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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	From Roseanne M. Hill re: TPS for Central Americans (partial, DOB, SSN) (1 page)	12/21/1998	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
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FOLDER TITLE:

Central Americans (Older Background): TPS [Temporary Protected Status] -
Honduras/Nicaragua [2]

2017-1120-S

ry2223

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

U.S. Department of Justice
IMMIGRATION AND NATURALIZATION SERVICE

NEWS RELEASE

11/16/98 (rev.)

INS Extends Temporary Suspension of Removals For Central Americans Through January 7

WASHINGTON - The Immigration and Naturalization Service (INS) announced today that it will extend through January 7, 1999, the temporary suspension of removals in effect for aliens from El Salvador, Guatemala, Honduras and Nicaragua.

INS initially announced the temporary suspension for Guatemala and Honduras and then extended the action to El Salvador and Nicaragua. These countries are not in a position to receive the return of their nationals at this time due to the devastation caused by Hurricane Mitch.

The extension of the temporary suspension through January 7, 1999, gives the four Central American countries and the international humanitarian assistance efforts that are underway time to work on the urgent recovery needs of the region. The Administration is closely monitoring conditions in these countries and will re-evaluate the situation in January.

- INS -

► Julie A. Fernandes
02/23/98 06:09:30 PM
.....

Record Type: Record

To: Maria Echaveste/WHO/EOP

cc:

Subject: Central Americans

Maria,

The following are the numbers that I got from John Morton.

There are approximately 260,000 people eligible for NACARA (excluding Nicaraguans and Cubans). Of those, approximately 240,000 are registered ABC class members.

Of those, approximately 25-40,000 were in EOIR proceedings at the time that they became ABC eligible. Their cases were suspended and sent to the asylum office (per ABC settlement). These are all now eligible for the new administrative process.

A small number (he doesn't know how many) had deportation orders at the time of the ABC settlement. These would not be eligible for the new administrative process. They have already had all of the process to which they would be entitled (hearing to determine eligibility for suspension under the pre-1996 rules).

Approximately 2000 Salvadorans and Guatemalans have had an asylum hearing, were denied and were referred to EOIR. Of those, approximately 800 had their asylum hearing after the enactment of NACARA (they went through the ABC asylum process after the enactment, but before those proceedings were halted, pending our administrative fix). I have asked Morton to find a way to include these 800 into the group eligible for the new administrative procedure. The remaining 1200 have cases pending now before EOIR.

Approximately 6000 Eastern Europeans have had an asylum hearing denied, and have been referred to EOIR. There are approximately 4000 Eastern Europeans with cases pending before the asylum office. Because Eastern Europeans had to have filed for asylum before a certain date, this likely represents the universe of Eastern Europeans who are eligible under NACARA. Only the latter 4000 would be eligible for the new procedures.

That's it for the numbers. I hope this is helpful.

Julie

~~Wed.~~ Wed. Nov. 25th

January 7th

Paperwork from Do State to INS

~~Went~~ Went to DOJ today. They have it.

No formal request from El Sal/Guat for TPS.

They have asked for temporary relief from deportation.

COB
Monday

Q&A from State (inclusive of all 6 ~~countries~~ countries)

→ Countries recovery level incorporated into

Fact sheet (?) — maybe not

Stays of deportation

D.R. (?)

COB
Monday

Need Asst. Secy level recomm. from State on whether O.K. to return.

Timing

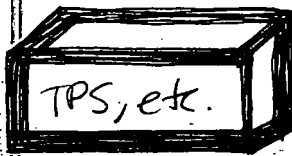
Administrative (?)

bring Mitch-related info to bear (from INS to adjudicators)

~~Pan~~

Pan first ?

Call Bob



2:30pm

➔ ① Central American Presidents here on Dec. 10th ✓

② Can we support TPS distinction? (if under attack)
(think of all 6 countries)

➔ ③ Presumption of extreme hardship b/c of Mitch (?)

Bob had a positive rxn to this

④ What do we mean by parity? —
(w/ Nic(?) as defined by NACARA) ✓

⑤ ~~DED for Sal/Guatemalans~~

⑥ Interim relief distinction (for Sal/Guat)

TPS — DED — stays of deportation — NACARA 203 (change in light of regulation)

⑦ State Dept. analysis of DR & Haiti

⑧ Link NACARA & Mitch

announce before they get here. (Dobbins; DOS leg.)

Legislation done

Issues:

① Timing of TPS/Parity announcement

a — in light of Pres. mtg. w/ Central American Presidents

② Good or bad to couple to two announcements. (Murguia)

③ Logic of no TPS for Sal/Guat and idea that Mitch changes our view of amnesty

④ Make sure we understand what we mean by parity. (legislation done)

⑤ How will we respond to calls for DED or TPS for Sal/Guat

presumpt
exempt
for ex

Linking NACARA & Mitch

State Dept. analysis of DR & Haiti



U.S. AGENCY FOR INTERNATIONAL DEVELOPMENT

BUREAU FOR HUMANITARIAN RESPONSE (BHR)
OFFICE OF U.S. FOREIGN DISASTER ASSISTANCE (OFDA)

Central America - Hurricane Mitch

Fact Sheet # 20

November 25, 1998

Note: New material is underlined

Background:

On October 24 Atlantic Tropical Storm Mitch was upgraded to a hurricane that developed into one of the strongest and most damaging storms to ever hit the Caribbean and Central America. At its height on October 26 and 27, the hurricane had sustained winds of 180 mph and dumped heavy rains over Central America. Although the winds diminished as Hurricane Mitch traveled inland over Honduras on October 30, the storm continued to produce torrential rains, reaching a rate of more than 4 inches per hour, which caused catastrophic floods and landslides throughout the region. After its slow, destructive march north and west across Honduras and Guatemala, Mitch dissipated over southeastern Mexico but briefly regained tropical storm strength as it moved northeasterly across Mexico's Yucatan Peninsula, the Gulf of Mexico and southern Florida. By November 5 all tropical storm warnings were discontinued as Mitch's remnants tracked out into the Atlantic. Prior to Mitch making landfall, USAID/OFDA pre-positioned assets throughout the region along the storm's forecasted course, and quickly launched its emergency relief efforts as the hurricane passed overland. The USAID/OFDA Disaster Assistance Response Team (DART) was established to coordinate the U.S. Government relief effort for Central America. Senior Regional Advisor and DART leader Paul Bell has managed the DART personnel and its operations in Belize, Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua from the USAID/OFDA Regional Office at the U.S. Embassy in San Jose, Costa Rica.

USG Assistance:

On November 5, President Clinton announced a \$70 million U.S. Government (USG) assistance package for Central America in response to Hurricane Mitch. This package has been augmented and now totals \$263 million, to be channeled largely through USAID, the Department of Defense (DOD), and the U.S. Department of Agriculture (USDA). Of this package, \$30 million in assistance will be provided by USAID's Office of Foreign Disaster Assistance (OFDA), \$35 million by USAID/Food for Peace (USAID/FFP), \$130 million by DOD, \$63 million by USDA, and the remaining \$5 million will be for development assistance and micro-enterprise credits. The assistance by USAID will provide immediate disaster relief, including health and water/sanitation needs, food, shelter, and other emergency relief commodities as well as airlift support and logistics. USAID/OFDA assistance to date, described below, is part of this overall package, which is being closely coordinated with DOD.

Honduras:

Storm Impacts: Honduras suffered the brunt of Hurricane Mitch. After being stalled for more than two days off the country's northern coast, the storm traveled inland during October 30 and 31. Extensive wind damage and devastating floods occurred nationwide, but particularly on the northern seaboard and in the Bay Islands. As of November 10, the National Emergency Committee of Honduras (CONEH) reported that 6,600 persons were killed, 8,052 were missing, 11,998 were injured while approximately 1.4 million were left homeless. The U.N. Office for the Coordination of Humanitarian Affairs (OCHA) estimated at least 70,000 houses had been damaged and the USAID/OFDA DART estimated that more than 92 bridges had been damaged or destroyed. Damage to the nation's infrastructure isolated entire communities which made access by emergency aid workers extremely difficult and it hampered efforts to supply the larger cities with food, water and other essentials.

Immediate USG response: On October 27, the U.S. Ambassador to Honduras James F. Creagan declared a disaster due to the effects of Hurricane Mitch. USAID/OFDA responded immediately by providing a total of \$125,000 to the USAID Mission in Honduras for the local purchase and transport of critical relief supplies, including food, simple cooking stoves, blankets, and medical supplies. USAID/OFDA also provided a total of \$750,000 for the deployment of DOD aircraft to assist in aerial assessments, search and rescue operations, and delivery of relief supplies. Initially grounded by poor visibility, the USAID/OFDA-funded aircraft missions have been operating since November 1. As of November 24, 10 Black Hawk (UH-60 or MH-60) and 6 Chinook (CH-47) helicopters, and 2 C-27 and 1 C-12 cargo planes are distributing relief supplies from Soto

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Cano air base. USAID/OFDA has deployed a total of 1,038 rolls of plastic sheeting, 32 10,000-liter water bladders, 25,500 five-gallon water jugs, and 1,004 body bags to Honduras at a total estimated cost of \$423,999 including transport. The first airlift carrying USAID/OFDA relief supplies arrived at La Ceiba on October 31, the second arrived at Soto Cano airbase on November 1, the third airlift arrived at Soto Cano on November 2, the fourth arrived at Soto Cano on November 9, and the fifth arrived at Tegucigalpa on November 22. Supplemental relief commodities were transported by DOD on November 9 and 10. To date, USAID/OFDA has provided \$400,000 to the USAID Mission for the local purchase of food and emergency supplies, and for other response activities. Additionally, USAID/OFDA provided \$800,000 to the USAID Mission, which granted funding to resident Private Voluntary Organizations (PVOs) in Honduras for the purchase and delivery of local relief supplies. USAID/OFDA has also purchased and airlifted plastic food storage bags from Costa Rica that will allow for the distribution of critical food stocks to 100,000 families in Honduras. USAID/OFDA provided \$2 million to USAID in Tegucigalpa to fund projects to repair the nation's water supply system. On November 20, USAID/OFDA provided \$2,133,000 through USAID in Tegucigalpa to CARE. This grant is to assist approximately 70,000 families for up to four months with basic livelihood needs such as: sanitation and health, agriculture, construction, food and shelter. On November 25, USAID/OFDA provided an additional \$3,164,000 to USAID in Tegucigalpa to support grants with non-governmental organizations (NGOs) for disaster response projects that will provide assistance in the following sectors: water/sanitation, emergency shelter, housing, roads and bridges, medicine, food, hygiene, and agriculture.

