



U.S. Department of Justice
Office of Legislative Affairs

Office of the Assistant Attorney General

Washington, D.C. 20530

FAX COVER SHEETDATE: 11/2/98

TO:

Julie FERNANDES

PHONE NO.

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456-7028

FROM:

PATTY FIRST

PHONE NO.:

202/514-4810

FAX NO.

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NO. OF PAGES:

15 (EXCLUDING COVER)

COMMENTS:

Haiti language

(173a)

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1 ~~Code, is amended by inserting after paragraph (25) the fo-~~
2 ~~llowing:~~

3 “(26) a separate statement of the amount of ap-
4 propriations requested for the Office of National Drug
5 Control Policy and each program of the National
6 Drug Control Program.”

7 SEC. 815. AUTHORIZATION OF APPROPRIATIONS. There
8 are authorized to be appropriated to carry out this title,
9 to remain available until expended, such sums as may be
10 necessary for each of fiscal years 1998 through 2002.

11 SEC. 816. TERMINATION OF OFFICE OF NATIONAL
12 DRUG CONTROL POLICY. (a) IN GENERAL.—Except as pro-
13 vided in subsection (b), effective on September 30, 2002, this
14 title and the amendments made by this title are repealed.

15 (b) EXCEPTION.—Subsection (a) does not apply to sec-
16 tion 813 or the amendments made by that section.

17 **TITLE IX—HAITIAN REFUGEE IMMIGRATION**
18 **FAIRNESS ACT OF 1998**

19 SEC. 901. SHORT TITLE. This title may be cited as
20 the “Haitian Refugee Immigration Fairness Act of 1998”.

21 SEC. 902. ADJUSTMENT OF STATUS OF CERTAIN HAI-
22 TIAN NATIONALS. (a) ADJUSTMENT OF STATUS.—

23 (1) IN GENERAL.—The status of any alien de-
24 scribed in subsection (b) shall be adjusted by the At-

(1736)

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1 *torney General to that of an alien lawfully admitted*
2 *for permanent residence, if the alien—*

3 *(A) applies for such adjustment before April*
4 *1, 2000; and*

5 *(B) is otherwise admissible to the United*
6 *States for permanent residence, except that, in*
7 *determining such admissibility, the grounds for*
8 *inadmissibility specified in paragraphs (4), (5),*
9 *(6)(A), (7)(A), and (9)(B) of section 212(a) of*
10 *the Immigration and Nationality Act shall not*
11 *apply.*

12 *(2) RELATIONSHIP OF APPLICATION TO CERTAIN*
13 *ORDERS.—An alien present in the United States who*
14 *has been ordered excluded, deported, removed, or or-*
15 *dered to depart voluntarily from the United States*
16 *under any provision of the Immigration and Nation-*
17 *ality Act may, notwithstanding such order, apply for*
18 *adjustment of status under paragraph (1). Such an*
19 *alien may not be required, as a condition on submit-*
20 *ting or granting such application, to file a separate*
21 *motion to reopen, reconsider, or vacate such order. If*
22 *the Attorney General grants the application, the At-*
23 *torney General shall cancel the order. If the Attorney*
24 *General makes a final decision to deny the applica-*

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1 tion, the order shall be effective and enforceable to the
2 same extent as if the application had not been made.

3 (b) *ALIENS ELIGIBLE FOR ADJUSTMENT OF STA-*
4 *TUS.—The benefits provided by subsection (a) shall apply*
5 *to any alien who is a national of Haiti who—*

6 (1) *was present in the United States on Decem-*
7 *ber 31, 1995, who—*

8 (A) *filed for asylum before December 31,*
9 *1995,*

10 (B) *was paroled into the United States*
11 *prior to December 31, 1995, after having been*
12 *identified as having a credible fear of persecu-*
13 *tion, or paroled for emergent reasons or reasons*
14 *deemed strictly in the public interest, or*

15 (C) *was a child (as defined in the text above*
16 *subparagraph (A) of section 101(b)(1) of the Im-*
17 *migration and Nationality Act (8 U.S.C.*
18 *1101(b)(1)) at the time of arrival in the United*
19 *States and on December 31, 1995, and who—*

20 (i) *arrived in the United States with-*
21 *out parents in the United States and has*
22 *remained without parents in the United*
23 *States since such arrival,*

24 (ii) *became orphaned subsequent to ar-*
25 *rival in the United States, or*

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1 (iii) was abandoned by parents or
2 guardians prior to April 1, 1998 and has
3 remained abandoned since such abandon-
4 ment; and

5 (2) has been physically present in the United
6 States for a continuous period beginning not later
7 than December 31, 1995, and ending not earlier than
8 the date the application for such adjustment is filed,
9 except that an alien shall not be considered to have
10 failed to maintain continuous physical presence by
11 reason of an absence, or absences, from the United
12 States for any period or periods amounting in the ag-
13 gregate to not more than 180 days.

