations, and the need for cheap labour have all contributed to this movement (Castillo, 1994; Hamilton and Chinchilla, 1996; Mitchell, 1997a;

Papademetriou, 1991,1992; Russell, 1995). From 1941 to 1964, the Bracero Programme for Mexican farm workers helped many immigrate, and an economic recession in Mexico in the 1970s provided additional incentives. Between 1946 and 1992, over 4.3 million legal immigrants arrived from Mexico; hundreds of thousands more came illegally (Russell, 1995: 69). Concerns about huge numbers of illegal immigrants led to passage of the Immigration Reform and Control Act of 1986, the major components of which provided for legalization of over 3 million undocumented aliens (including 1.8 million Mexicans), established sanctions against employers who hired illegal aliens, and, supposedly, improved border control (Diaz-Briquets, 1995: 169-171; Keely, 1993: 74-77; Papademetriou, 1992: 317-322).

The Immigration Act of 1990 increased the annual ceiling on immigration to 675,000 and reformulated the preference system into family-based and independent migration categories, the latter including a diversity component to provide for immigration from under-represented countries. In addition, the Act gave the attorney general the authority to grant Temporary Protection Status (TPS) to “citizens of countries facing natural or human made crisis” (Diaz-Briquets, 1995: 172). This status was extended to approximately 187,000 Salvadorans. When their grant expired at the end of 1992, they were given “deferred enforcement departure” (DED) through 31 December 1994, since their return home was considered a potential threat to the Salvadoran economy (Russell, 1995: 52). The 1990 Act remained in effect until pressures for change led to immigration reform legislation in 1996. That legislation was influenced in part by an increase in the number of refugees coming from Central America and the Caribbean.

Refugee policy

The US participated in the establishment of the Office of the United Nations High Commissioner for Refugees, and welcomed thousands of refugees. Unlike US immigration policy, which often rested on economic concerns and domestic pressures, the initial response to refugee flows reflected humanitarian and foreign policy considerations. The US viewed the refugee situation as symbolic of the problems of living under communism and saw the departure of refugees as a means of weakening communist regimes. A 1953 National Security Council memorandum cited the 1953 Refugee Act as a way to “encourage defection of all USSR nations and ‘key’ personnel from the satellite countries’ in order to ‘inflict a psychological blow on communism’ and ... material loss to the Soviet Union” (Zolberg, 1995: 123-124).

The 1948 Displaced Persons Act provided for 205,000 (later raised to 415,000) refugees, and the Refugee Relief Act of 1953 admitted another 214,000. The Refugee Escapee Act of 1957 (following the Hungarian Revolution) accepted several hundred thousand more and included a provision to admit as refugees

“persons fleeing persecution in communist countries or the Middle East” (Russell, 1995: 47; Zolberg, 1995: 125), setting a pattern which continued throughout the next two decades. In the 1960s approximately 130,000 Cubans were granted permanent resident status, while the 1970s saw a huge intake from Vietnam and other parts of Indochina. From 1971 to 1980, 96.8 per cent of all refugees entering the US came from communist or Middle Eastern countries.

The Refugee Act of 1980 established “the first permanent and systematic procedures for the admission and effective resettlement of refugees of special humanitarian concern to the US” (Russell, 1995: 49). Despite this attempt to provide a more balanced refugee approach, between 1980 and 1990, 94.6 per cent of refugees still came from communist or Middle Eastern countries, in part because the Bush and Reagan Administrations applied the phrase “of humanitarian concern” to those from communist systems, in particular Soviet Jews (Zolberg, 1995: 139). In the latter part of the decade there was a major shift in the primary source of refugees; from 1984 to 1990 over 60 per cent came from the Caribbean and Central America, in particular Cuba, Haiti, Nicaragua, El Salvador, and Guatemala (Russell, 1995: 49-51).

This shift in source of refugees presented the US with a new challenge (Keely, 1993: 73). For refugees from the Caribbean and Central America, the US was often the country of first asylum, and so had to revise its refugee policy to deal with those on its doorstep rather than an ocean away.

Two other factors contributed to the need for revision: first, increasing pressures to limit immigration from a public which did not always see the distinction between immigration issues and refugee concerns; second, a backlog of over 400,000 cases which had overwhelmed the capacity of the Immigration and Naturalization Service (INS) by the end of 1992 (Russell, 1995: 51). The re-examination of policy had its greatest impact on immigrants and refugees from the Caribbean and Central America.

Cuba and Haiti

The US pursued an open door policy for refugees fleeing the Castro regime. Over half a million Cubans came to the US by the mid-seventies (Zolberg, 1995). In 1980, Castro announced that anyone wishing to leave Cuba could do so. Among those who did were approximately 8,000 criminals and others considered undesirable by the Castro regime. After initial hesitation, the Carter administration agreed to accept them, and an extensive boatlift was organized to bring approximately 125,000 persons from Mariel Harbor to the US. This action responded to Ronald Reagan’s presidential campaign strategy which had made an issue of supporting those wishing to flee. Eventually the US and Cuba agreed that the US would accept Cubans on a regular basis while Castro took back most of the 8,000 who were regarded as excludable.

US-Cuban relations deteriorated over the next decade, reaching a critical level in 1994 when US policy became more restrictive. Several factors contributed to this restrictiveness. First, with the end of the Cold War, there was less need to embarrass the communist regime in Cuba, although the US maintained its embargo against the island. Second, there was continuing public pressure to limit immigration. Finally, it became apparent to some US officials that Castro would continue to use refugee flows to rid the country of opponents or undesirable elements (Crisp, 1997: 218). In order to stem the flow, the US government announced in August that Cuban rafters picked up at sea would be taken to the US naval base at Guantanamo Bay in Cuba or another centre in Panama.

