

MEMORANDUM

Agenda Item No. 11(A)(18)

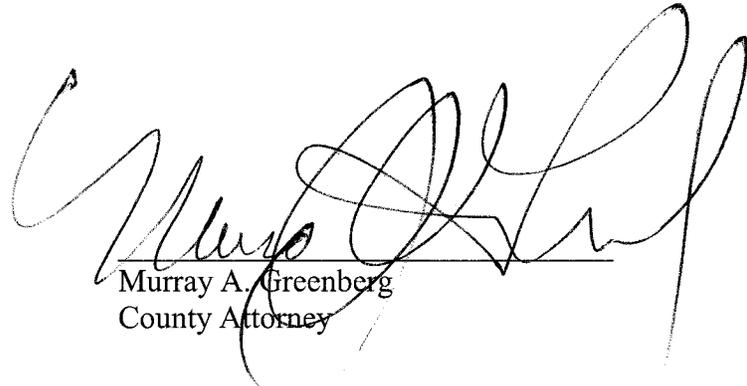
TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution relating to
revisiting policy toward
Haitian migrants who flee
Haiti seeking political asylum

The accompanying resolution was prepared and placed on the agenda at the request of
Commissioner Dorrin D. Rolle.



Murray A. Greenberg
County Attorney

MAG/jls



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: March 7, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No. 11(A)(18)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved _____ Mayor

Agenda Item No. 11(A)(18)

Veto _____

3-7-06

Override _____

RESOLUTION NO. _____

RESOLUTION URGING THE FEDERAL GOVERNMENT TO REVISIT ITS POLICY TOWARD HAITIAN MIGRANTS WHO FLEE HAITI SEEKING POLITICAL ASYLUM IN THE U.S. AND PROVIDE A FAIR AND REASONABLE OPPORTUNITY FOR HAITIAN MIGRANTS TO MAKE CASES FOR POLITICAL ASYLUM

WHEREAS, attention was recently drawn to the “wet-foot, dry-foot” policy related to Cuban migrants when several individuals were not allowed to remain in the United States who had reached a bridge deemed “non-functional” in the Florida Keys, see Resolution No. 122-06; and

WHEREAS, while Haitian migrants who reach U.S. soil have an opportunity to apply for political asylum and argue their case before an immigration judge, Haitian migrants interdicted at sea have virtually no chance of even applying for political asylum; and

WHEREAS, during 2005 only nine Haitians migrants out of the 1,850 Haitians interdicted were able to overcome the administrative obstacles presented to demonstrate a fear of repatriation to receive a screening by immigration authorities on U.S. Coast Guard vessels, and only a single Haitian migrant out of the 1,850 Haitians interdicted was granted political asylum; and

WHEREAS, given the political upheaval that has occurred recently in Haiti and continues, it is inconceivable that only one Haitian migrant could show a well-founded fear of persecution and thus was granted refugee status during 2005; and

WHEREAS, current federal policy instructs U.S. Coast Guard officials not to take any steps to encourage asylum claims when they come across migrants at sea and not to initiate interviews that might determine whether a Haitian migrant has a possible asylum claim or even ask migrants if they need political protection; and

WHEREAS, Haitian migrants only get access to an asylum officer if they somehow communicate a fear for their lives, a virtually impossible task when, in all but a few cases, Coast Guard officials do not speak Creole and do not have Creole translators available; and

WHEREAS, the current federal policy toward Haitian migrants denies them a fair and reasonable opportunity to make a case for political asylum, and sends them back to an uncertain future in Haiti, where, given the upheaval occurring there, it cannot be known how many Haitian migrants are killed,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges President Bush and his Administration, the U.S. Senate and the U.S. House of Representatives to revisit its policy toward Haitian migrants who flee Haiti seeking political asylum in the U.S. and provide such migrants a fair and reasonable opportunity to make cases for political asylum.

Section 2. Directs the Clerk of the Board to transmit a certified copy of this resolution to President Bush and the members of the Miami-Dade County Congressional Delegation.

The foregoing resolution was sponsored by Commissioner Dorrin D. Rolle and offered by
Commissioner _____, who moved its adoption. The motion was seconded
by Commissioner _____ and upon being put to a vote, the vote was as
follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Jose "Pepe" Diaz
Audrey M. Edmonson	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairman thereupon declared the resolution duly passed and adopted this 7th day of
March, 2006. This resolution shall become effective ten (10) days after the date of its adoption
unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this
Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



Jess M. McCarty