

U.S. Immigration Policy: The Double Standard

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By [Michael Flynn](#)

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On Oct. 29, the nation watched as 200 desperate Haitian migrants frantically fled police after jumping off a boat that had ferried them across the Caribbean to the Florida coast. News cameras captured the Haitians as they bolted into rush-hour traffic in Miami, some begging drivers for a lift to avoid arrest.

Op-ed writers and immigrant-rights advocates immediately cried foul: Why, they asked, are Cuban asylum seekers who make it to U.S. soil automatically considered refugees and allowed to walk free while those fleeing an equally, if not more, oppressive situation in Haiti are detained? Wrote one columnist in Florida: "I guess someone figured that Cubans who can expect to live at least 76 years in their country are worse off than Haitians who'll die before they reach 50."

The detention policy enshrining this double standard was quietly issued late last year by the Bush administration in the hopes of deterring a wave of Haitian migrants and asylum seekers fleeing the rapidly deteriorating political and economic conditions in their country. Haitians making it to U.S. territory would now be held in detention centers pending the outcome of hearings. Those caught at sea by the Coast Guard would be sent home, as dictated by long-standing U.S. policy.

Although it took live TV coverage to draw the public's and the media's attention to this policy, advocacy groups and international agencies had taken notice much earlier. On April 15, for example, the UN High Commissioner for Refugees issued an advisory opinion in response to an earlier Haitian detention case condemning the policy, arguing that it amounted to "arbitrary detention" and was "contrary to international standards."

But the Haitian case soon drifted from the media radar, taking with it any potential scrutiny of other U.S. migrant detention practices. The new policy, which is aimed only at Haitians, is just one of a string of questionable practices used by the U.S. Immigration and Naturalization Service in the past several years to deter immigrants from reaching U.S. territory. These practices have been the focus of news stories and advocacy campaigns in neighboring countries but have been largely ignored in the United States.

The roots of many of these policies date to the early 1990s, when the INS, under the leadership of Doris Meissner, implemented blockade strategies along the U.S.-Mexico border meant to keep out impoverished Mexicans and Central Americans.

These strategies--which involved multiplying the number of border guards, deploying fleets of jeeps and helicopters armed with high-tech sensors, and building walls along selected sections of the border--had two unintended consequences. First, the blockade efforts drove immigrants to more dangerous routes, resulting in an exponential increase in deaths from heatstroke, hypothermia and drowning.

Second, more people turned to smugglers, with equally tragic results. In mid-October, authorities found the bodies of 11 migrants who had suffocated to death in a grain hopper rail car because their smugglers

neglected to let them out. Despite their use of dangerous techniques and their ties to criminal organizations, smugglers across the globe have experienced a boom in recent years amid stringent visa rules and blocks to legal migration adopted by industrialized countries during the past decade.

Increase in human trafficking

According to the International Labor Organization, by the end of the 1990s, immigrant smuggling had exploded into a multibillion-dollar business, accounting for more than half of all illegal migration. One tragic counterpart to this phenomenon has been an increase in the trafficking of women and children for sexual purposes. The U.S. intelligence community estimates that in 1997 alone, 700,000 women and children were trafficked globally, with 50,000 of them being brought to the United States.

To counter this increasing trade in people, in 1997 the INS instituted an international anti-smuggling program called Global Reach, described by the Justice Department as "a strategy of combating illegal immigration through emphasis on overseas deterrence." As part of the program, the INS established dozens of offices overseas, began training host-country officials in fraudulent document detection, and instituted "special operations to test various illegal migrant deterrence methods in source and transit countries."

In the Western Hemisphere, Global Reach initiatives are part of what is called Operation Disrupt, INS-led multilateral operations involving law enforcement from other countries. During these operations, INS agents accompany local authorities to restaurants, hotels, border crossings and airports to help identify and apprehend suspicious travelers.

According to the INS, Operation Disrupt has been enormously successful. The agency declared 2000's Disrupt operation, Forerunner, the "largest anti-smuggling operation ever conducted in the Western Hemisphere [during which] several countries worked in a coordinated effort to protect migrants who are victims of criminal smuggling operations."