Nevertheless, many Cubans continued to flee the island. Eventually the US and Cuba reached agreement on four points: the US reaffirmed its earlier decision to stop accepting the refugees automatically; Cuba agreed “to prevent unsafe departures using mainly persuasive means”; both governments agreed to take effective measures against Cuban hijackers of ships and aircraft; and the US agreed to issue entry visas to 20,000 Cubans each year. Eventually 30,000 rafters who had been held at Guantanamo were allowed to enter the US, but others who were picked up at sea were returned to Cuba (Crisp, 1997: 219).

While this new approach appeared to limit to a manageable size the numbers fleeing Cuba, and may have appeased public opinion, refugee and human rights organizations expressed concern that US policy did not meet the needs of those who may have had a genuine fear of persecution and did not provide for monitoring the treatment of those forcibly returned (Crisp, 1997: 219).

Unlike the situation with Cuba, refugee flows from Haiti did not serve US foreign policy interests. Consequently, even though Haitian immigrants had been coming to the US since the 1970s, few refugees were admitted. This changed briefly in 1980 when the Carter administration, reacting to charges of discrimination from the African-American community, granted Haitian arrivals the status of “entrant”, a new category which allowed them to stay while their status was resolved but did not allow them to apply for permanent residence. The Reagan Administration reversed this policy in 1981 when Haiti agreed to accept those interdicted at sea, a policy that remained in effect after the election of President Aristide. The Immigration and Naturalization Service (INS) maintained that the interdiction agreements allowed for determination of refugee status, but by 1989 only 6 of over 20,000 interdicted were brought to the US for further processing (Zolberg, 1995: 142-145; Legomsky, 1990: 183). Aristide’s overthrow in 1991 led to greater numbers of refugees. The US Coast Guard interdicted over 40,000 Haitians in the two-year period 1991-1992, sending 34,000 to Guantanamo Bay after a temporary court order had prevented their immediate repatriation. Approximately 10,000 were granted asylum and allowed to enter the US (Crisp, 1997: 220).

A number of factors contributed to the failure of the US to open the door as widely for Haitians as it had for Cuban refugees. The US had better relations with Haiti's leadership and economic interests (Mitchell, 1997a: 52-54) and little desire to embarrass its government by accepting Haitians, many of whom were assumed to be fleeing for economic rather than humanitarian reasons. The door was closed again in 1992 just prior to the presidential campaign. This was made possible by a Supreme Court ruling which upheld the right of the US government to forcibly repatriate those interdicted at sea since they had not "entered" US territory. While some critics argued that this ignored US responsibilities not to engage in *refoulement*, it enabled the US to reinstate its earlier policy (Legomsky, 1990: 181-190; Goodwin-Gill, 1993: 461-462). All Haitians stopped at sea were returned and in-country screening, which exposed those who used the process to possible persecution, became the only means available for those seeking asylum. A presidential candidate, Bill Clinton, opposed this policy, but he reversed his position upon taking office to protect his political base in Florida (Zolberg, 1995: 253). Several shifts in policy occurred in 1994. In June the US set up an asylum screening process on a hospital ship in Kingston, Jamaica, but it was quickly overwhelmed by the number of applicants and those intercepted (over 21,000) were sent to Guantanamo once more.

The Haitian situation was a no win situation for the Clinton Administration: restrictions on the entry of Haitians were strongly criticized by the Black Caucus in Congress and other civil rights and humanitarian organizations, while others wanted to limit immigration. The obvious solution was to prevent mass exodus at the point of departure so that the issue did not arise on the high seas or at points of entry in the US. As early as 1993 Clinton had promised to put more pressure on the military junta, and eventually the US took the lead in restoring Aristide to power. This action led to an immediate reduction in the flow of refugees, satisfying both sides, and the voluntary repatriation of most Haitians from Guantanamo, although 4,000 were sent home against their will (Crisp, 1997: 220). It also reflected the impact that domestic concerns had on the formation of American foreign policy and the extent to which the US could disregard humanitarian or legal norms.

Central America

Large numbers of immigrants and refugees have entered the US from the Central American region, in particular Nicaragua, El Salvador and Guatemala. It is difficult to disentangle the economic and political factors which have created these large-scale movements. Limited economic development, changes in economic patterns, and easier access to the US via a land route through Mexico contributed to migration movements throughout the 1970s, but US foreign policy and involvement in their internal affairs led to increased

refugee flows in the 1980s and 1990s (Zolberg, 1995: 148-152 is the major source for this section).

In Nicaragua, conflict between the Contras and Sandinistas led to the flight of close to half a million refugees, many of whom sought relief in the US. Since they were fleeing communist oppression, most had reason to expect a positive response from US authorities. In the cases of El Salvador and Guatemala, the situation was not as user-friendly. The US was backing the Salvadoran government against an insurgency and did not regard those leaving the country as legitimate asylum seekers fleeing persecution. Most Salvadorans entered the US illegally and sought asylum only when confronted with the possibility of having to go back to El Salvador. Ultimately, when pressured by the government of El Salvador to limit repatriation of its citizens because of the economic strain it would place on the country, the US found alternative solutions (the granting of Temporary Protected Status) to allow thousands to stay. In Guatemala, US support for the ouster of President Jacobo Arbenz and subsequent aid patterns contributed to the emergence of a civil war which may have taken 100,000 lives from 1966 through the mid-1980s. It took almost another decade before a fragile peace agreement was signed between the government and opposition forces. By then, close to a million persons were internally displaced and another 200,000 may have fled the country. While most of the refugees settled in Mexico, thousands came to the US, many illegally.

