

Clinton administration argues for right to expel asylum-seekers

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The Clinton administration is arguing before the US Supreme Court that immigrants who committed nonpolitical crimes outside the US should not be eligible for refugee status, even if they face the danger of severe persecution or death.

The case stems from government attempts to deport a former Guatemalan student leader, Juan Anibal Aguirre-Aguirre, who entered the US illegally in 1993. Aguirre was one of the leaders of protests in Guatemala against the US-backed military government's mistreatment of students.

Aguirre was originally granted asylum by an immigration judge based on findings that he would face severe persecution if returned to his country. The Board of Immigration Appeals overturned the decision, arguing that Aguirre had committed serious, nonpolitical crimes, thus making him ineligible for asylum. He has been charged in Guatemala with vandalism and the burning of buses.

In 1997 the United States Court of Appeals for the Ninth Circuit in San Francisco overturned the appeals board's decision, stating that the court had to consider the likelihood of Aguirre's severe prosecution in Guatemala, as well as the circumstances and political context of his alleged actions.

Attorney General Janet Reno's office is arguing before the US Supreme Court for an overturn of the appeals court ruling. Assistant Solicitor General Patricia Millet argued that the Supreme Court should defer interpretation of the 1980 Refugee Act to the attorney general's office. This act bars relief for immigrants who would otherwise qualify for asylum but have committed serious nonpolitical acts. Millet stated, "Whether someone faces persecution has no bearing on that question. It either was or was not a serious nonpolitical crime, and later risk of prosecution

does not change that."

Countering Millet, US Supreme Justice Stephen Breyer asked if it mattered if the would-be refugee who had committed a minor drug offense faced death or "several hours in a cell" if returned home. Millet responded that the law does not require such a balancing act and the attorney general's office has chosen not to employ one.

In discussion on the law's interpretation, Justice Antonin Scalia stated, "I find it extraordinary that we take into this country people who have committed any crime at all, even for political reasons."

Under Clinton the US government has forcibly deported more than four times as many immigrants as under the previous administration of George Bush. The Aguirre case has drawn considerable international attention. The United Nations High Commissioner for Refugees has filed a brief with the US Supreme Court stating that the court's decision may become the guide for how other countries interpret their obligations to refugees as signers of the United Nations Protocol Relating to the Status of Refugees. The US ratified the protocol in 1968.



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