USAID/OFDA has had disaster specialists on the ground in Honduras since October 27. Disaster specialists from USAID, Miami-Dade County Fire Rescue Department (Miami-Dade), and the U.S. Forest Service (USFS) have operated out of Tegucigalpa, San Pedro Sula, La Ceiba, Danli, Choluteca and Soto Cano airbase. USAID/OFDA personnel in Honduras have assisted CONEH's Emergency Operations Center, conducted field assessments, coordinated aircraft and transport logistics, and performed other disaster relief activities. A total of fourteen USAID/OFDA DART members have operated in Honduras, and as of November 24, there are two remaining in Honduras.

The USAID/DART continues to disburse relief commodities to affected regions throughout Honduras. USAID in Tegucigalpa has also created a strategic reserve of emergency supplies in order to respond immediately to continuing needs.

Assessment Reporting and Recovery: USAID/OFDA DART reports that people are beginning to move out of shelters and return home. The staple crops did not sustain as much damage as the cash crops because the former are grown on higher ground. Because staple crops were relatively undamaged, there is an ample supply of local food on the market. In terms of infrastructure, the water systems and the roads networks are in need of repair. Hurricane Mitch devastated Honduras' road network and in the early days of the response, air transport was the only means to transport emergency relief supplies, including food and non-food items. The USG used the air assets of DOD for emergency rescue and to provide access to areas and people that were isolated. Now, however, the response has entered into the next phase. Over 90 percent of the bridges that were damaged by Mitch are now passable with provisional repairs or by-passes. Road access has improved dramatically, and all areas to which DOD had been flying relief supplies over the past weeks (La Ceiba, the Bay Islands, Trujillo, Olanchito, Isletas, Yoro, Danli, Catacamas, Choluteca, Mocerón, etc.) are now open by surface transportation. In addition to improved road access, all Honduran ports are now functional at some level and are also accessible by road. The port at Mocerón is cut off by road from Tegucigalpa but is accessible from Puerto Lempira.

USAID in Tegucigalpa and the USAID/OFDA DART continue to be in contact with the Government of Honduras concerning areas that might still require emergency assistance. However, as a result of the dramatically improved capabilities of ground transport, the projected need for DOD air support is diminishing. Limited needs may surface for air support to distribute commodities from local hubs to inaccessible rural areas. As the region has not fully entered its dry season, severe rains could again close some roads temporarily. The Honduran Government and USAID are in the process of building up stocks of critical supplies in vulnerable areas. Additionally, USAID and the DART continue to monitor the progress of road rehabilitation efforts.

Nicaragua:

Storm Impacts: Mitch inflicted its greatest damage in Nicaragua through severe rains that caused extensive flooding and landslides. As of November 19, the Nicaraguan National Emergency Commission estimated that 2,863 people had died and 884 were missing, many as a result of a large mudslide that inundated ten

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communities situated at the base of the Casitas Volcano. A Nicaraguan transportation official reported as of November 6 that 71 bridges are either destroyed or heavily damaged, and OCHA estimated that 70% of roads were impassable immediately after the storm. On November 19, the Government of Nicaragua estimated that 31,750 houses were destroyed and 113,950 were damaged. Further the National Emergency Commission estimates that total losses were \$400 million in housing, \$605 million in the transportation network, \$185 million in other infrastructure and \$170 million in agriculture.

Immediate USG response: On October 29, U.S. Ambassador to Nicaragua Lino Gutierrez declared a disaster due to continued flooding. USAID/OFDA has provided \$175,000 for the local purchase and transport of critical relief supplies, including medicines, food and shelter material. On November 2, USAID/OFDA provided \$250,000 for the deployment of DOD UH-60 and CH-47 helicopters to assist with search and rescue efforts and the delivery of relief supplies. As of November 24, 6 UH-60 and 3 CH-47 helicopters are operating in Nicaragua. Airlifts of USAID/OFDA relief supplies to Nicaragua, consisted of 679 rolls of plastic sheeting, 10,000 polyester blankets, 4,000 wool blankets, three 10,000-gallon water bladders, and 15,500 five-gallon water jugs, at a total estimated cost of \$419,267 including transport. The first airlift arrived in Managua on November 4, a second on November 8, and a third on November 19. On November 19, USAID/OFDA provided \$4 million to USAID/Managua to fund relief grants to reduce hunger and the threat of disease for thousands of victims in rural areas.

USAID/OFDA has operated in Nicaragua since October 29. The DART personnel from USAID, Miami-Dade, and DOD have conducted assessments, assisted national search and rescue operations, and performed other response activities. A total of ten USAID/OFDA DART members have been posted in Nicaragua, and as of November 24 there are six still in the country.

Assessment Reporting and Recovery: All major roads in Nicaragua are open, with a few exceptions. A Bailey bridge is being installed near Ocotal, road access to Villa Nueva was expected to be resume by November 22, and the roads in Somotillo, Santo Tomas del Norte, and Cinco Pinos were expected to be repaired by November 23. Although most roads are passable, there are some detours and temporary measures to allow access. The delivery of emergency supplies by DOD helicopter continues, but as roads open more and more relief commodities are moved overland. Since November 3, DOD has carried more than 500,000 pounds of supplies on more than 135 flights to 66 affected communities in Nicaragua.

Guatemala:

Storm Impacts: The storm moved northwestward across Guatemala on November 1, causing heavy rains and severe flooding. The national emergency office (CONRED) took steps to evacuate 5,969 people prior to the storm's arrival. The Red Cross estimated that 27,000 people were still housed in shelters as of November 4. As of November 9, officials reported a total of 258 deaths and 120 people missing in Guatemala. The most recent reporting from OCHA indicated that 32 bridges, and 40 roads had been severely damaged or destroyed by flood waters and CONRED reported that about 19,000 homes were either destroyed or heavily damaged. On November 5 the U.S. Embassy estimated that 95% of the nation's banana crop was damaged, 25-60% of the corn, bean, coffee, and sugar crops were destroyed, and 30% of the cattle herd was lost.

Immediate USG response: On October 31, Ambassador Donald J. Planty declared a disaster for Guatemala. In response, USAID/OFDA provided \$25,000 through the U.S. Embassy to Catholic Relief Services for the local purchase of food. USAID/OFDA has delivered 290 rolls of plastic sheeting, 3,000 polyester blankets, 7,350 five-gallon water jugs, and four 3,000-gallon water bladders to Guatemala, at a total estimated cost of \$182,013 including transport. The first airlift arrived in Guatemala City on November 4, and the second on November 9. USAID/OFDA has also provided \$ 50,000 for the rental of local helicopters for aerial assessments of disaster-affected areas. As of November 24, 6 DOD UH-60 and 4 CH-47 helicopters were operating in Guatemala to facilitate USAID/OFDA relief efforts. On November 18 USAID/OFDA provided \$1 million in funding to USAID/Guatemala to support grants with non-governmental organizations (NGOs) for disaster response projects that will provide assistance in the following sectors: water/sanitation, emergency shelter, medicine, hygiene, and agriculture.

USAID/OFDA disaster relief personnel have operated in Guatemala since October 27. They have assisted CONRED in coordinating the national relief effort, and have conducted damage assessments and oversight of USAID/OFDA assistance. A total of five USAID/OFDA DART members have operated in Guatemala, and as of November 24 there are three remaining.

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Assessment Reporting and Recovery: The DART reports indicate that northeastern Guatemala was most severely affected, including Isabal, Zacapa and Alta Verapaz. On November 12 the DART reported that in Panzos, Alto Verapaz, there are 10,000-12,000 displaced persons from 30 communities that suffered from flooding, landslides, and swollen rivers. Dead animals have infected the water supply, and most aqueducts have been destroyed. The lack of potable water has resulted in the first cases of diarrhea, amoebas, and undernourishment. Some communities are still totally isolated, and many houses have extensive roof damage. Sand flows in the water have affected rice, maize, bean, and coffee crops. It is estimated that it will be six months before replanting can take place. Community leaders indicate an urgent need for salt, sugar, soap, vegetable oil, chlorine tablets, water jugs, and plastic sheeting. The DART also reported that in Izabal there are 18,350 people in shelters, mainly from banana plantation communities, who are expected to remain displaced for the next 60-90 days. The DART also reports that all major roads are passable and the bridges damaged along the Atlantic Coast Highway are operable.

The DART recommends that the international donor community continue to focus on the following relief and recovery priorities during the next 60 days: food and water distribution to displaced persons continue for the next 60 days; environmental sanitation, including distribution of tools; massive campaign for disease prevention and control; reconstruction of water supply systems; provision of agricultural inputs and tools; and provision of building materials and tools for home reconstruction.

El Salvador:

Storm Impacts: As of November 9, the National Emergency Committee (NEC) of El Salvador reported that 239 deaths and 135 people missing as a result of flash floods, and the Red Cross estimated that 400 people had died and 600 were missing. As of November 6, the Government of El Salvador estimated that 55,864 people had been displaced and had established 107 emergency shelters. The government also estimates that 10,000 houses have been destroyed and thousands more were seriously damaged.

Immediate USG response: Ambassador Anne W. Patterson declared a disaster in El Salvador on November 1. In response, USAID/OFDA provided \$25,000 for the immediate needs of flood victims. In addition, on November 5 USAID/OFDA airlifted 117 rolls of plastic sheeting, 5,150 polyester blankets, 6,000 five-gallon water jugs, and four 3,000-gallon water bladders, at a total estimated cost of \$98,451 including transport. On November 18 USAID/OFDA provided \$1 million to USAID/San Salvador to support grants with NGOs for disaster response projects that will distribute recovery packages to the areas of greatest need. As of November 24, 10 CH-47 helicopters were operating in El Salvador to facilitate USAID/OFDA relief efforts.

A total of four USAID/OFDA DART members have been based in San Salvador to assist in the ongoing assessment of relief needs and priorities, and as of November 24 one member was still in the country.

Assessment Reporting and Recovery: The USAID/OFDA DART conducted a complete assessment of the southeastern portion of El Salvador from November 13-19. The most adversely affected communities were in Usulután and San Miguel departments. The DART reported that only 1,000-2,000 homes were destroyed, which is fewer than previously reported by official sources. Most of the displaced population has returned home and only a few hundred people remain in emergency shelters. Many inhabitants of the Usulután and San Miguel departments raise livestock and fish and no significant losses were sustained to any of the areas. Assessment reports indicate that only three major roads in El Salvador are still in need of major repair, while all seaports and airports are operational. The lack of potable water and sanitation are major concerns. Many people are drinking contaminated water because well covers were not an established practice. The Ministry of Health and the Pan American Health Organization (PAHO) have done an outstanding job preparing for, and responding to, the health needs of the affected population.

