



STATEMENT

11/08/02

INS Announces Notice Concerning Expedited Removal

The Immigration and Naturalization Service (INS) remains committed to ensuring that all aliens are treated humanely and fairly under the law. The arrival of the smuggling vessel on Key Biscayne in South Florida on October 29 underscores the need to do so. In that incident, 211 Haitians and 3 Dominicans came ashore illegally, which raises concerns about a dangerous mass migration by sea that could cost many lives.

As a nation that respects human rights and human life, it is essential that we address this situation fairly and with an eye toward deterring dangerous, unsafe voyages to the United States. In 1996, the Congress enacted expedited removal procedures and authorized the Commissioner of the Immigration and Naturalization Service to designate any group of individuals for placement in expedited removal proceedings.

Therefore, we are publishing in the Federal Register a notification that from the date of publication forward, all individuals who arrive illegally by sea will be placed in expedited removal proceedings and during their legal process will remain in detention at the discretion of the Immigration and Naturalization Service and Department of Justice. The decision announced today is not a change in policy but a continuation of recent policies and the activation of pre-existing authority. While expedited removal will be applied from today forward, our policy of deterring mass migration has led us to seek the continued detention of the migrants arriving on the October 29 vessel as well. Cuban nationals are subject to the 1966 Cuban Adjustment Act and will continue to be processed consistent with that law.

In expedited removal proceedings, under U.S. law, even if an individual establishes a credible fear of persecution, the Attorney General and the INS Commissioner retain the authority to detain individuals without bond while their immigration hearings and any appeals take place. Individuals may be released for humanitarian reasons at the discretion of the Immigration and Naturalization Service.

The United States government continues to believe, based on information received from a variety of federal agencies, that the detention of these aliens has significant implications for the national security. These concerns focus on two areas. First, there is evidence that shows the government's legitimate concern that the release of aliens who arrive illegally by sea may increase future mass migrations by sea, and the potential for death and injury to those attempting to migrate.

Second, key resources of the Coast Guard and Department of Defense would be diverted from the primary mission of protecting the homeland and fighting the war on terrorism. Any message that may encourage a mass migration and detract federal resources from our homeland defense is unacceptable. Rumors of successful entry into the United States have fueled recent migration surges, and any perception of a relaxing in U.S. immigration policy could cause future migrations by sea.

The assessment of the U.S. is that releasing these aliens would encourage additional illegal migration. Such a surge in migration threatens our national security as well as the safety of these smuggled aliens. This policy is not based on any specific nationality, but rather by the clear threat posed by a mass migration. Finally, it must be underscored that many of these individuals are brought to the U.S. as part of illegal smuggling operations. Any actions by the government, including the release of these individuals, may be interpreted by the smugglers as a victory and encourage further criminal smuggling activity.

In order to provide widespread notice of this policy as it pertains to irregular arrival at sea, we are publishing in the Federal Register a notification that in the future individuals coming to the United States illegally by sea will be placed in expedited removal proceedings.

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