

National Immigration Forum

FAX MEMORANDUM

February 25, 1998

To: Haitian Working Group

Fr: Jocelyn MaCalla
Christina Foley

FEB 25

Re: **Reminder of "Share the Cost" Conference Call Thursday, February 26, at 4:00p.m. (Eastern Time) to get Updates on the Haitian Legislation and Discuss Up Coming Senate Immigration Subcommittee Mark-up**

Please call Qamar Abdi, (202) 544-0004 ext. 43, if you do not receive 5 pages

The purpose of this call will be to receive updates on the Haitian legislation including lobby visits and the press conference and to discuss the up coming Senate Immigration Subcommittee's Mark-up of the Haitian legislation.

Attached is information from Netlyn on INS procedures for the implementation of DED. Also attached is Press Advisory and backgrounder that the Forum has faxed out to the media. After the call tomorrow, you should receive a fax with the materials from the press conference.

To get on the call, dial (703) 736-7308 and ask for the National Immigration Forum conference call. The confirmation number for the call is 766810.

To join the call you must have an account code. Please call Qamar Abdi at (202)544-0004 ext. 43 by 12:00 p.m. on Thursday, February 26, to get an account code or if you have forgotten your code. You will not be permitted on the call without a code.

**Implementation of DED: INS procedures
February 17, 1998**

The Immigration and Naturalization Service (INS) has developed the following procedures to implement Deferred Enforcement Departure (DED) for eligible Haitians:

Since President Clinton's Executive Order granting DED, Haitians whose asylum applications are being reviewed by the NY and NJ asylum offices have been assigned a special category and are no longer being scheduled for asylum interviews. This category puts the Haitian cases on hold until further directives are received from INS headquarters. Haitians who already had interview dates will either be notified by mail that they no longer need to appear at the INS asylum office or will be informed on the day of the interview that they are now eligible for DED and their case was put on administrative hold.

Haitians with "strong" asylum cases may still wish to continue the process and demand that their interview go forward. The person's legal advisor can send a letter requesting an asylum hearing for their client at the asylum office with jurisdiction over their case.

Haitians who had hearings and have been granted asylum will be permitted to continue the process to receive their green cards. Haitians who had hearings and were denied asylum can ask for their case to be reopened and placed on DED administrative hold because they are now eligible for DED.

In the past when DED was granted to nationals of other countries, the fee for work employment authorization has been waived. Immigrant advocates believe that it will be the same for Haitians. Some organizations in the U.S. have begun to apply for Haitian DED based on their experience with other groups. Their application was received by the INS but no definitive results for any of these applicants have been found.

National Immigration Forum

PRESS CONFERENCE

February 23, 1998
FOR IMMEDIATE RELEASE

Contact: Judy Mark
(202) 544-0004, ext. 14

REPUBLICANS DECLARE SUPPORT FOR FAIR TREATMENT OF HAITIAN REFUGEES

WHAT? Prominent Republicans will appear at a press conference to declare their support of legislation providing relief to some Haitian refugees living in the United States. They will encourage Congress to act promptly and enact legislation which provides fairness and equity for these refugees, who fled the tyranny and persecution in Haiti, were given temporary protections in the U.S., and who have subsequently contributed greatly to their adopted communities.

WHEN? **Thursday, February 26, 1998**
11:00 am

WHERE? **Hart Senate Office Building, Room 708**

WHO? **Rep. Lincoln Diaz-Balart (R-FL)**
Rep. Ileana Ros-Lehtinen (R-FL)
Other Members of Congress may also attend
Al Cardenas, Vice-Chair, Republican Party, State of Florida
Arthur Teele, Commissioner, City of Miami
Ana Navarro, a Leader of the South Florida Nicaraguan community
A Haitian refugee affected by the legislation

WHY? Last year, Congressional leaders passed the Nicaraguan Adjustment and Central American Relief Act (NACARA) providing relief from deportation to some groups of Central American refugees. Although there was an effort to include similarly-situated Haitians, they were ultimately left out. Bi-partisan legislation has now been introduced and Attorney General Janet Reno has halted deportation of some Haitians for one year. On March 5th, the Senate Immigration Subcommittee will mark-up the legislation, sponsored by Sen. Bob Graham (D-FL) and Sen. Spencer Abraham (R-MI). See attached backgrounder for more information.

Continued ...

BACKGROUND

February 20, 1998

RELIEF FROM DEPORTATION FOR HAITIAN REFUGEES

For decades prior to 1990, Haiti was ruled by repressive dictatorships. Haiti's rulers violently persecuted dissidents and those suspected of associating with them. During this time, a number of men, women, and children, fleeing the persecution, made their way to the United States in search of freedom and safety.

In 1990, the Haitian people elected a popular leader whose administration, just seven months after taking power, was violently overthrown in a military coup. Coup leaders and their supporters plunged the nation into a state of chaos, as thousands of individuals who supported the democratic government were subject to imprisonment, torture, rape, and even extra-judicial killings.

In fear of persecution, thousands of Haitians fled by boat in search of refuge. Many were intercepted on the high seas by the U.S. Coast Guard and Navy and, after convincing authorities they had a "credible fear of persecution," were eventually brought to the United States to pursue claims for asylum.