The rate of acceptance of asylum claims from Nicaragua, El Salvador and Guatemala continued to reflect foreign policy considerations that had marked previous refugee policy. From 1984-1990, the US granted 26 per cent of the 48,000 requests from Nicaraguans compared with only 2.6 per cent of the 45,000 claims from Salvadorans and only 1.8 per cent of 9,500 claims from Guatemalans. This striking discrepancy led to civil action by the American Baptist Churches against Attorney General Richard Thornburgh (the ABC Case); as a result, the government agreed to rehear asylum claims from many Salvadorans and Guatemalans. But the settlement changed little in practice. By 1992, 16.4 per cent of 2,075 Nicaraguan requests were granted, while only 1.6 per cent of 6,781 Salvadoran and 1.8 per cent of 43,915 Guatemalan requests were approved (Russell, 1995: 51).

The overall acceptance rate for the region was considerably lower than for Cuba and Haiti. Geography may have contributed significantly to this difference. In the cases of Cuba and Haiti, most refugees could be interdicted prior to their arrival in the US; interdiction served to limit admissions. In the case of Central America, since most people entered the US by a land route, many illegally, and could not be interdicted prior to entry, restrictive asylum procedures limited the number granted asylum.

THE INFLUENCE OF US PUBLIC OPINION AND DOMESTIC POLITICS ON IMMIGRATION AND REFUGEE POLICIES

The preceding section has referred to the impact of domestic and foreign policy concerns on immigration and refugee policy. While the impact of US cold war strategy on refugee policy is fairly clear, the role of public opinion and domestic politics in this process is more complex and needs further explanation. The impact of public opinion has been most apparent in two issues during the 1990s: the campaign for Proposition 187 in California in 1994 and Congressional debate over welfare and immigration reform in 1996.

Proposition 187

Proposition 187 was a reaction to the large numbers of legal and illegal immigrants whom many Californians regarded as a threat to the state's economy and way of life. The debate on Proposition 187 was the dominant feature of the 1994 election in California, but spread to several other states and received national attention from both Republicans and Democrats. While both sides of the debate agreed that many immigrants came to California to find jobs, backers of Proposition 187 also felt that free public education, health care and additional welfare benefits served as a magnet for others and drained the state budget with education costs alone estimated by some at close to two billion dollars.

The proposition called for the following changes regarding illegal immigrants: enrolment in all public schools would be barred; parents or guardians of all school children would have to show legal residence and school administrators would have to report suspected illegal immigrants; non-emergency public health care, including pre-natal and post-natal services, would be denied those who could not prove legal status; many state programmes which dealt with troubled youths, the elderly, the blind and others with special needs would be cut off; law enforcement agencies would be required to cooperate fully with INS officials; and penalties for the sale and use of fraudulent documents would be increased (McDonnell, 1994).

Those opposed to the measure argued that restrictions on education would harm children, many of whom had been born in the US and thus were US citizens. The measure would also violate a prior Supreme Court decision (*Plyler vs Doe*, 1982) which declared that children of illegal immigrants were entitled to public education. The requirement that health care officials report suspected illegal immigrants would lead to a reluctance on the part of many immigrants, legal or not, to seek medical assistance and could thus contribute to the spread of contagious diseases. Further, the system envisioned by Proposition 187 could lead to various abuses and discrimination against legal residents and would be very difficult and costly to enforce.

Despite opposition from numerous organizations including police departments, teachers and school administrators, medical groups, lawyers, human rights bodies, representatives of minority groups, and national political figures including President Bill Clinton, Vice President Al Gore, Attorney General Janet Reno, and key Republicans such as Jack Kemp and William Bennett, Proposition 187 passed by a 59-41 per cent margin.

The Proposition was challenged immediately in the courts. A series of federal district court rulings, primarily by Judge Mariana R. Pfaelzer, declared most of the major sections unconstitutional. Underlying most of her rulings was the argument that the state was attempting to regulate immigration, a responsibility that belonged solely to the Federal Government. The campaign also witnessed considerable political rhetoric. The Proposition was referred to as the SOS initiative – “Save Our State”. One Republican congressman stated that “If this doesn’t pass, the flood of illegal immigrants will turn into a tidal wave, and a huge neon sign will be lit up above the state of California that reads, ‘Come and get it’” (Miller, 1994). Other supporters noted that California “was becoming a third world state”; population shifts “have rapidly transformed once-familiar communities into strange and dangerous places where English is heard less and less”; illegal immigration was “part of a reconquest of the American Southwest by foreign Hispanics” (Martinez and McDonnell, 1994). Critics commented that the measure “would foster a police state mentality, in which legal residents are questioned simply because of their accents or skin colour” (Feldman and McDonnell, 1994). While opponents of the measure were able to diminish its impact through the courts, the Proposition 187 movement spread to other states and brought to light deep-seated values held by many Americans about immigration and refugee issues which influenced the Congressional debate on immigration and welfare legislation.

The 1996 immigration and welfare reform debates

After months of debate, Congress passed the US Welfare Reform Act of 1996 and, later that year, the Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) which severely limited welfare aid for legal immigrants and signalled a more coordinated attempt by the government to stop the flow of illegal immigration (see Mitchell, 1997a, for a brief overview). In addition, in 1997 a Federal Advisory Panel on immigration reform concluded a five-year study which resulted in several recommendations regarding the INS. Most of the legislation applied to illegal immigration. Illegal immigrants became ineligible for most public assistance programmes financed by the Federal Government or states, in particular supplemental security income, aid to families with dependent children, Medicaid, and food stamps. Pilot programmes were to be set up in five states to verify the legal status of employees. The legislation provided for 1000 new border guards and 300 new

INS agents each year through 2002 to strengthen border control and investigate unlawful hiring and the smuggling of illegal immigrants; a 14-mile triple fence was to be constructed along parts of the border near San Diego, California. Penalties for fraud or the misuse of identification documents were increased (*The New York Times*, 1 October, 1996).