Belize:

Storm Impacts: The Government of Belize established an Emergency Operations Center in Belize City to prepare for the storm's arrival and evacuated over 75,000 people from Belize City and the coastal islands to temporary shelters in Belmopan. Contrary to initial forecasts, the hurricane did not directly strike Belize. Nonetheless, heavy rains caused flooding throughout the coastal areas, particularly in Belize City. The Government of Belize has since granted permission for residents to return to Belize City, however according to the Red Cross thousands had opted to remain in emergency shelters long afterward.

Immediate USG response: On October 29, U.S. Charge d'Affaires Joel Danies declared a disaster for Belize due to the impacts of Hurricane Mitch. In response, USAID/OFDA immediately provided \$25,000 for the local

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purchase of food for distribution to displaced populations inhabiting emergency shelters. In addition, USAID/OFDA provided funding for two DOD Black Hawk helicopters based in Honduras to conduct overflight assessments and evacuations. Weather conditions during the storm's peak never permitted these aircraft to fly and as Hurricane Mitch turned and tracked away from Belize the helicopters were deployed to support emergency logistics requirements in Nicaragua. A four-person USAID/OFDA assessment team (comprised of a USAID/OFDA/LAC Regional Advisor and three Miami-Dade disaster specialists) was in Belize from October 29 to October 31. The team assessed needs of the evacuated population and reported that food stocks were adequate in Belmopan, but in short supply at Belize City. The team also reported that sanitation and hygiene were poor in all flood-affected areas. No additional USAID/OFDA assistance is anticipated for Belize.

Costa Rica:

Storm Impacts: Heavy rains along the entire Pacific coast of Costa Rica prompted the National Emergency Commission to evacuate at-risk populations. The Government of Costa Rica (GOCR) has since granted permission for people to return to their homes although approximately 1,700 people remained in temporary shelters up to a week after the storm had passed. Four people are reported dead as a result of the storm while four are still missing.

Immediate USG response: On October 23, the U.S. Charge d'Affaires to Costa Rica Richard L. Baltimore III declared a disaster due to severe flooding caused by Hurricane Mitch. USAID/OFDA responded by providing a total of \$45,000 to the U.S. Embassy in San Jose. Funds were used to rent local helicopters to provide overflight assessments and the delivery of food, water, and medicine to affected populations. No additional USAID/OFDA assistance is anticipated for Costa Rica.

Region: USAID/OFDA has provided \$5 million to DOD for reconstruction activities in Honduras, Nicaragua, El Salvador and Guatemala. These funds will support the purchase of reconstruction and engineering materials and supplies, including gravel for road repair. USAID/OFDA has provided an additional \$4 million to DOD for continued aircraft support in Honduras, Nicaragua, Guatemala and El Salvador, which contributes to the positioning of more than 40 DOD helicopters in Central America. As of November 12, these aircraft had flown over 400 missions in support of USAID/OFDA relief efforts. To date, USAID/OFDA has provided \$2 million to the PAHO to address emergency water and sanitation needs of Hurricane Mitch victims. USAID/OFDA has also provided \$160,000 to the U.S. Embassy in San Jose for the regional deployment of emergency supplies and personnel. As of November 24, there are three USAID/OFDA DART personnel stationed at the DART Headquarters in San Jose to coordinate the disaster response in the region.

USAID/OFDA Assistance in Honduras	\$9,895,999
USAID/OFDA Assistance in Nicaragua	\$4,844,267
USAID/OFDA Assistance in Guatemala	\$1,257,013
USAID/OFDA Assistance in El Salvador	\$1,123,451
USAID/OFDA Assistance in Costa Rica	\$45,000
USAID/OFDA Assistance in Belize	\$25,000
USAID/OFDA Assistance to the Region	\$11,160,000
Total USAID/OFDA Assistance for Hurricane Mitch (to date)	\$28,350,730

PUBLIC DONATION INFORMATION FOR VICTIMS OF HURRICANE MITCH

Disasters often generate an outpouring of interest and concern by the American people which lead to spontaneous collections of relief supplies, i.e. food, clothing, medical supplies etc. **In the interest of effective coordination of such public response we encourage concerned citizens to provide monetary donations to appropriate organizations.**

As transportation of relief supplies is limited by capacity, infrastructure damage and continuing weather constraints, it is difficult to move supplies into the affected countries. Unsolicited commodity donations often place an unnecessary burden on relief workers and local governments to store, transport and distribute supplies to those affected populations in need. This can also detract from the provision of more urgently needed relief assistance. USAID/OFDA can not provide assistance for the transport of donated goods.

USAID encourages the public to contact directly those private voluntary organizations (PVOs) who are currently working in, or with local affiliates, in Guatemala, Honduras, Nicaragua, Belize, Costa Rica and El Salvador to provide monetary donations. A list of PVOs may be obtained by contacting InterAction directly at

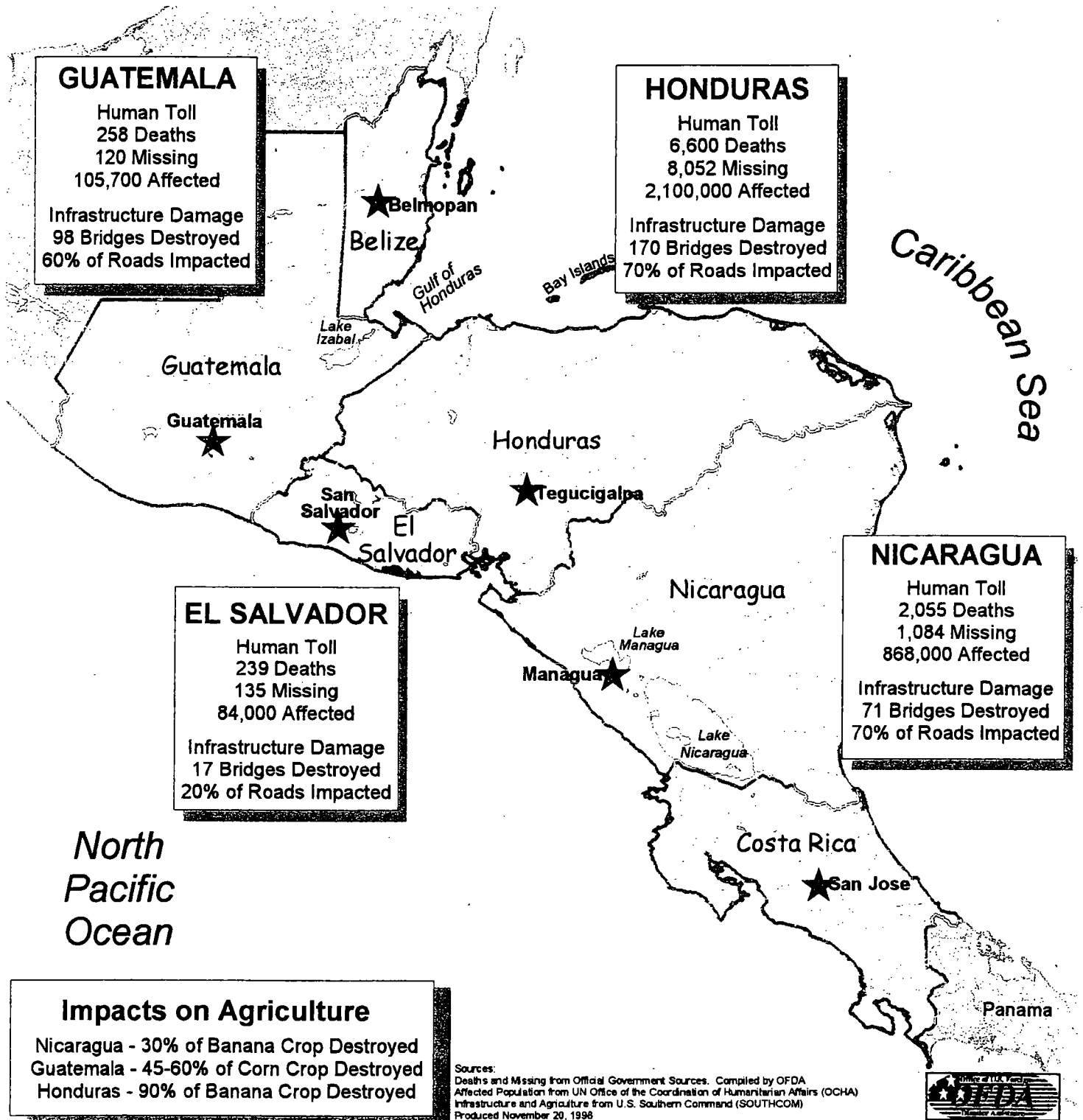
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202-667-8227 x 106, or via the internet at www.interaction.org. Those interested in providing specific relief services or supplies should contact Volunteers in Technical Assistance (VITA) for information and guidelines. VITA can be reached at 703-276-1914, or via the internet at www.vita.org.



Effects of Hurricane Mitch

October - November, 1998





LABOR COUNCIL FOR LATIN AMERICAN ADVANCEMENT (LCLAA)

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Jack Otero, TCU
Ray Mendoza, LIUNA

EXECUTIVE DIRECTOR

Oscar Sanchez, USWA

SPECIAL ASSISTANT TO THE PRESIDENT

Jaime Gonzalez, TNG

November 18, 1998

*Just
6-5581*

The Honorable William J. Clinton
The White House
1800 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Mr. President:

On behalf of the Executive Board and members of the Labor Council for Latin American Advancement (LCLAA), I am writing to urge you to immediately grant Temporary Protected Status (TPS) for eighteen months to nationals of the four Central American countries, El Salvador, Guatemala, Honduras and Nicaragua, who were affected by Hurricane Mitch and who are currently residing in this country.

As you already know, Hurricane Mitch has devastated the Central American region, leaving more than 10,000 deaths and more than three million homeless and displaced families. Thirty million Central Americans now must cope with large number of fatalities, destruction of their nations' infrastructures, huge economic losses from the partial or complete destruction of entire communities, crops, cattle and farm animals, and the risk of epidemics from water contamination. Although, the damage has been far greater in Honduras and Nicaragua, El Salvador and Guatemala have also experience great losses and also warrant the international support to reconstruct their infrastructures.

We believe that granting TPS to Salvadorans, Guatemalans, Hondurans and Nicaraguans for the next eighteen months would contribute to greater stability in the region and significantly aid the reconstruction efforts in the four countries. Therefore we urge you to act expeditiously to grant TPS to these four countries as soon as possible to avoid bringing more suffering and anguish to an already tragic situation. Many Central American nationals who now reside here, have lost their families and are now faced with the prospects of rebuilding their lives from scratch. Granting TPS is the right thing to do given the degree of devastation the region faces.