THE SITUATION IN HAITI CONTINUES TO BE DANGEROUS AND UNSTABLE

In 1994, the U.S. military intervened to restore the democratically elected government of Haiti, and to bring the political violence to a halt. By and large, our intervention restored a semblance of order, and gave the supporters of democracy hope for their country. The number of people attempting to flee the island dramatically dropped.

Nevertheless, four years later, democracy in Haiti remains extremely fragile. Tensions remain high between supporters of democratic government and supporters of past dictatorships—many of whom were responsible for carrying out atrocities for which they have never been brought to justice. The mass deportation from the U.S. of thousands of persons who would be perceived as enemies of past rulers might well set off another era of instability, negating the years of effort by the U.S. and the U.N. to nurture democracy in Haiti. It is unclear whether the police force—newly trained by U.N. Peacekeepers—would be up to the task of maintaining order once refugees arrived from the U.S.

What is clear is that the lives of many Haitian refugees now in exile here would be placed in danger. Most of their former persecutors are still at large. Indeed, Amnesty International has recently reported that the situation in Haiti was not only unstable but had worsened in recent months. According to Amnesty International, "[a]nyone returning to Haiti cannot be assured that they will be protected by the existing Haitian justice system..."

Meanwhile, in the intervening years since the restoration of Haiti's democratically elected government, those who were permitted to come here have built lives in the United States. They have married, had children, bought homes, started businesses, and otherwise enriched the American communities into which they have settled. Having been brought to the U.S. and given temporary protection from deportation, these people live and remain here today in a legal limbo. Many live in constant fear that some change in policy will result in their sudden removal from the U. S. Indeed, changes in policy and law toward the end of 1997 both restricted rights Haitians had previously enjoyed, while at the same time providing appropriate relief to similarly-situated people.

LEGISLATION IN THE FIRST SESSION OF THE 105TH CONGRESS

In 1997, Congress enacted the Nicaraguan Adjustment and Central American Relief Act (NACARA), legislation providing relief from deportation to certain nationals of Nicaragua, El Salvador, Guatemala, Cuba, and specified Eastern European nations. Like the Haitian refugees, the refugees from these countries had fled persecution in their home countries and came to the United States in search of safety and freedom. During the earlier part of this decade, they all received some form of temporary protection from deportation.

Congress enacted this legislation in part because both the Administration and Congress were concerned that forcing these nationals to leave the United States at this time could destabilize the fragile democracies emerging in these countries. In addition, Congress recognized that the refugees from these countries had, over the years, built equities here and deserved an opportunity to remain in this country.

There was an effort by some members of Congress to include Haitians who were in a similar situation as the Central Americans and Cubans covered by NACARA. That effort, in the last days of the congressional session, was unsuccessful. As a result, separate legislation has been introduced for consideration in this session of Congress.

A bipartisan group of Senators—Bob Graham (D-FL), Connie Mack (R-FL), Spencer Abraham (R-MI), and Edward M. Kennedy (D-MA)—introduced S. 1504, legislation to provide immigration relief to deserving Haitian nationals who are here in the United States. An identical bipartisan bill, H.R. 3049, was introduced in the House of Representatives by Representatives John Conyers (D-MI), Ileana Ros-Lehtinen (R-FL), and Lincoln Diaz-Balart (R-FL). Representative Carrie Meek (D-FL) introduced a similar bill, H.R. 3033.

S. 1504 and H.R. 3049 would permit the Attorney General to adjust the status of certain Haitian nationals to that of Lawful Permanent Resident. Haitians who would be covered by the bills include those who were temporarily protected on the Guantanamo Bay, Cuba, naval base, and were found to have a credible fear of persecution. Haitians with long-standing asylum applications also would be eligible. H.R. 3033 would provide similar relief for a somewhat larger class of Haitian nationals. While the specific provisions of S. 1504/H.R. 3049 differ in some respects from the provisions of H.R. 3033, these different pieces of legislation share a similar goal: to extend fairness to and provide relief for Haitian refugees who sought U.S. protection from persecution in Haiti, and who have been living in the U.S. with the permission of our government.

While this legislation is being considered, the Administration has taken action to provide temporary administrative relief from deportation for Haitian nationals who might ultimately be protected by the legislation.

PRECEDENT FOR CONGRESSIONAL ACTION

S. 1504/H.R. 3049 and H.R. 3033 would extend the same protection to a relatively small group of Haitians that was extended to some of the beneficiaries of the Nicaraguan and Central American Relief Act. Without new legislation, these Haitians face deportation or at best an uncertain situation as a result of changing U.S. policy and the complexities of immigration law.

In addition to the legislation passed last year for Central Americans, Cubans, and Eastern Europeans, there is ample precedent for Congress' enactment of legislation adjusting the status of refugee-like populations to that of Lawful Permanent Resident. In all, Congress has enacted similar relief for other populations on at least nine occasions since the late 1950's. For instance, Chinese students fleeing a repressive government regime found protection and relief through the Chinese Student Protection Act of 1992. Poles and Hungarians having fled similar situations found their plight resolved in the Illegal Immigration Reform and Immigrant Responsibility Act, enacted in 1996.

Congress should act promptly to enact legislation which provides fairness and equity for these refugees, who fled the tyranny and persecution in Haiti, were given temporary protections in the U.S., and who have subsequently contributed greatly to their adopted communities.