14 (c) STAY OF REMOVAL.—

15 (1) IN GENERAL.—The Attorney General shall
16 provide by regulation for an alien who is subject to
17 a final order of deportation or removal or exclusion
18 to seek a stay of such order based on the filing of an
19 application under subsection (a).

20 (2) DURING CERTAIN PROCEEDINGS.—Notwith-
21 standing any provision of the Immigration and Na-
22 tionality Act, the Attorney General shall not order
23 any alien to be removed from the United States, if the
24 alien is in exclusion, deportation, or removal proceed-
25 ings under any provision of such Act and has applied

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1 for adjustment of status under subsection (a), except
2 where the Attorney General has made a final deter-
3 mination to deny the application.

4 (3) WORK AUTHORIZATION.—The Attorney Gen-
5 eral may authorize an alien who has applied for ad-
6 justment of status under subsection (a) to engage in
7 employment in the United States during the pendency
8 of such application and may provide the alien with
9 an “employment authorized” endorsement or other
10 appropriate document signifying authorization of em-
11 ployment, except that if such application is pending
12 for a period exceeding 180 days, and has not been de-
13 nied, the Attorney General shall authorize such em-
14 ployment.

15 (d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHIL-
16 DREN.—

17 (1) IN GENERAL.—The status of an alien shall be
18 adjusted by the Attorney General to that of an alien
19 lawfully admitted for permanent residence, if—

20 (A) the alien is a national of Haiti;

21 (B) the alien is the spouse, child, or unmar-
22 ried son or daughter, of an alien whose status is
23 adjusted to that of an alien lawfully admitted for
24 permanent residence under subsection (a), except
25 that, in the case of such an unmarried son or

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1 daughter, the son or daughter shall be required
2 to establish that he or she has been physically
3 present in the United States for a continuous pe-
4 riod beginning not later than December 31,
5 1995, and ending not earlier than the date the
6 application for such adjustment is filed;

7 (C) the alien applies for such adjustment
8 and is physically present in the United States on
9 the date the application is filed; and

10 (D) the alien is otherwise admissible to the
11 United States for permanent residence, except
12 that, in determining such admissibility, the
13 grounds for inadmissibility specified in para-
14 graphs (4), (5), (6)(A), (7)(A), and (9)(B) of sec-
15 tion 212(a) of the Immigration and Nationality
16 Act shall not apply.

17 (2) PROOF OF CONTINUOUS PRESENCE.—For
18 purposes of establishing the period of continuous
19 physical presence referred to in paragraph (1)(B), an
20 alien shall not be considered to have failed to main-
21 tain continuous physical presence by reason of an ab-
22 sence, or absences, from the United States for any pe-
23 riod or periods amounting in the aggregate to not
24 more than 180 days.

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1 (e) *AVAILABILITY OF ADMINISTRATIVE REVIEW.*—The
2 Attorney General shall provide to applicants for adjustment
3 of status under subsection (a) the same right to, and proce-
4 dures for, administrative review as are provided to—

5 (1) applicants for adjustment of status under
6 section 245 of the Immigration and Nationality Act;
7 or

8 (2) aliens subject to removal proceedings under
9 section 240 of such Act.

10 (f) *LIMITATION ON JUDICIAL REVIEW.*—A determina-
11 tion by the Attorney General as to whether the status of
12 any alien should be adjusted under this section is final and
13 shall not be subject to review by any court.

14 (g) *NO OFFSET IN NUMBER OF VISAS AVAILABLE.*—
15 When an alien is granted the status of having been lawfully
16 admitted for permanent resident pursuant to this section,
17 the Secretary of State shall not be required to reduce the
18 number of immigrant visas authorized to be issued under
19 any provision of the Immigration and Nationality Act.