We applaud the assistance that the US has already given to the region. We urge you to continue this support by granting TPS to Central American nationals as soon as possible.

Respectfully yours,

Henry C. Gonzalez

Henry C. Gonzalez
National President

cc: Oscar Sanchez
LCLAA Executive Board

OFFICE OF THE DEPUTY ATTORNEY GENERAL
U.S. DEPARTMENT OF JUSTICE
WASHINGTON, D.C. 20530

FACSIMILE TRANSMISSION SHEET

DATE: 11/30/98

TO: Julie Fernandes

FAX NUMBER: 456-5581(F)

FROM: JOHN T. MORTON
COUNSEL TO THE DEPUTY ATTORNEY GENERAL

FAX #: (202) 514-6897

VOICE: (202) 514-9343

THIS TRANSMISSION CONTAINS SHEETS INCLUDING THIS SHEET

MESSAGE

(TOTAL NUMBER OF PAGES INCLUDING THIS)

TRANSMITTED BY: Denise Gaston

FOR VOICE COMMUNICATIONS WITH THIS OFFICE, PLEASE TELEPHONE
(202-514-9343)

TO TRANSMIT TO THIS OFFICE VIA TELEFAX, PLEASE TELEPHONE
(202-514-6897)

DRAFT

--DRAFT IMMIGRATION PLAN--

11/30/98

I. Response to Hurricane Mitch

- *Honduras and Nicaragua:* TPS for a period of 12 months.
- *El Salvador and Guatemala:* Stays of deportation through January 7, with the possibility of an extension depending on the pace of recovery.
- *Haiti and the Dominican Republic:* No action unless further study reveals that the circumstances in both countries are as bad as those in El Salvador and Guatemala.
- Outstanding Issues:
 - *Treatment of criminals otherwise eligible for TPS:* Very thorny policy and legal issue for DOJ. OIL and INS to research and then brief DAG and AG.
 - *Treatment of deportable aliens from the four countries at the end of TPS or the stays of deportation:* In theory, deportation, but DOJ and Administration are likely to see repeated requests for administrative and legislative relief.
 - *Treatment of deportable aliens from Honduras and Nicaragua who arrive after the announcement of TPS:* In order to deter mass migration northward and abuse of TPS, these individuals should be placed in proceedings. Immigrant advocates, however, may well press for stays of deportation or an extension of TPS.

II. Parity For All NACARA Classes

- *El Salvador, Guatemala, and Eastern Europe:* Administration introduces a legislative proposal to provide parity in outcome (amnesty) for all NACARA classes. The legislation would not seek to create parity in class; the classes would remain as defined originally by Congress.
- *Honduras:* Although not covered by NACARA, the Administration's legislation would extend amnesty to several thousand Hondurans who applied for asylum prior to December of 1991.
- Outstanding Issues:
 - *Parity for El Salvador and Guatemala through administrative means:* DOJ and INS strongly oppose a regulatory presumption of extreme hardship. INS is preparing a memorandum for the White House outlining the objections. Issue needs to be raised to AG as well.
 - *The immediate treatment of aliens who would be aided by the legislation:* The advocates are sure to press the Administration for administrative relief while the bill is pending.
 - *Legislative strategy.*
 - *Whether it makes sense to pursue parity in class by legislation if parity in outcome is not possible through regulation.*

DRAFT

III. Timing and Scope of an Announcement

- AG, DAG, or Commissioner would announce both pieces on behalf of the Administration.
- Senior representatives from State and USAID would participate as well.
- Although both pieces would be announced at the same time, Hurricane Mitch would not be described as the primary catalyst for the legislative proposal. Rather, the Administration would be seeing through a long-standing commitment to address the inequalities created by NACARA—a commitment made all the more urgent by the hurricane.
- Outstanding Issues:
 - *Date of the announcement:* Friday, December 4th is favored, but much remains to be done and decided.
 - *Text of the announcement:* State and INS have yet to draft press materials.

JTM: Mitch2

► **Julie A. Fernandes**
12/01/98 07:02:18 PM
.....

Record Type: Record

To: Elena Kagan/OPD/EOP, Maria Echaveste/WHO/EOP
cc: Leslie Bernstein/WHO/EOP, Laura Emmett/WHO/EOP, Marjorie Tarmey/WHO/EOP, Scott Busby/NSC/EOP
Subject: Central American relief

Scott Busby and I met this morning with DOJ, INS and State to develop final recommendations on how we should proceed with announcements related to the post-Mitch situation in Central America. The following outlines the issues discussed and the decisions that we need to make.

1. TPS

We received the first half of q&a from State and were promised the rest by the end of the day today. Also by c.o.b. today, State is going to provide us with a final position on whether we should reinstitute stays of deportation for either the Dominican Republic or Haiti given our decision to provide stays for Guatemala and El Salvador (to ensure consistency). State will also provide any information we need to support our final decisions on this issue.

The group recommends that Commissioner Meissner make the TPS announcement, along with a person from the State Department. It was thought that Doris would be best equipped to respond to the immigration questions. We would seek to have her do the announcement on Monday afternoon (she is out of the country this week) to give us adequate time to brief representatives of the countries before the Central Americans presidents arrive on Thursday for the debt relief conference.

As to addressing concerns about fraud, INS proposes to reduce the TPS registration to six months (it has traditionally been coextensive with the TPS period) and will be developing questions to assist in determining eligibility.

2. Legislative Parity

All of the legislative affairs folks (Caroline Fredrickson (WH), Patty First (DOJ), Allen Erenbaum (INS), Broderick Johnson (WH), and Gina Abercrombie-Winstanley (NSC)) agree that we should not make any announcement supporting legislation to achieve "parity" for Salvadorans and Guatemalans until after they have had much more time to work with members of Congress. Their fear is that if we make the announcement too soon, that will only give those who will be opposed to the legislation (such as Lamar Smith) a chance to get to the swing voters or other key members before we can. The leg. folks feel particularly strongly about this in light of indications of support for some kind of legislative action for Central Americans by Sens. Hatch and Abraham. Caroline noted that Hatch would be particularly put off by an announcement of our decision on legislation after he has indicated interest, but before he has been fully consulted about such a proposal.

However, the group agreed that it would be a good idea to indicate to the advocacy community and the Ambassadors to El Salvador and Guatemala (and possibly the presidents if there is a POTUS or VPOTUS meeting with them) that we plan to work with Congress to enact legislation

next year that would achieve parity for Salvadorans and Guatemalans.

3. Extreme Hardship and the NACARA regulation

DOJ (including INS) is opposed to including in the final NACARA regulation any presumption of extreme hardship (rebuttable or otherwise) for nationals from El Salvador and Guatemala. This opposition is based on the following: (1) such a presumption has never before been utilized; (2) a country-based presumption would be inconsistent with the concept of "individual adjudication" that underlies suspension claims; (3) it would be inconsistent with the facts (b/c it would not be "extreme hardship" for some Salvadoran and Guatemalan nationals to return to un-harmed parts of their countries and b/c hardships created by the hurricane will be significantly diminished by the time these adjudications occur); and (4) such a conclusion would be inconsistent with our decision not to grant TPS to these countries (b/c a presumption of extreme hardship would imply that these countries cannot really absorb their nationals).

INS would agree to provide information to immigration judges and NACARA adjudicators on hurricane-related conditions in El Salvador and Guatemala and direct them to take these conditions into account when adjudicating suspension claims for nationals of those countries. They would also consider amending the NACARA regulation to specifically identify conditions relating to natural disasters as relevant to the extreme hardship determination.

Thus, we may be able to couple our TPS announcement with a general statement that we plan to ensure that the conditions created by Hurricane Mitch are taken into account in the process of deciding NACARA suspension cases.

4. Next Steps

We need to decide the following:

- a. Whether we agree to defer announcement of our support for legislative parity until we have had more of a chance to work with Congress.

Scott and I agree that this announcement should be deferred, in the interest of actually getting the legislation passed. We also agree that we should indicate to the advocacy community and the Ambassadors to El Salvador and Guatemala that we plan to work with Congress to enact legislation next year that would achieve parity. Jim Dobbins and Scott would conduct the briefings with the Ambassadors.

- b. Whether we agree with the INS/DOJ view that we not adopt a presumption of extreme hardship for Salvadorans and Guatemalans covered by NACARA (n.b., such a presumption would be based on the totality of the circumstances vis-a-vis Salvadorans and Guatemalans covered by NACARA -- i.e., the history of unfair denial of asylum claims; ABC litigation; NACARA; our statements in support of parity).

Scott and I recommend holding off on this decision until after the end of the comment period for the NACARA regulation (end of January). This gives us more time to consider this option and avoids our making regulatory decisions outside of the notice & comment process.

- c. Whether we continue to believe (given the strong possibility that the announcement will be TPS only) that press availability on the announcement (with Doris and someone from the State Dept.) would be better than a press release.

Scott and I recommend that Doris and someone from State should do a press availability. Our concern is that a press release would result in an uncontrolled message.

d. Whether we continue to believe that we need to announce TPS for Honduras and Nicaragua before the POTUS or VPOTUS possibly meets with the Central American presidents (on Dec. 10th or 11th). Our thinking had been that we did not want the TPS question to be open when the POTUS meets with the presidents; however, in light of the fact that the announcement will be good news for two countries and not for the other two, does that change the calculation?

Scott and I recommend that we make this announcement Monday afternoon (December 7th). Jim Dobbins was agnostic, but we think that (1) the decision is overdue (Dobbins agrees); and (2) there is an advantage to taking the TPS issue off the table in advance of the presidents' visit.

Please let me or Scott know what you think about these issues and whether you would like to get together to discuss them. Thanks.

julie

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meet
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Central America has been devastated by what is considered the worst natural disaster to hit the region in modern history leaving in its wake thousands dead and millions homeless. In immediate response to this disaster, the Immigration and Naturalization Service (INS) temporarily delayed all removals of nationals from Honduras, Nicaragua, El Salvador and Guatemala until November 23, 1998. Given the long-term economic devastation and social destruction left by Hurricane Mitch, however, a more systematic approach to the treatment of nationals of those countries currently in the US and the question of whether to remove aliens with final orders from those countries is required. This paper sets forth available options for administrative or executive action to suspend or delay removal of such aliens.

