

Cuban Girl, 15, to Seek Asylum

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The 15-year-old daughter of a Cuban Communist Party official, who refuses to return to Cuba, will seek political asylum in the United States, her lawyer said Tuesday at a court hearing in Miami.

Bradford Swing, attorney for Sylvia Odalys Valdes, told U.S. District Judge Edward Davis that the girl will file for political asylum to remain in the United States.

Swing also asked Davis to delay any court proceedings until the asylum petition has been filed and reviewed by the Immigration and Naturalization Service.

The case — which closely parallels that of 12-year-old Walter Polovchak, who refuses to return to the Soviet Union with his parents — is being closely followed by Richard Mandel, the American Civil Liberties Union (ACLU) lawyer representing the Russian boy's parents in Chicago courts. However, the Florida ACLU branch has taken no active interest in the Valdes case.

Last Feb. 26, when Valdes was 14, she became a refugee from Cuba purely by accident. Her boyfriend, a crewman on the charter fishing boat Lucero, invited her along on a fishing trip in Havana Harbor. She went along for the ride.

BUT THE VESSEL was commandeered at gunpoint by the 26 people who had rented it and forced the crew to sail to the Florida Keys. After arriving Valdes was quoted saying: "I don't like a Communist regime. Here you can live in freedom."

Valdes, a ninth grade student at Glades Junior High School, is under the temporary custody of the Florida Department of Health and Rehabilitative Services. She has been living with foster parents in Sunset Park.

Steven Weinger, lawyer for the Cuban government and the parents, asked the court to send Valdes back to Cuba and to grant \$2 million in

damages. Government attorneys asked the court to dismiss the case.

Weinger called the asylum petition a trick to delay the girl's reunion with her parents, "who want her back very much, and miss her very much."

Outside the courtroom Weinger said that asylum would have been more understandable had it been filed soon after Valdes' arrival. "Her lawyer had nine months to file for asylum and he did not do it. Why?" Weinger asked.

AT THE HEARING, Assistant U.S. Attorney Richard Marshall asked the judge not to disregard the rights of children, to throw out the parents' suit on grounds they are neither citizens nor residents of the United States and to consider the

girl's "well-founded fear" of returning to Cuba.

"The girl fears she will be treated wrongly by the Cuban police if she returns," Marshall said. In documents kept by Judge Davis' court, a Nov. 10 letter from Swing quotes Valdes as saying: "If I go back to Cuba, I know that I will not be treated the same as before, that I am going to have a series of problems with the police."

But a July 25 letter to the court from Juan Carbonell, a member of the Cuban Interests Section in Washington, promised that Cuba "will not initiate, bring or take any action or proceeding against or concerning Sylvia, of any nature whatsoever on account of her supposed or actual political, religious or social opinion, beliefs or association."

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3 guilty in false-visa trial 3 Dec 80

Three men arrested by FBI agents when they arrived at Fort Lauderdale-Hollywood Airport carrying Nicaraguan passports on Sept. 5 were found guilty yesterday of false visa applications, said U.S. Attorney Atlee Wampler III. Wampler said the men were Cuban citizens who were employed by a Cuban airline. Simeon Espinosa Alvarez, Luis Herrera Altuna and Jorge Toledo Infante pleaded guilty to possession of false visa applications before U.S. District Court Judge James Kehoe. The three were sentenced to 90 days in jail and three years probation.