20 (h) *APPLICATION OF IMMIGRATION AND NATIONALITY*
21 *ACT PROVISIONS.*—Except as otherwise specifically pro-
22 vided in this title, the definitions contained in the Immi-
23 gration and Nationality Act shall apply in the administra-
24 tion of this section. Nothing contained in this title shall
25 be held to repeal, amend, alter, modify, effect, or restrict

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1 the powers, duties, functions, or authority of the Attorney
2 General in the administration and enforcement of such Act
3 or any other law relating to immigration, nationality, or
4 naturalization. The fact that an alien may be eligible to
5 be granted the status of having been lawfully admitted for
6 permanent residence under this section shall not preclude
7 the alien from seeking such status under any other provi-
8 sion of law for which the alien may be eligible.

9 (i) **ADJUSTMENT OF STATUS HAS NO EFFECT ON ELI-**
10 **GIBILITY FOR WELFARE AND PUBLIC BENEFITS.**—No alien
11 whose status has been adjusted in accordance with this sec-
12 tion and who was not a qualified alien on the date of enact-
13 ment of this Act may, solely on the basis of such adjusted
14 status, be considered to be a qualified alien under section
15 431(b) of the Personal Responsibility and Work Oppor-
16 tunity Reconciliation Act of 1996 (8 U.S.C. 1641(b)), as
17 amended by section 5302 of the Balanced Budget Act of
18 1997 (Public Law 105-33; 111 Stat. 598), for purposes of
19 determining the alien's eligibility for supplemental security
20 income benefits under title XVI of the Social Security Act
21 (42 U.S.C. 1381 et seq.) or medical assistance under title
22 XIX of such Act (42 U.S.C. 1396 et seq.).

23 (j) **PERIOD OF APPLICABILITY.**—Subsection (i) shall
24 not apply after October 1, 2003.

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~~PROPOSAL FOR OMNIBUS BILL~~

~~In the section on Haitian adjustment, insert the following.~~

(k)

1 ~~(b)~~ Not later than 6 months after the date of the en-
2 actment of this Act, and every 6 months thereafter (until
3 all applications for adjustment of status under this section
4 have been finally adjudicated), the Comptroller General of
5 the United States shall submit to the Committees on the
6 Judiciary and the Committees on Appropriations of the
7 United States House of Representatives and the United
8 States Senate a report containing the following:

9 (1)(A) The number of aliens who applied for
10 adjustment of status under subsection (a), including
11 a breakdown specifying the number of such appli-
12 cants who are described in subparagraph (A), (B),
13 or (C) of subsection (b)(1), respectively.

14 (B) The number of aliens described in subpara-
15 graph (A) whose status was adjusted under this sec-
16 tion, including a breakdown described in the sub-
17 paragraph.

18 (2)(A) The number of aliens who applied for
19 adjustment of status under subsection (d), including
20 a breakdown specifying the number of such appli-
21 cants who are spouses, children, or unmarried sons

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1 or daughters described in such subsection, respec-
2 tively.

3 (B) The number of aliens described in subpara-
4 graph (A) whose status was adjusted under this sec-
5 tion, including a breakdown described in the sub-
6 paragraph.

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1 SEC. 903. COLLECTION OF DATA ON DETAINED ASY-
2 LUM SEEKERS. (a) IN GENERAL.—The Attorney General
3 shall regularly collect data on a nation-wide basis with re-
4 spect to asylum seekers in detention in the United States,
5 including the following information:

6 (1) The number of detainees.

7 (2) An identification of the countries of origin of
8 the detainees.

9 (3) The percentage of each gender within the
10 total number of detainees.

11 (4) The number of detainees listed by each year
12 of age of the detainees.

13 (5) The location of each detainee by detention fa-
14 cility.

15 (6) With respect to each facility where detainees
16 are held, whether the facility is also used to detain
17 criminals and whether any of the detainees are held
18 in the same cells as criminals.

19 (7) The number and frequency of the transfers of
20 detainees between detention facilities.

21 (8) The average length of detention and the num-
22 ber of detainees by category of the length of detention.

23 (9) The rate of release from detention of detain-
24 ees for each district of the Immigration and Natu-
25 ralization Service.

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1 (10) A description of the disposition of cases.