But the numbers tell a different story: Although the operation nabbed 3,500 migrants, only 38 smugglers were arrested. Further, many advocates argue that the operation failed to discriminate between legitimate asylum seekers (those who face a credible fear of persecution in their home countries and fall under the protection of international treaties) and economic migrants (people fleeing hunger and poverty, who tend to be considered "illegal").

A group of U.S. Catholic bishops who visited detainees at a prison in Tegucigalpa, Honduras, denounced the terrible conditions of the prison, the lack of legal representation, and the fact that the operation prevented the detainees from applying for asylum.

An INS representative in Tegucigalpa hinted at another motivation for the operation when he told a reporter that "the cost savings are enormous" if you deport U.S.-bound migrants from Honduras instead of from the United States.

The United States also funds migrant detention centers in some of these countries, a practice that has put U.S. officials in some uncomfortable situations.

Early last year, Kanu Patel, a migrant from India who had paid thousands of dollars to be smuggled halfway across the globe to America, was arrested in Mexico along with dozens of his compatriots as they approached the U.S. border. Under pressure from the United States to toughen its stance on illegal migration, Mexico deported the migrants to Guatemala, where they were placed in a squalid detention center that received funding through the U.S. Embassy. After spending eight months in detention and being repeatedly denied medical attention for cardiac pains, Patel committed suicide.

In an interview in March, Margarita Hurtado, a Guatemalan immigrant-rights advocate, described for me the two U.S.-funded detention centers in Guatemala City, which were closed shortly after Patel's suicide. After Operation Disrupt in Guatemala in 2001, she said, "the centers were filled with people from everywhere--from Ecuador, India, Peru, Syria, Cuba. In one space there were 40 people. Everything was being destroyed, there was no light, no air. They were worse than our jails."

Facilities 'not acceptable'

When I asked the U.S. Embassy spokeswoman whether embassy officials had bothered to check on the facilities they were funding, she said she didn't know and referred me to Hipolito Acosta, former head of the INS regional office in Mexico City. Acosta told me that when officials did eventually visit, they "determined that the facilities Guatemala was using were not acceptable. Guatemala is now looking at another location to build a new detention center, which will be almost like a model for Central America. . . . I sent my deputy director to check it out because we are greatly concerned."

Advocates in Guatemala are skeptical. They point to the lack of oversight and rampant corruption in their country, as well as the inattention of the U.S. public to the plight of these migrants, the vast majority of whom see the United States as their only hope for a better life.

Since the September 2001 terrorist attacks things have only gotten worse for migrants and asylum seekers--and not only those bound for the United States. Arguing that asylum policies provide convenient cover for terrorists, countries around the world are taking steps to restrict the number of people they let in. In many countries, politicians are capitalizing on the public's fear of immigration by promoting anti-immigrant and anti-refugee policies.

Unfortunately, this xenophobic trend comes as the number of people seeking refuge is reaching new highs. According to estimates by UN agencies, 240 million people are on the move--a staggering 1 of every 25 people on the planet. Most of them have been driven from their homes by hunger, poverty, persecution, violence, environmental degradation or natural disasters.

Instead of responding to this global humanitarian crisis with increased aid, wealthy countries are cutting back. In September 2001, the UN High Commissioner for Refugees--which supports 20 million uprooted people--was forced to cut its budget by 10 percent because of a drop in donations.

In the United States, the State Department responded to security concerns after 9/11 by drastically reducing the number of asylum slots available to refugees. Although it had designated 70,000 slots for fiscal year 2002, it admitted only 27,113 refugees, down from a high of 132,173 in 1992.

Despite pleas from refugee advocates to increase next year's allotment to 100,000, the Bush administration has announced that it will guarantee only 50,000, leaving 20,000 slots in reserve for contingencies.

A bipartisan group of legislators wrote the president in September, saying: "Tens of thousands of refugees have been stranded overseas in places of danger or squalid refugee camps, and have not been able to find a new secure future in the United States during the past year. These unused spaces are in essence like unused lifeboats on a sinking ship."

Michael Flynn is the associate editor of the Bulletin of the Atomic Scientists. He investigated migration issues in southern Mexico and Guatemala early this year as part of a IRP Fellowship in International Journalism.