Several provisions of this measure were meant to limit legal immigration or make it more difficult for potential asylum seekers to enter the country. Those who sponsored legal immigrants now had to earn more than 125 per cent of the poverty level in order to ensure that new arrivals would not need welfare assistance. Anyone trying to enter the country without proper documentation would be subject to deportation. Those seeking asylum would have to prove a “credible fear of persecution” at an initial meeting with an INS asylum officer. The final legislation provided for a review hearing (within seven days) before an immigration judge. There could be no appeal of the judge’s decision. Anyone connected with a terrorist organization would be deported or denied entry. In addition, those ordered to leave would be held in mandatory detention until departure (*The New York Times*, 1 October, 1996). Some congressmen proposed that legal immigration be cut by 30 per cent after five years, but this was withdrawn after concerns were raised regarding the impact it would have on certain businesses that relied on skilled foreign labour and the effect it would have on family reunification efforts. Ironically, while Congress was in the process of discussing cutbacks in aid for legal immigrants, it passed a bill which provided visas for 250,000 guest workers to satisfy agricultural interests in California, Florida and Texas (Schmitt, 1996a).

While many of these issues were similar to those raised by Proposition 187, the variety of participants was even wider. Several representatives of the House and Senate were active in pushing for various reforms, most notably Senator Alan Simpson of Wyoming and Rep. Lamar Smith of Texas (chairman of the House Immigration Subcommittee). Several state governors originally supported these measures but later voiced concerns, especially when it appeared that their states might suffer the loss of federal revenue in programmes for legal immigrants. The rhetoric reached an even higher level. Presidential candidate Patrick Buchanan tied immigrants to declining living standards, the widening income gap, the evils of free trade, high crime rates, declining property values and the general sense that communities were veering out of control (McDonnell, 1996a). At a San Diego conference on immigration, activists complained that immigrants were “overwhelming schools and welfare rolls, trashing the environment, voting illegally in US elections – even acting as veritable double agents of Mexico”. The central message of the Federation for American Immigration Reform (FAIR), one of the strongest advocates of cuts in legal immigration, was that “near-record levels of immigration are deforming the nation’s character. The inexorable influx ... could have dire

long-term consequences: overpopulation, rampant bilingualism, reduced job opportunities for the native-born, and demographic shifts that could result in dangerous ethnic separatism” (McDonnell, 1996b).

Critics of the reform proposals focused on two areas: first, the humanitarian impact on legal immigrants of welfare cuts and new obstacles to family reunification and, second, changes in INS procedures, especially the expedited removal process, which could subject asylum seekers to arbitrary treatment and deportation by INS officials without sufficient judicial review of their actions. Even some Republicans began to change their position on the reform measures by the end of the year. Three factors may have contributed to their shift. First, the party found it was losing support among Hispanic and Asian-American voters, an issue that became even more important as many legal immigrants sought naturalization (which would also give them the right to vote) to avoid the loss of benefits. Second, one of the major proponents of immigration reform, Alan Simpson, retired from the Senate. Third, the legislation itself may have satisfied some of the public demand for reform (Schmitt, 1997a).

A new issue had arisen by 1 April 1997 when provisions of the new law relating to deportation proceedings went into effect. These affected primarily refugees from Central America, especially El Salvador, Guatemala, and Nicaragua, who had been granted temporary legal protection. That grant had allowed them to stay in the US, but precluded them from applying for permanent resident status even though some might have qualified. The new law required that applicants from this group seeking to avoid deportation must have 10 years residency in the US and prove that their departure would cause severe hardship to members of their immediate family other than themselves. In addition, the time a refugee had spent in deportation proceedings would not count towards the ten years of residence, making it virtually impossible for some to meet the required standards. Prior to that, only seven years residency were required, and hardship to oneself was considered a sufficient reason to defer deportation (McDonnell, 1997a; McDonnell and Bass, 1997).

In addition, the new law repealed section 245(i) of the Immigration and Nationality Act which allowed immigrants, including those in the country illegally, to remain while their application was being processed if they paid a one-time \$1,000 fine. The 245(i) procedure had been developed to ease the workload on US consulates abroad and provided approximately \$200 million for the INS budget. Under the new law, immigrants would have to leave the country while waiting for their applications to be processed, even if this meant leaving family members behind in the US. Moreover, given the backlog of cases, it might take several years for the processing to be completed (McDonnell, 1997b; Ojito, 1997; *The New York Times*, “Flaws in immigration laws”, 29 September, 1997).

There was widespread feeling among both Democrats and Republicans as well as immigration lawyers, representatives of Central American groups, and the Clinton Administration that these measures were unfair to refugees who had, in the words of Attorney General Janet Reno, been “putting down deep roots in our nation and abiding by our laws” (McDonnell and Bass, 1997). In addition, Central American countries were ill-equipped to welcome large numbers of former refugees to their struggling economies. Clinton had promised these governments he would seek a “fair solution” during a visit to Central America in May (McDonnell and Bass, 1997). As a result, Reno suspended deportation until 1 October 1997 while the Clinton Administration prepared new legislation. The stay affected approximately 500,000 persons from Central America who were allowed to seek to “block their removal” under the earlier, more relaxed “suspension of deportation” standards. Reno noted that it was unfair to apply the 1996 law retroactively to persons who had arrived in the US before 1996; Lamar Smith, Chairman of the House Immigration Subcommittee, claimed that the administration had bowed to foreign pressures (McDonnell and Bass, 1997).

Eventually the House and Senate agreed on a compromise: Central American refugees (approximately 50,000 from Nicaragua and 250,000 from Guatemala and El Salvador) were allowed to apply for permanent residence under the earlier, more lenient procedures, but in return cuts were made in the number of unskilled immigrant workers allowed entry per year. Section 245(i) was extended for the last time until 14 January 1998; anyone filing by that date would be allowed to remain in the country while the application was being processed. While this agreement was generally regarded as a victory for Central American refugees and immigrants, some critics argued that the provisions of the law (dubbed the “Victims of Communism Relief Act”) were unfair to Haitians who were not included in the bill.