2 (b) ANNUAL REPORTS.—Beginning October 1, 1999,
3 and not later than October 1 of each year thereafter, the
4 Attorney General shall submit to the Committee on the Ju-
5 diciary of each House of Congress a report setting forth the
6 data collected under subsection (a) for the fiscal year ending
7 September 30 of that year.

8 (c) AVAILABILITY TO PUBLIC.—Copies of the data col-
9 lected under subsection (a) shall be made available to mem-
10 bers of the public upon request pursuant to such regulations
11 as the Attorney General shall prescribe.

12 SEC. 904. COLLECTION OF DATA ON OTHER DETAINED
13 ALIENS. (a) IN GENERAL.—The Attorney General shall reg-
14 ularly collect data on a nationwide basis on aliens being
15 detained in the United States by the Immigration and Nat-
16 uralization Service other than the aliens described in sec-
17 tion 903, including the following information:

18 (1) The number of detainees who are criminal
19 aliens and the number of detainees who are noncrimi-
20 nal aliens who are not seeking asylum.

21 (2) An identification of the ages, gender, and
22 countries of origin of detainees within each category
23 described in paragraph (1).

24 (3) The types of facilities, whether facilities of
25 the Immigration and Naturalization Service or other

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1 Federal, State, or local facilities, in which each of the
2 categories of detainees described in paragraph (1) are
3 held.

4 (b) *LENGTH OF DETENTION, TRANSFERS, AND DIS-*
5 *POSITIONS.*—With respect to detainees who are criminal
6 aliens and detainees who are noncriminal aliens who are
7 not seeking asylum, the Attorney General shall also collect
8 data concerning—

9 (1) the number and frequency of transfers be-
10 tween detention facilities for each category of de-
11 tainee;

12 (2) the average length of detention of each cat-
13 egory of detainee;

14 (3) for each category of detainee, the number of
15 detainees who have been detained for the same length
16 of time, in 3-month increments;

17 (4) for each category of detainee, the rate of re-
18 lease from detention for each district of the Immigra-
19 tion and Naturalization Service; and

20 (5) for each category of detainee, the disposition
21 of detention, including whether detention ended due to
22 deportation, release on parole, or any other release.

23 (c) *CRIMINAL ALIENS.*—With respect to criminal
24 aliens, the Attorney General shall also collect data concern-
25 ing—

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1 (1) the number of criminal aliens apprehended
2 under the immigration laws and not detained by the
3 Attorney General; and

4 (2) a list of crimes committed by criminal aliens
5 after the decision was made not to detain them, to the
6 extent this information can be derived by cross-check-
7 ing the list of criminal aliens not detained with other
8 databases accessible to the Attorney General.

9 (d) ANNUAL REPORTS.—Beginning on October 1,
10 1999, and not later than October 1 of each year thereafter,
11 the Attorney General shall submit to the Committee on the
12 Judiciary of each House of Congress a report setting forth
13 the data collected under subsections (a), (b), and (c) for the
14 fiscal year ending September 30 of that year.

15 (e) AVAILABILITY TO PUBLIC.—Copies of the data col-
16 lected under subsections (a), (b), and (c) shall be made
17 available to members of the public upon request pursuant
18 to such regulations as the Attorney General shall prescribe.

19 ~~This Act may be cited as the "Treasury and General~~
20 ~~Government Appropriations Act, 1999".~~

~~Attest.~~

~~Secretary~~

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~~(c) AVAILABILITY TO PUBLIC.—Copies of the data collected under subsections (a), (b), and (c) shall be made available to members of the public upon request pursuant to such regulations as the Attorney General shall prescribe.~~

This Act may be cited as the "Treasury and General Government Appropriations Act, 1999".

~~[And the Senate shall be the same]~~



105th Congress

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Congressional Black Caucus

Congress of the United States

2344 Rayburn Building • Washington, DC 20515 • (202) 225-2201

October 7, 1998

The Honorable William Jefferson Clinton
The White House
Washington, D.C. 20500

Dear Mr. President:

As you know, for years the Congressional Black Caucus has fought to ensure fair treatment for Haitian immigrants. We write to ask your help in ensuring that the provision passed by the Senate to give permanent residency to about 40,000 Haitian immigrants is part of an omnibus appropriations bill or any other appropriated measure passed by the House or Senate.