TEMPORARY PROTECTED STATUS

Section 244 of the Immigration and Nationality Act (INA) permits the Attorney General to grant temporary sanctuary to foreign nationals of a country, subsequent to designation by the Attorney General that extraordinary conditions exist within that country such as generalized violence, civil strife, natural disasters, or other unsettled conditions that would render return unsafe for the individual or would severely strain the resources of the affected country. INS section 244(b)(1). The TPS provision provides the sole authority under which the Attorney General may allow otherwise deportable aliens to remain in the United States "because of their particular nationality or region of foreign state nationality." INA Section 244(g). Persons who qualify for Temporary Protected Status (TPS) are not subject to removal during the time period designated by the Attorney General.

The statute specifically provides for a Temporary Protected Status (TPS) designation in those cases where a natural disaster has occurred, provided that the following criteria are met: i) there has been a natural disaster of such scope that a substantial, but temporary, disruption of living conditions has occurred; (ii) the foreign state is temporarily unable to handle the return of its nationals; and (iii) the country has formally requested designation under this statute. INA Section 244(b)(1)(B). This section has previously been invoked by the Attorney General in designating TPS for nationals of Montserrat in August 1997 following the eruption of a volcano that island.

Given the specific country conditions requirements imposed by section 244(b)(1)(b), the Attorney General is authorized to grant TPS to nationals of designated foreign states or parts of such states (or to eligible aliens who have no nationality and who last habitually resided in such states). The statute does not contemplate the Attorney General designating a region larger than a state but she could designate all four countries after assessing on a country-by-country basis whether conditions are sufficiently severe to meet the TPS designation requirement. The Attorney General makes TPS determinations after consultation with the Department of State. This process was initiated on November 5th and the INS has received a preliminary assessment from DOS which suggests in their view the level of devastation in Honduras and Nicaragua meets the first and second requirements of the statute. We understand that both governments are expected to send formal requests for designation very soon. With respect to El Salvador and Guatemala, however, DOS reports suggest that the damage is more localized and may not meet the level of severity necessary to trigger a TPS designation for either country.

STAYS OF REMOVAL

Although TPS provides the exclusive grounds for delaying the removal of an alien based on nationality, the Attorney General retains the power to grant a stay of removal in individual cases, and has delegated that authority to District Directors pursuant to 8 CFR 241.6. Stays of removal under this section may be granted for numerous reasons, including a determination that "immediate removal is not practical or proper."¹

One possible interpretation of this regulation would permit the Attorney General to issue a determination that immediate removal to El Salvador and Guatemala would generally be impractical during a specified period of time and, in those cases where it is appropriate, removal should be delayed. The District Director would retain the discretionary authority to deny the stay for other reasons (for example, the individual appears to be a threat to the community or is a criminal alien), but the factual determination regarding conditions in El Salvador and Guatemala would not be subject to interpretation by a District Director. In this way, removals could be limited on a case-by-case basis rather than on the basis of nationality alone.

This approach, while lessening the immediate impact of removals on El Salvador and Guatemala, could result in consequences that render unfeasible the use of stays as a short-term solution. Most notably, there does not appear to be statutory authority explicitly permitting the Attorney General to release from custody persons subject to mandatory detention once she has granted a stay of removal. Under Section 241(a) of the INA, as amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA), once an order of removal has become final, the Attorney General must take the alien into custody. If the removal has not been completed within 90 days, a non-criminal alien may be released under an order of supervision—prior to that time, however, the law makes no explicit provision for release. In order to avoid unnecessary detention of individuals eligible for a stay of removal under these provisions, the Attorney General would have to determine that the mandatory custody provisions are inapplicable where the government has chosen to delay removal.²

Implementation of a short-term stay policy could also present problems with respect to processing employment authorization applications. Although the regulatory provisions governing employment authorization are sufficiently broad to permit EADs under such circumstances, it could be difficult to process such applications quickly enough to be meaningful for persons authorized to remain here for only a short time. Additionally, any designation by the Attorney General relating to conditions in Guatemala and El Salvador might form the basis of arguments for challenging the finality of the motion to reopen provisions (and may well be a factor in the finding of extreme hardship) within the context of Section 203 NACARA suspension of deportation and cancellation of removal claims.

¹ Section 241(c)(2) of the INA. Section 241.6 of the regulations permits the District Director to make a discretionary determination to grant or deny a stay of removal, and directs him or her to look to the factors considered in section 212.5 of the regulations (regarding parole requests) and section 241.8 of the INA (regarding stays of removal for aliens arriving at a point of entry). It does not require that specific conditions be met providing for administrative removal do not specify the specific conditions under which a stay may be grant

² Section 241(a)(1)(C) provides for an extension of the 90 day period where the alien refuses to cooperate in making travel arrangements for his removal or otherwise acts to prevent the removal. Conversely, it could be argued that in those case where the government has determined that removal would be impractical, the 90 day period may be suspended during the duration of the stay.

DEFERRED ENFORCED DEPARTURE (DED)

The Attorney General exercised prosecutorial discretion to temporarily stay deportation of aliens to countries experiencing civil strife from 1960 to 1990 through a grant of Extended Voluntary Departure (EVD). This concept has developed into the President's practice of directing Deferred Enforced Departure for certain nationals. Eligibility for EVD was based on nationality (although individuals could be barred for such things as conviction of an aggravated felony), but the program was never formally defined and was administered somewhat differently over the thirty-year period. The duration of the grants varied from a few months to several years. Some of the countries selected for EVD were Iran, Czechoslovakia, Cuba, Vietnam, and Cambodia.

The law providing for Temporary Protected Status (TPS) was enacted in 1990 and was intended to fulfill the same function fulfilled by EVD. The TPS statute requires that the Attorney General consult with other agencies about TPS designations and it also has specific country condition requirements that must be met before a designation is made. The TPS statute made it impossible for the Attorney General to continue to designate countries for EVD because it specifies that it is the sole authority for the Attorney General to permit aliens to remain temporarily in the United States based on nationality. INA section 244(g).

DED is, like, EVD, a non-statutory, discretionary, temporary form of relief from deportation granted to aliens from the designated country. DED was used after 1989 instead of EVD in part because there had been court challenges to EVD and in part because the TPS statute bars the Attorney General from providing nationality-based relief. The primary difference between EVD and DED is that DED is done by executive order, under the President's constitutional power to conduct foreign relations, whereas EVD was done by the Attorney General, citing prosecutorial discretion and general powers pursuant to INA section 103. Like EVD, DED proclamations generally specify a start date (by which time the alien must have been in the United States or fulfilled other conditions such as the filing of an asylum application) and an expiration date. DED was first used in 1990 and has been used a total of four times:

President Bush issued Executive Order No. 12711 on April 11, 1990, to provide temporary stays of deportation, and work authorization, for approximately 80,000 Chinese nationals who had been present in the U.S. since June 1989. DED for Chinese nationals lasted until it was superseded in 1993 by the Chinese Student Protection Act.

DED was granted to approximately 150,000 Salvadorans who were registered for TPS when TPS expired for El Salvador in June 1992 (the executive order provided for bars for those convicted of aggravated felonies, persecutors, etc.). Salvadoran DED lasted until December 31, 1994, but work authorizations were authorized for an additional nine months. Most of the recipients of Salvadoran DED were eligible for benefits under the American Baptist Churches v. Thornburgh (ABC) settlement agreement after DED ended.

DED was used for a small (about 2,000) group of people evacuated from the Persian Gulf during the Persian Gulf War years. Most of these people were awarded asylum. DED was formally terminated for this group on January 1, 1997, but a private bill is under consideration to provide permanent relief for the few hundred members of this group not awarded asylum.

The fourth DED designation was made by President Clinton on December 23, 1997, and covered approximately 40,000 Haitians who had applied for asylum or were paroled into the United States before December 31, 1995, and had been continuously present in the United States since that date. The designation excludes certain persons (aggravated felons, persecutors, people subject to extradition, etc.), is in effect for one year, and provides for work authorization.

DED has been used in the past to defer deportation of nationals to countries where the statutory requirements for TPS are not met. The reasons for DED are not limited to the statutory considerations under TPS and ordinarily appear to be dictated by foreign and domestic policy considerations. The primary reasons behind the four designations have varied and include inability for the designated country to reintegrate huge numbers of its nationals (El Salvador), danger to the aliens (China and Persian Gulf), insecurity in the country and other domestic and foreign policy considerations (Haiti). If it is decided that some or all of the Central American countries affected by Hurricane Mitch do not meet the requirements for a designation for TPS, those countries could nevertheless be designated for DED.

Problems with such designations may arise, however. First, in the three instances in the past when DED was terminated, the nationals of the terminated country were by and large eligible for programs that replaced DED – specifically, the Chinese Student Protection Act, the ABC settlement agreement, and the Persian Gulf Evacuees private bill. In all three cases in which DED has been terminated few of the beneficiaries have returned home. Any such blanket efforts at mass deportation following termination of DED would face strong political opposition. Therefore, DED designations should be proposed with the possibility in mind that those who receive DED may eventually receive lawful permanent resident status, even if the original DED grant is expressly temporary. Second, there are large numbers of Central Americans present in the United States who would be eligible for DED: Estimates are uncertain at this point, but range from a low of perhaps 400,000 to a high of 1,000,000 for aliens from Honduras, Nicaragua, El Salvador, and Guatemala who would be eligible for TPS or DED. If the members of the ABC class are counted, the number of eligible aliens could be well over 1 million. This number of people receiving benefits, some of whom would be applying for work authorization for the first time, would place a great strain on INS resources (and would be politically unpopular in some quarters.)

If the President is inclined to authorize all four (or parts of one of more of the four countries) for DED it would be very helpful to the INS if the designation made specific reference to certain issues arising from such a determination. In the earlier cases, DED proclamations have not set forth the INS's powers and duties for such issues as the authority to terminate an individual's DED for appropriate reasons (such as a conviction for an aggravated felony, etc). There would be a host of administrative questions, including how DED would affect a suspension or cancellation claim by a Salvadoran or Guatemalan national under NACARA; whether DED suspends unlawful presence (as TPS does); and whether non-criminals currently detained and in immigration proceedings should be released. Given the number of persons potentially eligible, these questions will have significant influence on INS administrative and detention resources, which are being tested with the expiration of the Transition Period Custody Rules.

