

From: Michael Creppy
To: IJs1, IJs2, IJs3, CAs, JLCs
Date: 1/13/98 4:04pm
Subject: Administrative Closure of Immigration Court Hearings of Haitians Covered by Deferred Enforced Depart

On December 23, 1997, President Clinton determined that it is in the foreign policy interest of the United States to defer for one year the deportation of any Haitian national who:

- 1.(A). Was paroled into the United States before December 31, 1995, or
- 1.(B). Who filed for asylum before December 31, 1995, and
2. Who has been physically present in the United States since that date.

This directive does not apply to any Haitian national:

- 1) who has been convicted of an aggravated felony;
- 2) who is found to be a persecutor of others;
- 3) whose removal (in the opinion of the Attorney General) is determined to be in the interest of the United States;
- 4) whose presence or activities in the United States is found by the Secretary of State to have potentially serious adverse foreign policy consequences for the United States;
- 5) who voluntarily returned or returns to Haiti or his or her country of last habitual residence outside the United States;
- 6) who was deported, excluded, or removed prior to December 23, 1997; or,
- 7) who is subject to extradition.

Eligible Haitians will be able to apply for employment authorization and be given deferred enforced departure from the United States for one year from December 23, 1997.

Either the Service or the respondent or applicant for admission may request administrative closure of an immigration proceeding based on eligibility for Deferred Enforced Departure. In addition, if an Immigration Judge determines that an alien may be eligible for Deferred Enforced Departure, he or she may ask the parties if they wish to have the Immigration Judge administratively close the case. If both the Service and the respondent or applicant for admission consent to administrative closure, an Immigration Judge must administratively close the case. The completion code for these administratively closed cases is "H".

If there are any questions, please call Michael Straus at (703)305-1716.

Michael J. Creppy
Chief Immigration Judge

CC: ODAD.MoscatoT, ODAD.PhilbinP, ODAD.AdkinsC, DCIJs/...