We have just learned that the House Republican leadership has stripped the Haitian provision from the revised conference report on H.R. 4104, the Treasury-Postal Appropriations Bill. We greatly appreciate the Executive Order you issued in December 1997 that barred deportation of certain Haitian immigrants for one year, giving Congress time to pass legislation to help them. You did this after Congress approved a provision last fall (as part of the FY 1998 appropriations bill for the District of Columbia) that gave permanent residency to more than 150,000 Cuban and Nicaraguan immigrants.

We know that you share our deep conviction that Haitians be treated fairly, and we look forward to continuing to work with you to ensure that the Senate provision is part of the omnibus appropriations bill.

Sincerely,

Maxine Waters *Corrie P. Meek*

Jan E. Clayton

Elcott Norton

John Lewis

Barbara Lee

James McLean

Elcott Norton

William H. Norton

Thomas S. Norton

Janette Hillendorn

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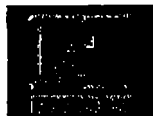
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BH
Corrine Brown
John L. ...

Julie Fernandez
Chad Blangel
...

HeraldLink: So close, so far

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HERALDLINK FREE STORY

Published Friday, October 9, 1998, in the Miami Herald

So close, so far

HAITIAN REFUGEES

To rob them now of fair immigration legislation is an un-American injustice.

House anti-immigrants triumphed this week. They trashed legislation that would extend legal status to some 40,000 Haitians living among us.

House Republican leaders on Wednesday cruelly axed fair Haitian immigration provisions from an appropriations bill. That's incomprehensible because the measure has garnered broad bipartisan support -- including vigorous endorsement by Florida GOP faithful, among them Jeb Bush, Sen. Connie Mack, and Reps. Lincoln Diaz-Balart and Ileana Ros-Lehtinen.

But reason and justice appear lost when it comes to Haitians. For decades Haitians fleeing a troubled homeland have run smack into unfair U.S. immigration policy. Last year, even, Congress excluded Haitians from a bill that granted green cards to some 150,000 Nicaraguans, and other benefits to Guatemalans, Salvadorans, and Eastern Europeans. It was well argued then that mass deportations to Central America would weaken fledgling democracies and deprive poor economies of needed remittances. The same applies to Haiti, a weak democracy paralyzed by politics and just pounded by Hurricane Georges.

Without relief, some 40,000 Haitians, including many who fled persecution, could be deported after December. They would be torn from family and jobs to face economic and political chaos.

Commendably, Florida Sens. Mack and Democrat Bob Graham, down to the wire, continue to push mightily for fair relief for Haitians. There's also a chance that Haitian provisions may land in the omnibus spending bill, and the White House could ensure passage. Call the White House at 202-456-1111 and ask for support. Anything less for Haitians would be un-American, the triumph of mean spirits over justice.



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Getting in touch with HERALDlink



Cuban American Foundation

October 5, 1998

The Honorable William J. Clinton
Executive Office of the President
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

On behalf of the Board of Directors of the Cuban American Foundation, we would like to take this opportunity to express our support for an important bipartisan legislative initiative that would grant resident status to Haitian refugees who have been in the United States since 1995.

We strongly feel it is imperative that this measure — part of the Treasury-Postal Appropriations Bill — can be brought to the House floor and passed before Congress adjourns later this week. Cognizant of your sympathetic stance on this issue in the past, we hereby wish to appeal to your Administration to make this matter an issue of top priority and do everything possible to ensure that this just and compassionate effort can succeed.

Throughout the years, the people of Cuba, on the island and in exile, have been truly fortunate to count on the leadership and steadfast support of this great nation in the struggle to promote a free and democratic Cuba. Indeed, the United States' firm stance and resolve on behalf of our cause has sent an unequivocal message to the world that the Cuban people will not be abandoned in the struggle against Fidel Castro's brutal dictatorship and of the moral obligation that we all share as Americans to stand alongside all people around the globe who each day struggle against tyranny and who yearn for the cherished values of liberty, human rights and self determination.

That is why we are reaching out to you, Mr. President, to express our solidarity with our Haitian compatriots in their quest for human dignity and ask for your help with this important endeavor. Like our own people, Haitian asylum seekers in South Florida were also uprooted from their homeland, forced into exile fleeing persecution, and sought refuge in this country whose compassion and generosity have long served as a symbol of hope to victims of oppression the world over. It is our obligation now to stand on the right side of this just, fair, and humane legislative effort whose passage will serve as a strong reaffirmation of the promise of America and of the principles of freedom and justice on which our system of government was founded.