Isn't this
true for
TPS

Another issue that should be considered in any Presidential directive of DED is whether it should apply only to nationals of the subject country who have received a final order of deportation or removal. Such a restriction would cut down on the administrative burden on the Service by reducing the number of people eligible for DED. However, restricting DED to aliens who have received a final order would create several problems. First, although the workload on the Service would be reduced, the workload on the Executive Office for Immigration Review would be correspondingly increased. Second, the mandatory detention provisions of IIRIRA require the Attorney General to detain aliens during the removal period of 90 days. It might be possible to avoid mandatory detention by stopping the removal procedure after a determination had been reached on the merits but before a removal order was actually issued; however, such a procedure would be inadvisable because of the questions it would raise as to appealability and due process. Third, if aliens received removal orders and the orders were not executed for some significant length of time (six months or more) because of DED, the Service could expect numerous legal challenges to the continued viability of those orders once DED ended. Such challenges might include motions to reopen, new asylum claims based on changed country conditions, and visa eligibility.

A more viable way of managing large numbers of people under a DED program might be to restrict the eligibility for DED to people who are not eligible to apply for any other type of relief from deportation. Thus, people who are ABC class members or who are eligible under NACARA would not be eligible for DED. Even if people eligible for other programs were excluded from DED eligibility, however, there would nevertheless be large numbers of Central Americans who would remain eligible for DED.

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

TO: Elena Kagan 6-2878

NATIONAL
SECURITY
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(202) 456-9141

From: Scott Busby 456-9141 (phone) /456-9140 (fax)

To:	MARIA ECHAVESTE	^{FAX} 61907
	JULIE FERNANDES	65581
Date/Time:	JANET MURGVIA	66220

No. of pages to follow: 5

RE:

This is a not finally
cleared Dod opinion paper
on TPS for Central
Americans.

Congress of the United States

Washington, DC 20515

December 1, 1998

The Honorable William Jefferson Clinton
President
The United States of America
1600 Pennsylvania Avenue
Washington, D.C. 20500

DEC 4 1998

Dear President Clinton,

We write urging you to grant Temporary Protected Status to the Central American nationals currently residing in the United States.

As you know, Hurricane Mitch has devastated Central America, particularly El Salvador, Guatemala, Honduras, and Nicaragua. This atmospheric phenomenon is responsible for taking more than ten thousand lives and displacing more than three million families. The storm has left the region on the verge of social and economic collapse as inhabitants concentrate on reassembling their individual lives, their local communities, and their respective countries, a process that has set people back in time and that may take several decades.

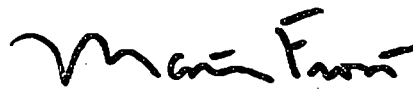
It is ironic that, at a time when war and violence seem to have virtually disappeared from Central America, mother nature would place these undue burdens on our neighboring countries. The devastation caused by Hurricane Mitch has erased entire towns and villages from the face of Earth, and despite the Administration's mounting humanitarian efforts and those of the international community, the people of Central America still remain in a precarious situation.

We believe that granting Temporary Protected Status to the nationals of these countries for the next eighteen months will foster greater stability and significantly aid the reconstruction efforts in Central America. Your assistance regarding this serious matter is greatly appreciated, and we look forward to hearing from you in the near future.

Thank you.

Sincerely,


Barbara Lee

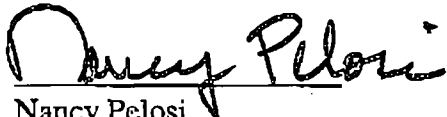

Martin Frost

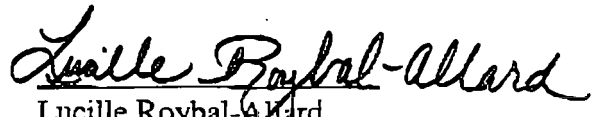
Page 2

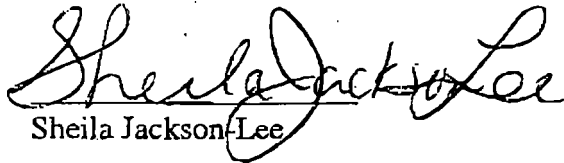
To: President Clinton

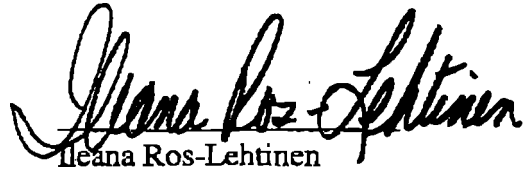
Re: T.P.S. for Central American Nationals

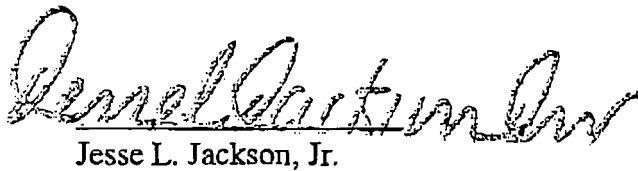
December 1, 1998

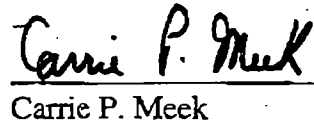

Nancy Pelosi


Lucille Roybal-Allard

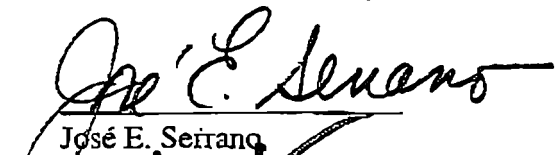

Sheila Jackson-Lee

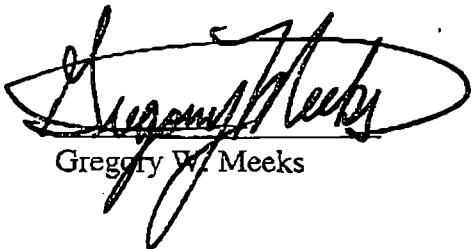

Ileana Ros-Lehtinen

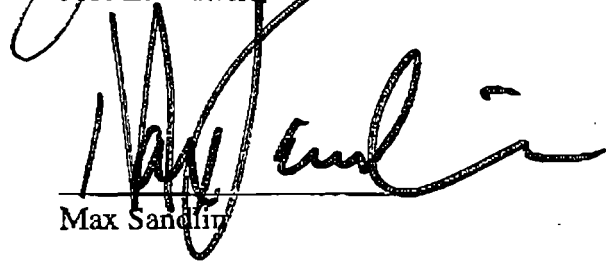

Jesse L. Jackson, Jr.


Carrie P. Meek


Maurice D. Hinchey

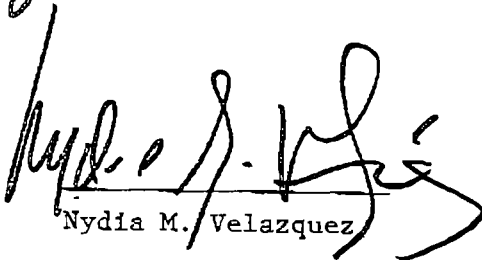

José E. Serrano


Gregory W. Meeks


Max Sandlin


John W. Olver


David E. Bonior


Nydia M. Velazquez

cc: Hon. Janet Reno
Attorney General

FAX UNCLASSIFIED

Date 12/29/98

Number of pages including cover sheet 6

TO: Julie Fernandez
White House – Domestic
Policy

Phone

Fax 456-5581

FROM: David A. Alarid
Department of State
Office of Central American Affairs
Room 4915
Washington, D.C. 20520

Phone (202) 647-1510

Fax (202) 647-0377

CC:

REMARKS: ☐ Urgent ☐ For your review ☐ Reply ASAP ☐ Please Comment

Attached, please will find a draft cable to our Embassies providing background and talking points for the 12/30/98 announcement of TPS and stay of removal for certain Central American nationals. We would appreciate your comments/clearance ASAP (We will also send this to you through formal channels). This cable reflects final changes discussed in the 12/28/98 conference call between the White House, State, Justice and INS.

Debra Hevia (202 647-3727) normally handles this issue and should be back in the office today. If you are unable to contact her, please direct your responses to me. Thank you.

INITIALS

APPR:	JRH	...
DRAFT:	CWW	...
CLR 1:	JFK	...
CLR 2:		...
CLR 3:		...
CLR 4:		...
CLR 5:		...
CLR 6:		...
CLR 7:		...
CLR 8:		...

UNCLASSIFIED

ARA/CEN:CWWEBSTER:CWW
 12/29/98 X73543
 ARA:JRHAMILTON

ARA/CEN:JFKEANE PRM:AJURY DOJ:JC^ASTELLO INS:RBACH
 WH:JFERNANDEZ CA:DMERZ NSC:SBUSBY

GUATEMALA IMMEDIATE, MANAGUA IMMEDIATE,
 SAN SALVADOR IMMEDIATE, TEGUCIGALPA IMMEDIATE
 MEXICO PRIORITY, SAN JOSE PRIORITY, BELIZE PRIORITY

E.O. 12958: N/A

TAGS: PREL, PREF, PGOV, CVIS, CJAN, GT, ES, HO, NU

SUBJECT: ANNOUNCEMENT OF TPS AND EXTENDED STAYS OF
 DEPORTATIONS FOR CENTRAL AMERICAN NATIONALS

1. Para 3 contains an action request.
2. INS Commissioner Meissner plans to announce on December 30, 1998 the Attorney General's decision to use her authority under Section 244 of the Immigration and Nationality Act to grant Temporary Protected Status (TPS), for a period of 18 months, effective ~~on or before January 7, 1999~~ to Hondurans and Nicaraguans. In addition, Commissioner Meissner will announce a stay of removal of 60 days beginning January 7, 1999 for Salvadorans and Guatemalans.
3. Action addressees are requested to inform host governments of the announcements as quickly as possible, drawing on the talking points in para 8 (for Managua and Tegucigalpa) and in para 9 (for Guatemala and San Salvador). Para 10 contains q's and a's that can be used once the announcement is made.

Dec. 30,
1998

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4. Background information: In the aftermath of Hurricane Mitch, the Attorney General, with the advice of the Department of State, decided to suspend until January 7, 1999 removals from the U.S. of nationals of the four most affected countries in Central America - El Salvador, Guatemala, Honduras, and Nicaragua. The Administration has been considering what additional immigration relief measures might be justified once the original stay of removal expired. The Attorney General has decided, upon the advice of the Department of State, to use her authority under Section 244 of the Immigration and Nationality Act to grant Temporary Protected Status (TPS) to Hondurans and Nicaraguans, effective on or before January 7, 1999 (exact date depends on date of publication in the Federal Register, but it will be not later than January 7). In addition, the Attorney General will announce a stay of removal of an additional 60 days for Salvadorans and Guatemalans.

Dec,
30, 1998

5. Honduras and Nicaragua suffered massive damage from Hurricane Mitch. Honduras and Nicaragua account for the overwhelming majority of the dead and displaced people in the region as a result of this hurricane. They clearly meet the statutory TPS requirement that the country has suffered an environmental disaster resulting in a substantial, temporary disruption of living conditions and is therefore unable to handle adequately the return of its nationals.