The concerns about the implementation of IIRIRA were accompanied by criticism of the INS itself, especially how effective the agency was in controlling US borders, whether it was active enough in deporting those convicted of felonies, how efficient it was in handling the backlog of asylum applications, and how fair it was in its treatment of those seeking asylum. The Federal Advisory Panel recommended abolishing the INS and assigning its duties to other government agencies: the Justice Department (the INS’s parent body) would retain control of the border issues and removal of illegal immigrants; the State Department would handle immigration services and benefits including citizenship and asylum requests; and the Labour Department would monitor wage and hour laws and enforce rules governing the hiring of foreign workers. While several Congressmen supported the proposals, the Justice Department and INS expressed strong reservations. They noted that the various functions were interrelated and that the INS had just begun to make

improvements under the leadership of INS commissioner Doris Meissner and an increased budget which had doubled in four years to \$3.1 billion (Schmitt, 1997b). While these proposals are still under discussion, the INS has begun to implement the Congressional legislation of 1996. The reaction to this process is discussed below.

The immigration and refugee policy matrix

The US debate over Proposition 187 and welfare reforms reflects the perception that immigrants are a threat to American cultural, economic and foreign policy interests (Zimmerman, 1995: 88-102). However, many studies conducted in the 1980s found little support for claims that immigration had negative demographic, economic or social effects (Bean et al., 1997: 140). According to Papademetriou (1997-1998: 15), many of these concerns were based on “myths and half truths” which had been elevated to the status of “conventional wisdom”. He also pointed out that immigrants may be a benefit to the host country’s economic well-being not just through the taxes they pay and jobs they create, but through the energy, ideas, and entrepreneurial spirit they bring with them.

Not only may the collective wisdom on immigration and refugee issues be wrong, but the debate on these issues has been inconsistent: proposals put forth and discarded, compromises reached and abandoned, legislation passed and modified. This inconsistency should not be surprising, given the complex matrix of actors involved in the debate. Virtually every level and every branch of government, along with numerous interest groups or NGOs, have participated in the development of US policy (Teitelbaum, 1998).

Presidents have supported policy on the basis of ideology, foreign policy needs, pressure from other countries, or electoral goals. The Departments of State, Justice and Labour are involved (even without reform proposals) in various aspects of implementation. Dozens of congressmen representing every segment of the political spectrum have participated in the formulation of legislative policy. Governors and state legislatures have responded to budgetary concerns and public opinion (Pear, 1997a). The courts have set legal precedent (*Plyler vs Doe*), struck down legislation (Proposition 187), and contributed to modifications of administrative policy (the ABC case and restrictions on deportation).

Over 50 corporations or business groups sought to influence legislation on temporary workers. Over 200 business, immigration and religious groups lobbied Congress about modifying policy toward refugees from the Caribbean and Central America with regard to changes in the 1996 legislation and section 245(i) (Schmitt, 1996b). These debates took place while the number of immigrants and asylum seekers remained at near record numbers. The net result

is that the INS must implement policy in an extremely complex environment, which includes a backlog of several hundred thousand cases.

THE INS, IMMIGRANTS AND REFUGEES

While responses to the INS reform proposals and new INS procedures varied, they also pointed to a number of problems. Numerous sources expressed concern regarding the reform proposals themselves. The Executive Director of the American Immigration Lawyers Association noted that "From years of dealing with State Department officials ... we know that they are opposed to review of their decisions, have no mechanisms in place to assure due process of law and are ill equipped to deal with the volume and complexity of cases the I.N.S. must adjudicate on a daily basis" (Pear, 1997b). This view was highlighted by a recent US District Court decision in which Judge Stanley Sporkin found that State Department guidelines for asylum officers which relied on physical appearance or national origin were "unfair and unjustified". The guidelines, among other things, directed consular officials to reject applicants who fell into certain categories: RK, Rich Kid; LP, Looks Poor; TP, Talks Poor; and LR, Looks Rough (Shenon, 1998).

Discussions of the reform proposals continue. INS Commissioner Doris Meissner has promised a "fundamental reform" that "would split law enforcement and immigrant-service functions, but keep both under her control" (Wilgoren, 1998). Meantime, the INS has developed procedures to implement the 1996 legislation: an "Interim Rule on Inspection and Expedited Removal of Aliens; Detention and Removal of Aliens; Conduct of Removal Proceedings and Asylum Procedures" (INS No. 1788-96). Many portions of the new rule codify earlier INS regulations, but some aspects mark significant changes in procedures as mandated by the IIRIRA. The rule adds a number of bars to asylum eligibility based on a claimant's past history: convictions for "particularly serious crimes", previous unsuccessful asylum claims, delays in applying for asylum, or if he/she was considered a threat to the US. Further, if the applicant has come to the US through another "safe" country, he or she can be removed to that country (Horne and Weitzhandler, 1997). The rule also includes procedures for the Expedited Removal of aliens. Anyone deemed inadmissible due to the lack of valid documents, or possessing false documents, may be removed unless the asylum seeker expresses a desire to file for asylum or shows a "credible fear of persecution". In those circumstances, claimants will be given an interview to present their case (Horne and Weitzhandler, 1997).

The INS solicited comments from interested organizations, and UNHCR prepared a 35-page document commenting on various aspects of the Interim Rule. UNHCR's concerns related to, first, the extent to which the new policies were (or were not) in keeping with international guidelines and previous

commitments on the part of the US, especially the 1967 Protocol and the Convention on Torture, and, second, the potential for arbitrary and unfair treatment of those who might put forth claims before asylum officials (UNHCR, 1997a). While UNHCR agreed that the government could remove asylum seekers whose claims were “manifestly unfounded”, the Office had several concerns about the Expedited Removal procedures as they applied to potentially legitimate claimants. The procedures were clearly spelled out, but were subject to arbitrary interpretation, especially where asylum officials were not well versed in dealing with refugees who had suffered from persecution or torture. UNHCR was especially concerned that claimants be given appropriate guidance regarding procedures in a language they could understand; that information be available about how to contact UNHCR or obtain legal assistance; that the standards for establishing “credible fear” not be too high; and that there be meaningful review of all expedited removal orders “given the consequences of a mistaken decision” (UNHCR, 1997a).