We hope and trust that you will give this most critical and urgent matter your utmost consideration and support so that the dream of these innocent families to settle their legal status and begin to rebuild their lives can at last come to fruition.

Sincerely,

Domingo R. Morel

Jorge Mas

Cc: Senator Bob Graham
Senator Connie Mack
Senator Robert G. Torricelli

HeraldLink: ROBERT STEINBACK

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ROBERT STEINBACK

Published Friday, October 9, 1998, in the Miami Herald

GOP fails Haitians again



Lincoln Diaz-Balart knew what he was talking about last year.

The Cuban-American U.S. representative from Miami was one of the prime movers behind a measure that gave 400,000 Nicaraguans, Guatemalans and Salvadorans the chance to apply for permanent residency. House Speaker Newt Gingrich endorsed Diaz-Balart's bill, and it sailed through the GOP-controlled Congress -- even though the party has never been known for supporting immigrant-friendly legislation.

The bill succeeded in part because Diaz-Balart, in a strategic move, left Haitians refugees out of it -- despite the fact that their history of flight from political persecution makes them just as deserving of legal status as refugees from Central America.

"It's not that I don't want to help Haitians," Diaz-Balart told The Herald last October. "I don't want to jeopardize this agreement -- we've been working on this since June. I am in favor of trying to do something in subsequent actions."

In an Oct. 24, 1997, column, I asked, "So including Haitians would risk souring the deal with Diaz-Balart's fellow Republicans. Why is that? Is the GOP's commitment to fairness so weak that it would rather scuttle the bill than include 11,000 deserving Haitians?"

We have our sorry answer: Yes.

Given a chance this year to right a serious wrong, the GOP has drop-kicked the Haitians again.

A measure that would have granted permanent residency and green cards to 40,000 Haitian refugees was stripped this week from a key spending bill, with Congress scheduled to adjourn today.

As I write, prospects to save the amendment appear dim.

The party is ignoring a noble bipartisan, multiracial and transcultural show of unity by Florida politicians. Both of the state's U.S. senators, Republican Connie Mack and Democrat Bob Graham, have lobbied for the amendment, as have Diaz-Balart, fellow Cuban-American Republican Ileana Ros-Lehtinen, and outspoken Democrat Carrie Meek.

"Justice cries out to you, Newt," Ros-Lehtinen wrote in a passionate appeal to Gingrich.

Even GOP gubernatorial candidate Jeb Bush tried to move the speaker, risking the enmity of the good ol' boys in North and Central Florida -- to no avail.

South Florida, routinely derided as a hotbed of parochial conflict, can be proud of this effort on behalf of a beleaguered people who have just about every social strike against them: black, without status, overwhelmingly poor,

HeraldLink: ROBERT STEINBACK

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and whose first language is one that very few non-Haitians speak.

The GOP should be ashamed -- yet there is more to this than simple party platforms.

The Republican-controlled Senate, after all, overwhelmingly approved the same measure. What are House Republicans afraid of that Senate Republicans are not?

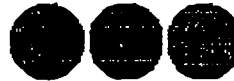
Their constituents.

House members must face voters every two years. Denying the Haitians allows GOP representatives to go home to places like Sarpy County, Neb., Owen County, Ind., and Cobb County, Ga. -- Gingrich's turf -- and brag about how tough they are on illegal immigration.

Count on them not to delve too deeply into questions of justice, allowing their audiences instead to form mental images of menacing, dark-skinned, strange-sounding strangers debasing American values. The politicians won't mention that the typical Haitian refugee works hard, asks for little, and cherishes the very freedoms we natives tend to take for granted.

So, congressional representatives face this choice: Do the right thing for 40,000 powerless Haitians, or maintain a posture that allows you to immigrant-bash for the hometown crowd.

For many Republicans, that's a no-brainer.