6. El Salvador and Guatemala also emerged from Hurricane Mitch with significant damage, although not nearly as great as that suffered by Honduras and Nicaragua. It would nonetheless constitute a significant hardship if there were to be substantial returns of their citizens from the United States in the immediate future. Furthermore, many Salvadorans and Guatemalans may eventually benefit from permanent immigration relief as a result of the implementation of the Nicaraguan Adjustment and Central American relief Act (NACARA). We will be consulting further with Congress on appropriate measures for achieving comparable treatment of Salvadorans and Guatemalans under NACARA. In the interim, the Attorney General decided it would be appropriate to further extend for a limited period the stay of removal for Salvadorans and Guatemalans, pending eventual decisions on NACARA implementation.

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7. These measures respond to the request of the Nicaraguan, Honduran, and Salvadoran Presidents and the Vice President of Guatemala during their December 11 meeting with the President. End Background Information

8. Talking Points for Managua and Tegucigalpa:

We have been examining and implementing a broad range of measures to help your countries recover from the destruction caused by Hurricane Mitch. One of several areas we have focused on has been immigration, given the extensive migration of Central Americans to the United States.

Relaxation of U.S. immigration regulations for your nationals during this difficult period has been raised by your governments, particularly in the December 11 meeting of Central American leaders with President Clinton.

We have already announced a suspension of removals of your nationals from the United States until January 7, 1999. The Administration has been considering what additional immigration relief measures might be justified once the original stay of removal expired.

The Attorney General has decided, upon the advice of the Department of State, to use her authority under Section 244 of the Immigration and Nationality Act to grant Temporary Protected Status (TPS) for a period of 18 months, effective ~~on or before January 7, 1999~~ for Hondurans and Nicaraguans.
Dec. 30, 1998

This decision, which INS Commissioner Meissner will announce on December 30, 1998, was taken in view of massive damage that both countries have suffered as a result of Hurricane Mitch.

Furthermore, we recognize that your nationals in the United States have played and will continue to play a significant role in assisting your country's recovery.

While El Salvador and Guatemala did not suffer as much damage from Hurricane Mitch as Honduras and Nicaragua, we recognize that return of their citizens now will constitute a significant hardship. Therefore, INS Commissioner Meissner will also announce a stay of removal of an additional 60 days for Salvadorans and Guatemalans.

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(For Tegucigalpa - if raised) The Administration is continuing to review how Honduras can be included in NACARA's provisions. No final decisions have been made.

9. Talking Points for Guatemala and San Salvador

We have been examining and implementing a broad range of measures to help your countries recover from the destruction caused by Hurricane Mitch. One of several areas we have focused on has been immigration, given the extensive migration of Central Americans to the United States.

Relaxation of U.S. immigration regulations for your nationals during this difficult period has been raised by your governments, particularly in the December 11 meeting of Central American leaders with President Clinton.

We have already announced a suspension of removals of your nationals from the United States until January 7, 1999. The Administration has been considering what additional immigration relief measures might be justified once the original stay of removal expired.

The Attorney General has therefore decided, upon the advice of the Department State, to use her authority under Section 244 of the Immigration and Nationality Act to grant a stay of removal of an additional 60 days for Salvadorans and Guatemalans.

This decision, which INS Commissioner Meissner will announce on December 30, 1998, was taken because we recognize that substantial returns of your nationals in the immediate future would constitute a significant hardship in view of the damage El Salvador and Guatemala suffered due to Hurricane Mitch.

Furthermore, we recognize that your nationals in the United States have played and will continue to play a significant role in assisting your country's recovery.

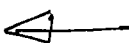
The INS Commissioner will simultaneously announce the Attorney General's decision to grant Temporary Protected Status (TPS) for a period of 18 months, effective on or ~~before January 7, 1999~~, to Hondurans and Nicaraguans, in view of the massive damage those countries suffered as a result of Hurricane Mitch.

Dec,
30, 1998

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(if raised) We will be reviewing appropriate measures for achieving comparable treatment of Salvadorans and Guatemalans under NACARA. In the interim, the Attorney General decided it would be appropriate to further extend for a limited period the stay of removal for Salvadorans and Guatemalans, ~~pending eventual decisions on NACARA implementation.~~ 

10. Post may draw on the following Q's and A's once the decisions have been announced:

YY

UNCLASSIFIED

► Julie A. Fernandes
12/21/98 01:17:25 PM
.....

Record Type: Record

To: Maria Echaveste/WHO/EOP
cc: Marjorie Tarmey/WHO/EOP, Leslie Bernstein/WHO/EOP
Subject: TPS, etc.

Scott and I met last Friday with DOJ, INS, and State to discuss moving forward on TPS announcement, etc. Our overriding concern is to make the TPS announcement as soon as we can -- according to Bob Bach, we have already begun to see Hondurans at the Southwest border who have heard that if they get to the U.S., they can get work authorization. The question that remains to be answered is what the second part of our announcement is re: Salvadorans and Guatemalans. Here are the options:

1. DED

DOJ (OLC) is looking into whether the President could do DED for Salvadorans and Guatemalans covered by NACARA. As you know, right now Salvadorans and Guatemalans covered by NACARA have work authorization and are in a kind of holding pattern, awaiting the final NACARA regulation. According to DOJ, none of these folks are obligated to go forward with their cases until the final regulation takes effect. DED, then, does not get them much more protection than what they currently have (except for those who decide to move forward with their proceeding prior to the final regulation and could be denied relief and ordered deported).

The pro is that DED gives us is a public statement of our recognition of the foreign policy concerns related to deporting Salvadorans and Guatemalans covered by NACARA. The cons are: (1) it seems too similar to TPS, and thus less distinguishable; (2) advocates would question why we are doing DED for a subset of all Salvadorans and Guatemalans; and (3) the advocates want a long-term solution, and they know that DED is not it.

2. Attorney General using her prosecutorial discretion to stay deportations for those covered by NACARA.

DOJ (OLC) is also looking into whether the AG could use her prosecutorial discretion to stay the deportation of any NACARA-defined Salvadorans or Guatemalans. This would protect anyone in this class from being deported, pending our enactment of legislation to protect them -- this is thus similar to DED, but is based on the AG's authority and is more closely tied to potential legislation. As you may remember, we considered this option for the Haitians last year. The DOJ would need a fairly concrete legislative commitment to relief for this group (including commitments from key members of Congress) in order to feel comfortable with this option. They are exploring what we would need to be able to make this option viable.

The pro here is that the action seems less similar to TPS than the DED option, but effects the same end. Also, we could try to make this announcement in a way that doesn't close the door to a regulatory solution (by recognizing the ongoing regulatory process, but making clear our commitment to parity and our desire to ensure (through legislation) that we achieve our desired outcome).

3. Continuing the existing stays of deportation for all Salvadorans and Guatemalans

The State Department and NSC are exploring whether there are likely grounds to extend the current stays of deportation that are in place for all Salvadorans and Guatemalans. It may be that conditions on the ground support the extension of these stays. If so, we could announce TPS for Honduras and Nicaragua and an extension of the temporary stay (perhaps for two months) for Salvadorans and Guatemalans.

The big con here is that this action might prompt the question of why we are considering an extension of the stays, but not TPS for these countries -- if conditions on the ground continue to be bad, why not just use the statutory authority. Thus, this decision could undermine our rationale for granting TPS for only Honduras and Nicaragua.

4. NACARA regulation: presumption of extreme hardship

INS is still considering how far we could go toward presuming extreme hardship for Salvadorans and Guatemalans covered by NACARA. I just spoke with Bob Bach. He is planning on having a conversation with Doris recommending that we push Paul V. harder on this question. We also may need to get OLC involved -- to get their view on whether such a presumption would be legally permissible.

The pro here is that this is exactly what the advocates want, and it would accurately reflect our goal to achieve parity for this group. However, because the NACARA reg. comment period does not end until the end of January (around the 26th), we may need to be careful not to make public statements that could be seen as prejudging the regulatory outcome. Thus, even if we decided to do a presumption for Sal/Guat, we might not be able to signal that strongly enough to balance the TPS announcement. However, if we decide to do the presumption, we may be able to have enough conversations with the groups to strongly signal this outcome.

The upshoot of all of this is that we are waiting for some additional information on the following fronts: (1) OLC's view on DED and the AG's use of prosecutorial discretion; (2) the DOJ/INS final word (if possible) on the presumption of extreme hardship; (3) the State Dept./NSC view on whether conditions (both on the ground and otherwise -- i.e., foreign policy, etc.) in El Salvador and/or Guatemala would support an extension of the existing stays of deportation.

I would like to get the group together (including OLC) tomorrow afternoon (likely before our 4:45pm meeting) to see where we are on the legal questions -- particularly on extreme hardship. If you want, we could merge that meeting into your meeting. Just let me know.

julie

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	From Roseanne M. Hill re: TPS for Central Americans (partial, DOB, SSN) (1 page)	12/21/1998	b(6)

COLLECTION:

Clinton Presidential Records
Domestic Policy Council
Irene Bueno
OA/Box Number: 17173

FOLDER TITLE:

Central Americans (Older Background): TPS [Temporary Protected Status] -
Honduras/Nicaragua [2]

2017-1120-S
ry2223

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

Hill, Roseanne M.