Concerns about the interview process are not new (Aleinikoff, 1991; Anker, 1990; Hyndman, 1994; Martin, 1990). A 1990 study reported that claimants were expected to meet an excessively high standard of proof, standards and rules were not clearly stated, inconsistent legal principles were applied, and adequate interpretation was not always available (Anker, 1990: 252-255). New asylum rules did take effect in October 1990 and provided for a larger asylum officer corps with improved training, better supervision, and a documentation centre (Beyer, 1992; Helton, 1990). An official in the Los Angeles Asylum Office notes that the training and quality of asylum officers has improved “drastically” in the 1990s. Many of the officers have a legal background, and virtually all have college degrees. Outside speakers from the legal profession and humanitarian NGOs provide information on current laws and related issues (Los Angeles Asylum Office, 1998).

Christine Stancill, a lawyer in one of Los Angeles’ most prominent immigration law firms, concurs that asylum officials and immigration judges are well trained and sensitive to the needs and concerns of asylum seekers. The problem lies with the inspectors who are the first INS officials that a prospective asylum seeker encounters at ports of entry and who have the authority to carry out the expedited removal process (Stancill, 1998). The INS guidelines for the expedited removal process are quite explicit:

Because of the sensitivity of the programme and the potential consequences of a summary removal, you must take special care to ensure that the basic rights of all aliens are preserved, and that aliens who fear removal from the US are given every opportunity to express any concerns at any point during the process.

Since a removal order is subject to very limited review, you must be absolutely certain that all required procedures have been adhered to and that the alien has understood the proceedings against him or her (Bender, 1997: 303).

But, according to Stancill, these inspectors are not as well trained or qualified as asylum officers; few have legal backgrounds, and fewer have college degrees. She believes their demeanour intimidates many prospective asylum seekers, making them reluctant to put forward what may be legitimate claims. In addition, despite claims to the contrary, applicants are not always given information in a language they can understand, and the outcome of an interview may depend on whether the particular officer takes a “benefits” or “enforcement” approach (Stancill, 1998). Another immigration lawyer noted that these officials seemed to be “trained to deny” (Perez, 1998).

Speaking in more general terms, UNHCR has noted that “Regrettably, the ‘front-line’ staff employed by many governments – the officials whom asylum seekers encounter when submitting their application for refugee status – are not always adequately equipped or trained to make such important decisions” (Crisp, 1997: 205). According to the INS, only five per cent of the 15,600 persons who went through the expedited removal procedures “were referred to credible fear interviews” (American Immigration Law Foundation, 1997).

The Expedited Removal Process has been upheld in recent court decisions (McDonnell, 1998); however, a number of specific complaints have been made regarding the behaviour of inspectors and their treatment of asylum seekers. The charges include separation of children from parents, the use of shackles, lack of access to water, food or toilet facilities, inadequate explanation of rights, lack of access to legal assistance, and failure to provide materials in a language the applicant understands (ACLU, 1997; Lawyers Committee, 1997). In addition, a recent Human Rights Watch study found numerous human rights violations in the use of detention, including punitive treatment, lack of appropriate medical care, limited access to legal assistance, and the mixing of detainees with criminal inmates (*Los Angeles Times*, 1998). UNHCR and other organizations have also expressed concerns about the use of detention (United Nations, 1998; US Committee for Refugees, 1998), and UNHCR has recently updated its detention guidelines (UNHCR, n.d.).

These practices have a significant impact on asylum seekers from Central America and the Caribbean who make up a large proportion of those subject to Expedited Removal. They are also affected by other aspects of the IIRIRA which call for deportation of those who have committed “aggravated felonies” and have just been released from prison, those who included false or inaccurate information about previous arrest records, or those who have served a sentence for crimes not considered aggravated felonies at the time of commission and have been living in the US for several years after serving their sentences.

UNHCR, human rights organizations and representatives of immigrant and refugee groups have noted that these standards are unduly harsh. In many cases,

even though the deportees may have come originally from Central America or the Caribbean, they have established roots in the US, have little attachment to their homeland, and will be forced to leave other family members behind. The loss of remittances will also be an economic hardship for the country of origin.

Another concern of Central American and Caribbean countries has been the influx of criminal returnees (up from 1,000 in 1994 to 50,000 in 1997) who often arrive with little advance notice in receiving countries which are ill-prepared to handle the large numbers or integrate them into society (UNHCR, 1997b; Mitchell, 1997b). Some of these concerns were the subject of an Inter-American Dialogue on 21 November 1997 where several speakers, including US representatives and ambassadors from Latin America, called for greater regional cooperation (UNHCR, 1997b). Calls for regional cooperation are not new (Balian, 1998; Mitchell, 1997b; Papademitriou, 1997-98; UNHCR, 1997b). What may be new is a US willingness to participate (UNHCR, 1997b). The US has been active in the intergovernmental Regional Conference on Migration (The Puebla Group), consisting of governments from North and Central America, since 1996. It is also active in the Intergovernmental Consultations on Asylum, Refugees and Migration Policies (IGC) headquartered in Geneva. These discussions have focused on a wide range of issues: the Puebla process has included participation by UNHCR and NGO representatives (United Nations, 1998: 28; Gzesh, 1998: 21-23), and the IGC meetings allow the US to discuss a variety of alternatives without having to make a public commitment to a particular course of action.

But however valuable meetings at the regional or international level are, they have done little to change public perceptions within the US or to improve the manner in which INS policies are implemented with regard to immigrants, refugees and asylum seekers, particularly those from Central America or the Caribbean. What steps might be taken to improve this process and what issues should those meetings address?

