NICARAGUANS IN MIAMI

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I. BACKGROUND

A. History

The first Nicaraguans asking for political asylum arrived in July 1979. Specifically, there were two plane-loads of government officials and their families which landed in Miami. Though they lacked the usual visas, (at least in some cases), they were allowed to land and remain pending processing of their applications for political asylum. At the request of the local government, they were placed in a motel by Catholic Community Services. This agency and the refugees immediately encountered an ambivalent response from the INS (Immigration and Naturalization Service). One day, all who asked for temporary work permits would receive them. The next day, people who had arrived on the same plane would be refused. This ambivalence on the part of the Federal Government has continued up to the present time. One result is that it is difficult to arrive at an accurate figure of just how many Nicaraguans there are in South Florida. In the months following the change of government in Nicaragua, people continued to arrive in Miami on tourist visas, but with the intention of staying until such time as the political situation improved in their homeland. Some filed applications for political asylum. Others did not, fearing rejection of the application by INS and fearing also that the filing of the application would jeopardize their return home and even endanger family members and property in Nicaragua. In later years, the flow of Nicaraguans to Miami has changed. Most of those who come now seem to be young men, of military age, who leave to avoid military service. As a result, they must travel clandestinely, crossing the borders into Mexico and then traveling on to the U.S. and crossing the U.S. border using the same means as those traditionally used by economic migrants. Again, this makes it very difficult to arrive at precise numbers. What is clear is that the INS accepts their applications for political asylum if they intercept them and then releases them on payment of a bond. The application is then forwarded by INS to the applicants’ ultimate destination, which is usually Miami.

B. Numbers

As has already been said, it is difficult to ascertain with certainty how many Nicaraguans are in the U.S. According to INS, it received 4,807 asylum application from Nicaraguans in 1984 (F.Y.). They constituted the second largest group after the Salvadoreans (5,455) and accounted for approximately 19% of all asylum applicants. Yet, local Nicaraguan estimates in Miami place the number of Nicaraguans in the community as high as 60,000. They have certainly become visible with as many as 10,000 appearing at religious rallies.

C. Who they are:

There is no study of the background of the Nicaraguan applicant for political asylum available. It would be most useful to have one similar to what was done on Haitians in 1983 which helped to counter some of the stereotypes and myths surrounding them. What is clear is that while the
initial arrivals were closely connected with the Somoza regime, the later ones more and more seem to have been active in the overthrow of the dictator and many have held high positions in the Sandinista government, including the Cabinet and the military.

The many political divisions among the exiles evidence that neither politically nor ideologically are the exiles homogenous. In substance, they seem to be middle class whose parents were often peasant. As time goes on, they seem to be more representative of the total population.

II. CURRENT STATUS:

A. INS: IMMIGRATION AND NATURALIZATION SERVICE

According to INS reports, 4,807 Nicaraguans applied for asylum in 1984 (F.Y.). During the same period, INS approved 1,108 and denied 7,274, reducing the pending applications at year's end to 1,646. Between October and June, 1985, the State Department recommended political asylum for only 241 out of 2,899 applications or 8 percent of the total. Most, if not all, the denials are under appeal; in the meantime, these people, the bread-winners of their families, have lost their temporary work permits. According to the INS, there will be a major effort in the next few months to deport those whose applications have been rejected. As far as it is known, only one has been deported. According to press reports, he was arrested on arrival in Nicaragua. In late July, one deportee was removed from an airliner at Miami Airport on the orders of a federal judge. As a result there is widespread fear in the Nicaraguan community in South Florida.

According to INS spokesmen fear of military service is not a sufficient reason for asylum. Applications based on this are routinely turned down. The basic problem is the degree of proof that an applicant is required to offer in order to prove a well-founded fear. A major issue is the difficulty of distinguishing between bona-fide asylum seekers and migrants solely seeking better economic opportunities. In the case of Nicaragua, it is often difficult to prove the difference between persecution and economic deprivation caused by government action. When a person loses his business, is it because the government's ideological orientation, poor management, or the U.S. embargo? In individual cases, it may be a combination of all three. In the light of these ambiguities, it would seem that INS personnel place great emphasis on the economic, rather than the political factors.

B. Work Permits:

In South Florida, rejection of an application for asylum leads to immediate revocation of the temporary permit, even though the applicant has an appeal process available. This has the effect of putting the breadwinner in the position of working illegally or being dependent on private charity.

C. Flow:

In view of the irregular nature of the exodus, it is difficult to judge the current flow. Common estimates in Miami are 100 per week. Factors influencing this flow include the U.S. trade embargo and the increased activities of the "Contras".
III. FUTURE PROSPECTS:

A. Deportation:

INS spokesman in Miami have indicated to the press that they expect to process large numbers of rejected applicants for deportation in the near future. As a result there is widespread fear. However, in May 1986, the District Director of INS temporarily suspended deportations after press reports that the White House was contemplating policy changes for refugees fleeing communist countries.

B. Asylum:

At the present time, the only avenue open to Nicaraguans to remain in this country is to continue to apply for asylum. Yet this does not appear to be the answer either for the individual or the community which is impacted. It is very difficult for the individual to obtain an even when granted it does not make either the individual eligible for refugee aid or the community for impact funds. The government's insistence on asylum as the only vehicle to avoid involuntary deportation serves to polarize the issue. What is needed is practical policy which takes into consideration the uniqueness of a particular refugee flow such as that of the Nicaraguans.

C. Indefinite Voluntary Status:

Such a policy would be to grant "indefinite voluntary departure status" which worked so well in the early years of the Cuban influx and which is currently in effect for several countries, such as Poland, Uganda, Afghanistan and for some Ethiopians.

The advantage of this is that it postpones the need for a final decision on the newcomer fleeing persecution remaining permanently in this country, while at the same time providing a safe haven within the meaning of the UN Convention and Protocol on the Treatment of Refugees. Later on, if it should become clear that there is no hope of return, then the question of permanent status can be handled by special legislation if necessary. In the meantime, also, the overstrained resources of INS can be relieved of the burden of processing such applicants.

IV. COMMUNITY CONCERNS:

For six years now, Miami has been impacted by up to 60,000 "refugees" from Nicaragua and it has not received one cent from the Federal Government for education, health care or social services, even for those who have been granted asylum. Such help is only given to those who under the 1980 Refugee Act have refugee status. As of today, no Nicaraguan has received refugee status. There is a need for special legislation to relieve impact on host community.
V. RECOMMENDATION FOR ACTION:

A. Suspension of Deportations:

The most immediate need is to relieve the anxiety of thousands of families by announcing an indefinite suspension of deportations to Nicaragua.

B. Indefinite Voluntary Departure:

Either by legislation or by executive action, the Federal Government should grant to Nicaraguans "Indefinite Voluntary Departure Status" as is in force already for several other countries.

C. Federal Assistance:

Consideration should be given to making communities like Miami, which are impacted by large numbers of peoples as a result of Federal Government policy, eligible for the same benefits given to communities which voluntarily accept refugees for permanent resettlement.

On July 23, 1986, on the occasion of a visit to Miami by President Reagan, the Archdiocese of Miami addressed an open letter to him in the name of the forgotten refugees who have no voice. The letter signed by Archbishop McCarthy, Auxiliary Bishops Roman and Dorsey and Monsignor Bryan O. Walsh pleaded on behalf of the Nicaraguans, Haitian Entrants, Cuban Political Prisoners, Cuban refugees separated from their families in third countries, and the Atlanta prisoners asking for the President to use the power of his office to relieve their sufferings.