Subject: TPS for Central Americans
Location: room 476 Mary Jones 57359)

Start: Fri 12/18/98 4:15 PM
End: Fri 12/18/98 5:45 PM

Recurrence: (none)

- Patricia First, (b)(6), 514-4810 -- YES New time
 ✓ Alan Kreczko, (b)(6) -- 647-5767 --NO on A/L [001]
 Julie Fernandes, 66558 -- YES (New no; new room)
 Clara Shinn, 65506 -- (LW about new room and new time).
 ✓ John Morton, (b)(6) -- 514-9343 -- YES, (new time, new room)
 Jerry Gallucci -- via e-mail (new phone; new room) lww Brenda
 ✓ Paul Virtue, (b)(6) 514-2895 --Yes (New room; new time) /Connie Davis
 Elena Kagan, 65584 -- NO
 Douglas Hunter, (b)(6), 663-1077 -- l.w. w/Avrey
 Whitney Reitz, (b)(6) 663-1469 -- l.w. Whitney -- wcb to confirm (lw w/new room and time)
 (John Keane, (b)(6) 647-3727) -- Debra Hevia, (b)(6) 647-3727 -- lw re: new time; new
 rm. YES
 Robert Bach, (b)(6), 514-3242 -- YES (lw re: new room and new time)
 Caroline Fredrickson, WH Leg. 00493/67181 -- l.w. w/Janelle (left word re: new room, new time)
 Gina Abercrombie-Winstanley, via E-Mail --NO
 James Castello, (b)(6) 514-3382, 514-3392 --YES (lw new rm; new time)
 ✓ Allan Jury, PRM, (b)(6) 663-1472 -- YES (lw with paula about new time and room)
 Mark Elliott, (b)(6) 663-1032 -- YES
 Allen Erenbaum, (b)(6) 514-5231 -- lww/Ellen

MEMORANDUM FOR THE PRESIDENT

FROM: MARIA ECHAVESTE
SANDY BERGER
BRUCE REED

RE: IMMIGRATION RESPONSE TO HURRICANE MITCH

Background

In the wake of Hurricane Mitch, one of the key issues ~~that has been raised by the Presidents of Central America as well as many immigration advocacy groups in the United States~~ is what to do about Central Americans who are without legal status in the United States. In early November, the Immigration and Naturalization Service (INS) temporarily stayed removals of all nationals from Honduras, Nicaragua, El Salvador, and Guatemala. At your request, ~~that delay was extended~~ until January 7, 1999. ~~However, given the long-term economic devastation and social destruction left by Hurricane Mitch, a more systematic approach to the treatment of nationals of those countries in the United States without lawful status is required.~~ ~~This memorandum sets out a proposed course of action.~~ *however, requires* *and many* *both* *the INS then extended that*

Temporary Protected Status

~~One possibility is a grant of Temporary Protected Status (TPS).~~ *Temporary Protected Status (TPS)* ~~The Attorney General has authority to grant TPS for 6 to 18 months to nationals of a country if she finds that there has been an environmental disaster in that country, rendering it temporarily unable to adequately handle the return of its nationals. Persons who qualify for TPS are not subject to removal and are eligible for permission to work in the United States during the time period designated by the Attorney General.~~ *As you know, it* *that*

The Department of State has evaluated conditions in ~~Nicaragua, Honduras, El Salvador, and Guatemala~~ *Central America* and recommends that the Attorney General grant TPS ~~only~~ to nationals from Honduras and Nicaragua. The Department of Justice (DOJ) agrees that TPS would be appropriate for nationals of these countries. We recommend that the Attorney General grant TPS to nationals from Honduras and Nicaragua for a period of one year. At the end of that one year period, the designation ~~can~~ *could* be renewed.

~~The effect of Hurricane Mitch on conditions in El Salvador and Guatemala does not appear to warrant a TPS designation for nationals of those countries.~~ *there two countries* *could* More than 90 percent of the deaths and displacement caused by Mitch occurred in Honduras and Nicaragua. Moreover, while the economic and infrastructure damage in El Salvador and Guatemala has been serious, it is not severe enough to meet the TPS standard.

The Department of State does not recommend TPS to nationals from El Salvador and Guatemala. The Department has concluded that the effect of Hurricane Mitch in these two countries is insufficient to warrant a TPS designation.

Alternative Relief for El Salvador and Guatemala

Because Mitch had serious effects on El Salvador and Guatemala and because we are interested in providing a coordinated response to all four affected countries, we believe we must also provide something for Salvadorans and Guatemalans in the United States.

As you recall, the Nicaraguan Adjustment and Central American Relief Act (NACARA), enacted in late 1997, authorized virtually automatic permanent status for Nicaraguans and Cubans living in the United States, while providing Salvadorans and Guatemalans with only an opportunity to be considered under the more lenient (pre-1996 Act) rules for suspension of deportation (a form of immigration relief leading to permanent status). Hondurans were excluded altogether from this legislation. In your signing statement to the NACARA legislation, you noted that the Administration would seek to overcome disparities created by the legislation through the implementation process. ^{In line with this statement,} ~~The Hispanic Caucus and many Central American advocates have urged the Attorney General to adopt regulations that would achieve parity among all Central American groups. While DOJ has recently proposed regulations that would greatly improve the chances for Salvadorans and Guatemalans seeking to obtain permanent status, the regulations still do not~~ ^{however,} provide the ~~sort of~~ ^{level} of guarantee of permanent status enjoyed by Nicaraguans and Cubans. ~~Though DOJ has committed to ensuring that immigration officers take the effects of Mitch into account when adjudicating suspension claims under NACARA, there would still be no assurance that a Salvadoran or Guatemalan with a meritorious claim would obtain permanent status.~~ ^{And although} ~~even this special consideration would provide~~

^{now} During the last session of Congress, Rep. Gutierrez sponsored legislation that would have provided amnesty to Salvadorans, Guatemalans, and Hondurans equivalent to that obtained by the Nicaraguans and Cubans in NACARA. We did not support that legislation because we have generally not favored grants of amnesty. However, given (1) that similarly situated Haitians were granted amnesty in the last session, and (2) the changed circumstances brought on by Hurricane Mitch, we recommend that we commit to working with Congress to pass legislation that provides amnesty for Salvadorans and Guatemalans covered by NACARA, as well as a small group of similarly situated Hondurans. Though legislation of this kind would not provide relief for all nationals of El Salvador and Guatemala living in the United States, it would help a significant number -- approximately 300,000 out of an estimated 500,000 -- and would be consistent with your commitment to achieving parity for all similarly situated individuals covered by NACARA.

In addition to seeking parity through legislation, we should also consider providing a further extension of the current stays of deportation for Salvadorans and Guatemalans generally or granting Deferred Enforced Departure (DED) to those covered by the proposed legislation. This would help allay the perception that Salvadorans and Guatemalans are receiving second-class treatment in our immigration policy response to Mitch, and would ensure that individuals are not subject to deportation while we seek permanent relief for them.

Timing:

Because we recommend a TPS designation for nationals of ^{only} two of the four Central American

Julie -
Which are we recommending? We should say, rather than leave it open-ended like this. Off the top of my head, I can't see extending the current stay of deportation. Let's talk about this.

countries affected by Mitch, we strongly recommend delaying this announcement until after the visit by the four Central American presidents at the end of this week. We also recommend that when we do make the TPS announcement, we put it in the context of the broader relief that we are providing to people from the region. Finally, we strongly recommend delaying announcing our intention to seek parity legislation until after we have had more of an opportunity to consult with the Hill. We have received indications that some members, including some key Republican members, may also be interested in pursuing legislative relief for Salvadorans and Guatemalans; a premature announcement of our intention to seek parity legislation might ~~negatively~~ prejudice our chances of ~~getting the legislation passed~~ ^{enacting}

THE WHITE HOUSE

November 9, 1998

Maria Echaveste

Julie Fernandez ✓

Scott Busby

Attached please find a letter from Rep. Gutierrez to AG Reno regarding Temporary Protected Status (TPS) to Hondorans, Nicaraguans, Salvadorans and Guatemalans.

- Janet Murguia

LUIS V. GUTIERREZ
MEMBER OF CONGRESS
4TH DISTRICT, ILLINOIS
2438 RAYBURN BUILDING
WASHINGTON, DC 20516
(202) 226-8203

Congress of the United States
House of Representatives
Washington, DC 20515-1304

November 5, 1998

CC: REYES:
BANKING AND FINANCIAL SERVICES
SUBCOMMITTEES:
HOUSING AND COMMUNITY OPPORTUNITY
CAPITAL MARKETS, SECURITIES AND
GOVERNMENT SPONSORED ENTERPRISES
VETERANS' AFFAIRS
SUBCOMMITTEE:
HEALTH
RANKING DEMOCRAT

The Honorable Janet Reno
Attorney General
Department of Justice
10th and Constitution Avenue N.W.
Washington, D.C. 20520

Dear Attorney General:

I am writing to request that you grant Temporary Protected Status (TPS) to Hondurans, Nicaraguans, Salvadorans and Guatemalans currently residing in this country. As you know, Hurricane Mitch has caused catastrophic damage and human suffering in Central America. The extent of the damage is still undetermined but is already being described by the U.S. Agency for International Development (AID) as the "worst disaster" that AID has seen in this hemisphere.

These catastrophic losses have resulted in a substantial and long-term disruption of living conditions in Central America and warrant our immediate consideration of TPS for the nationals of Honduras, Nicaragua, El Salvador and Guatemala.

Recent accounts estimate that as many as 25,000 people are missing, have died or are presumed dead. Millions more people are homeless, more than 70 percent of the crops in the region have been destroyed and more than 60 percent of the infrastructure, including major bridges and roads, has been destroyed or seriously damaged. In addition, bodies that have not been buried threaten to cause serious epidemic and disease.

Many Central American nationals living in this country face mass deportations and many thousands more have already been expelled. I urge you to act expeditiously and grant TPS to these Central American nationals as soon as possible to avoid bringing more suffering and anguish to an already tragic and dangerous situation.

I believe that granting temporary protected status to Hondurans, Nicaraguans, Salvadorans and Guatemalans for the next 18 months would be entirely consistent with section 244(b)(1)(B)(i), which defines a "flood...or other environmental disaster" as a condition for the designation of TPS status for the nationals of Honduras, Nicaragua, El Salvador and Guatemala.

I look forward to your favorable consideration of this urgent request and welcome any opportunity to discuss this issue further with you or your designated staff.

Sincerely,


Luis V. Gutierrez,
Member of Congress

3181 NORTH ELSTON AVENUE
CHICAGO, IL 60618
(773) 509-0999
(773) 509-1534 TDD LINE
MONDAY-FRIDAY
9 A.M. - 5 P.M.

DISTRICT OFFICES

2132 WEST 21ST STREET
CHICAGO, IL 60608
(773) 579-0902
MONDAY-FRIDAY
9 A.M. - 5 P.M.

PRINTED ON RECYCLED PAPER

Hondurans

11/4

8-12 Thousand or 1-2 Thousand

Gutierrez wants a DED for Hondurans in the U.S. prior to Dec. 1995.

Interim options?

- ① TPS (in light of floods, etc.)
- ② DED
- ③ Prosee discretion.

NSC: foreign policy
rationale for
DED

INS/State!
consider TPS

15% of population in Honduras are homeless (b/c of floods)

Dobbins - we should, @ a minimum, stall the deportation of Central Americans b/c of floods, etc.

(Hasten determination of TPS (b/m INS and State)).

State Dpt. / NSC
recommendation re: DED

AG cannot do nationality-based suspension of deportation outside of TPS.

W/TPS - would be a large group (Central Americans)

- History of our allegiance w/ them
- Significant interest in Honduras (only US military base South of Puerto Rico)
- Disasters

⊕
Firm commitment for passage of legislation
Likelihood of passage