RECOMMENDATIONS

Nathan Glazer, commenting on American attitudes towards immigration and refugee patterns, notes that the US is in an age of "identity politics". He suggests restrictive legislation has been a response to American perceptions or fears that immigrants and refugees cannot continue to be assimilated and that they will exacerbate economic and social problems. He also points out that we do not have sufficient information at this point to make accurate judgements about the impact of immigration, but that "it will not be on the basis of such analysis that decisions on immigration are taken" (Glazer, 1998: 61). In short, it is perceptions which count in the formulation of American policy, not facts.

American public opinion

Since the perceptions of the American public are a major influence on immigration and refugee policy, any attempt to modify legislation or administrative procedures must address those perceptions; where American public opinion goes, Congress will often follow.

UNHCR faces an enormous challenge in trying to influence American officials and public opinion. As noted earlier, policymakers in the US include members of the executive branch, Congressmen, state and local officials, and the Justice Department. Within the INS are several district directors and three levels of asylum interviewers or adjudicators. There are also hundreds of NGOs with some interest in immigration or refugee issues and over 100,000 educational districts across the country. UNHCR is aware of this problem, and its outreach programme is extensive. It works with Interaction and a variety of NGO's in Washington; presents pro bono training sessions for immigration judges, asylum officers, asylum and immigration lawyers, and State Department officials; provides speakers from Washington and Geneva for universities, law schools, and other organizations; and distributes the Refugees magazine (35,000) and other informational materials promoting refugee issues. UNHCR also is working closely with US for UNHCR to develop greater public awareness of refugee topics (UNHCR, 1997c). In addition, it participates in a dialogue with NGO coalitions on legislation and interacts extensively with the INS which, according to one UNHCR official, has been "pretty responsive" to UNHCR concerns (UNHCR, 1998). These approaches must continue, and UNHCR will need to consider whether additional staff and resources can be devoted to these efforts to influence the perceptions of the American public.

American public opinion is not the only influence on government policy. Schuck argues that "national political leaders, the media, prominent commentators, business executives, and other elite groups tend to support immigration more than the general public" (Schuck, 1998: 249). Efforts to influence US immigration or refugee policies must, therefore, continue to be directed at those constituencies. US behaviour should be monitored in light of international guidelines; UNHCR needs to continue to work with US officials to explore ways to restore public confidence in the asylum system and promote a balance between fairness and efficiency; and US officials and representatives of various organizations should continue to work for the integration of immigration and refugee issues into long term planning rather than treating them as ad hoc problems which receive attention only as crises arise.

The Immigration and Naturalization Service

Another area where action seems appropriate involves the expedited removal process now being implemented by inspectors who serve as the first "line of

defence” in the INS process. Among the actions UNHCR or other organizations might take in this area are the following:

- Push for the same kind of improvements in the training and quality of inspectors that have taken place with regard to asylum officers.
- Explore ways to cooperate with INS officials to ensure that procedures are carried out according to international standards and INS guidelines, including efforts to ensure applicants have access to legal assistance, resource materials (in their own language), and adequate interpretation at all stages of the asylum-seeking process. In addition, UNHCR should encourage the INS to allow monitoring by NGOs similar to the system used currently in Denmark.
- Until these changes occur, continue to push, on humanitarian grounds if for no other reason, for a more limited use of detention for asylum seekers and for better treatment of those held in detention or awaiting their first interview.

The United States and regional cooperation

Many officials in the US recognize that immigration policies are no longer solely a domestic matter and that cold war conditions which governed the approach to refugees and asylum seekers no longer apply. Developing an integrated policy, however, will not be easy. As one recent study notes:

The formulation of future US immigration policy confronts obstacles more complex than any it has ever faced. The task is to develop a nuanced immigration policy that gives recognition not only to the realities of difficult domestic labour markets, contradictory affirmative action policies, and financially over-burdened states and local governments but also to the emerging fact that the immigration policies of developed countries increasingly involve environmental, developmental, and foreign policy implications as well (Bean et al., 1997: 148).

The US must continue to participate in regional and international consultations such as the Puebla Group and the IGC. Among the issues which should be discussed are:

- The need for cooperation between neighbouring states.
- The impact of trade policies and agreements such as NAFTA on immigration flows.
- The means of dealing with the impact of US deportations on receiving countries.

- The means by which countries in Central America or the Caribbean could limit, in appropriate ways, illegal immigration into the US.
- The means to limit illegal trafficking in migrants and ways to curtail other forms of asylum abuse.
- The need to find more flexible responses such as the use of temporary safe havens or temporary protection.
- The long-term impact of economic assistance to the region.

Virtually all macro-level studies of immigration and refugee issues note the importance of economic assistance in dealing with the root causes of poverty and conflict which often give rise to migration and refugee flows. Unfortunately, the end of the Cold War followed by the apparent resolution of conflicts in El Salvador, Guatemala, Haiti, and Nicaragua may have led some policy makers to place development assistance to Central America and the Caribbean lower on the agenda. Yet this is precisely the time when such aid may be of the greatest assistance. If applied effectively, such aid could reduce emergency migration and refugee flows and enable planners to develop long term strategies to deal with more “acceptable” forms of migration such as family reunification or the movement (in both directions) of skilled workers.

In addition, it must be recognized that the US and its relations with Central America and the Caribbean are only one piece of a much larger international puzzle. As Weiner and Münz (1997: 355) suggest in the conclusion of their study of US and German policies towards countries of origin, policy makers in the West must be cognizant of the impact of migration and refugee flows on developing countries (both sending and receiving) and how their policies may influence those movements. Ultimately, the international community must find some common ground to develop a more consistent and more humane response to the needs of immigrants, refugees and asylum seekers.

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MIGRANTS ET DEMANDEURS D'ASILE: LA POLITIQUE DES ETATS-UNIS À L'ÉGARD DES IMMIGRANTS ET DES RÉFUGIÉS ORIGINAIRES D'AMÉRIQUE CENTRALE ET DES CARAÏBES

Si les années 1990 ont été témoin d'un afflux sans précédent d'immigrants et de réfugiés, de nombreux pays d'accueil en Occident, et notamment aux Etats-Unis, ont commencé à appliquer des politiques plus restrictives en réaction aux menaces qu'ils percevaient pour leur économie et leur homogénéité culturelle.

La politique américaine en matière d'immigration s'est appuyée de manière générale sur des considérations économiques ainsi que sur les pressions internes, tandis que celle concernant l'asile reflétait des préoccupations de politique étrangère, et plus particulièrement le souhait de gêner les régimes communistes pendant la guerre froide. Ces politiques se sont traduites par une immigration massive en provenance du Mexique et par un afflux important de réfugiés en provenance de Cuba et du Nicaragua, comparativement à un taux d'admission limité des demandeurs d'asile originaires d'Haïti, d'El Salvador et du Guatemala.

Le Welfare Reform Act et l'Illegal Immigration Reform and Immigration Responsibility Act (IIRIRA) de 1996, ainsi que le mouvement Proposition 187 en Californie (1994), qui tendaient à limiter l'aide accordée aux immigrants autorisés, à réduire l'immigration illégale et à améliorer l'efficacité du processus d'asile, ont été dans une large mesure influencés par l'opinion publique américaine qui percevait l'arrivée massive d'immigrants comme une menace pour le style de vie américain.

Cette législation a également conduit à une révision des procédures appliquées par les Services d'immigration et de naturalisation (INS) et notamment du processus d'expulsion rapide et des nouvelles directives sur la déportation et la détention, dans lesquelles de nombreux observateurs voient un risque de décisions arbitraires et de violations possibles des directives internationales. Ces politiques posent des problèmes particuliers pour les immigrants et les réfugiés d'Amérique centrale et des Caraïbes qui représentent une proportion importante des groupes considérés.

Etant donné que la politique des Etats-Unis en la matière fait intervenir un ensemble complexe d'acteurs comprenant le Président, les grands secteurs de l'Administration, le Congrès, les autorités judiciaires, les gouverneurs et législatures d'Etat, ainsi que de nombreux groupes d'intérêt, et qu'elle est largement influencée par l'opinion publique américaine, toute tentative visant à la modifier nécessitera une action ambitieuse de la part du HCR et des autres organisations intéressées.

Par ailleurs, les décideurs américains doivent être encouragés à intégrer la politique d'immigration et d'asile dans leur planification générale à long terme, et à participer aux efforts de coopération régionale (à l'instar du processus de Puebla) afin de remédier aux problèmes complexes que posent et continueront de poser les flux actuels et futurs de migrants et de réfugiés, et d'apporter une réponse plus cohérente et plus humaine aux besoins des immigrants, des réfugiés et des demandeurs d'asile.

MIGRANTES Y SOLICITANTES DE ASILO: RESPUESTAS POLÍTICAS DE LOS ESTADOS UNIDOS A LOS IMIGRANTES Y REFUGIADOS QUE PROVIENEN DE CENTROAMÉRICA Y EL CARIBE

A pesar de que los años 90 han sido testigo de corrientes inmigratorias y de refugiados sin precedentes, varios países de acogida en el occidente, incluidos los Estados Unidos, han comenzado a aplicar políticas más restrictivas como consecuencia de las amenazas que perciben sobre sus economías y sobre la homogeneidad cultural.

Por lo general, la política de inmigración de los Estados Unidos responde a preocupaciones económicas y a presiones internas, mientras que la política de refugiados de los Estados Unidos ha tenido en cuenta las preocupaciones de la política extranjera, especialmente en su empeño por poner en situación embarazosa a los sistemas comunistas durante la guerra fría. Estas políticas han dado lugar a una extensa inmigración de México y a considerables cantidades de refugiados procedentes de Cuba y Nicaragua, pero a una aceptación limitada de solicitantes de asilo procedentes de Haití, El Salvador y Guatemala.

La Ley de reforma del sistema social y la Ley de reforma de inmigración ilegal y de responsabilidad migratoria (IIRIRA) de 1996 y la moción de la Proposición 187 en California (1994), que tenían por objeto limitar la asistencia a los inmigrantes legales, reducir la inmigración ilegal y mejorar la eficacia del proceso de asilo, sufrieron considerables influencias de la opinión pública americana que consideraba que las importantes cantidades de inmigrantes constituían una amenaza al estilo de vida americano. Esta legislación también condujo a revisiones de los procedimientos del Servicio de inmigración y naturalización (INS) que incluyen el proceso de "retorno expedito" y nuevas directrices sobre la deportación y detención que muchos observadores consideran pueden conducir a decisiones arbitrarias y a eventuales violaciones de las normas internacionales. Estas políticas plantean problemas especiales para los migrantes y refugiados de Centroamérica y el Caribe que constituyen una importante proporción de estos casos.

Habida cuenta de que la política de los Estados Unidos resulta de una compleja matriz de interlocutores, incluidos el Presidente, los departamentos de las ramas ejecutivas, el Congreso, los tribunales, los gobernadores de los estados y legislaturas, los diversos grupos de interés y de que además se vé influenciada por las percepciones del público americano, cualquier intento por modificar estas políticas requerirá un programa de alcance extenso por parte del ACNUR y otras organizaciones interesadas.

Además, es preciso alentar a los formuladores de políticas de los Estados Unidos a que integren las políticas inmigratorias y de refugiados en una planificación global a largo plazo y a que participen en un empeño de cooperación regional (tal como el Proceso de Puebla) a fin de encarar los complejos problemas que plantean las corrientes actuales y futuras de migrantes y refugiados y así asegurar una respuesta más coherente y humana a las necesidades de los inmigrantes, refugiados y solicitantes de asilo.