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Getting in touch with HERALDlink

Haitians

Background

Last year, legislation was enacted that provided immigration relief to certain groups of Central Americans and Eastern Europeans. Notwithstanding our best efforts at the time, the bill did not provide for any relief for Haitians. Last December, you directed the Attorney General and the INS to defer for one year the deportation of Haitians who were paroled into the United States (after the overthrow of President Aristide) or applied for asylum prior to December 31, 1995. This action was taken to protect these Haitians against deportation while we worked with Congress to provide them long-term legislative relief. As part of this year's Treasury-Postal appropriations bill, the Senate has passed a provision providing permanent relief to these Haitians. Although we have not specifically endorsed this provision (because it offers automatic lawful permanent resident status to these individuals and, as a matter of policy, we are not in favor of such amnesty schemes), we have indicated that we would support whatever form of relief Congress is able to pass. The Treasury-Postal bill is currently in conference.

Talking Points

- Last year, I was disappointed that Haitians were excluded from the relief granted Central Americans and Eastern Europeans in the Nicaraguan Adjustment and Central American Relief Act (NACARA). As you know, in December I directed the Attorney General to temporarily suspend the deportation of certain Haitians for one year and called on Congress to address, through legislation, the circumstances of this group. I am pleased that the Senate has responded to my call.
- I have urged the Treasury-Postal conferees to maintain some form of relief for these Haitians in the Treasury-Postal appropriations bill.
- I will support whatever form of relief for these Haitians Congress is able to pass.

Haitians

Background

Last year, Congress -- in the Nicaraguan and Central American Relief Act (NACARA) -- gave amnesty to certain Nicaraguans and Cubans and ensured the application of the old immigration law's standard for suspension of deportation for Salvadorans, Guatemalans, and Eastern Europeans. Notwithstanding our best efforts at the time, the bill did not provide for any relief for Haitians. Last December, you directed the Attorney General and the INS to defer for one year the deportation of Haitians who were paroled into the United States or applied for asylum prior to December 31, 1995. This action was taken to protect these Haitians against deportation while we worked with Congress to provide them long-term legislative relief. We have been quietly supporting ^{this effort} ~~an effort in Congress to provide deportation relief~~ (either amnesty or application of ^{pre-1948} ~~the old suspension rules~~) ^{for susp. dep.} ~~to Haitians as an amendment to the Treasury-Postal appropriations bill.~~ Our most recent information is that this provision has a good chance of remaining a part of the bill.

- These Haitians, like the Central Americans who were granted legislative relief in the last session, were forced to seek the protection of our country because of persecution and civil strife. Many of them have, over time, established strong ties to this country and have made significant contributions to our communities. Moreover, while we are encouraged by the progress made in Haiti since the restoration of democracy in 1994, the situation there remains fragile. Obtaining legislative relief for these Haitians will help support a democratic Haiti, which is the best safeguard against a renewed flow of Haitian migrants to the United States.

The Administration supports efforts in the Treasury-Postal bill to provide legislative relief for certain Haitians, similar to the relief granted in the Nicaraguan and Central American Relief Act (NACARA). Last December, ~~the President~~ ^{the President} temporarily suspended deportation of certain Haitians for one year and called on Congress to address, through legislation, the circumstances of this group.

As you know, last year we were disappointed that Haitians were excluded from the relief granted Central Americans and Eastern Europeans in the Nicaraguan Adjustment and Central American Relief Act (NACARA). ~~Last December, the President temporarily suspended deportation of certain Haitians for one year and called on Congress to address, through legislation, the circumstances of this group.~~ We applaud the efforts in this bill, and urge the Congress to retain legislative relief for Haitians.

- ~~The Administration supports efforts by Congress to provide legislative relief from deportation to Haitians. We believe the Haitians deserve the same treatment Congress provided to other Central American last year. Like Central Americans, Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil strife at home. This bill language supports our policy of treating similarly situated people the same and we urge its adoption.~~

To: Julie Fernandez Fr: Scott B. By
65581

Immigration Relief for Haitians

Background: Last year, legislation was enacted that provided immigration relief to certain groups of Central Americans and Eastern Europeans. We unsuccessfully pushed Congress to include relief for Haitians in that bill. You subsequently granted Deferred Enforced Departure (DED) for one year to those Haitians who we brought to the United States after the overthrow of President Aristide in 1991 and called upon Congress to provide permanent immigration relief to this group. As part of the Treasury-Postal appropriations bill, the Senate has passed a provision providing permanent relief to Haitians. Although we have not specifically endorsed this provision (because it offers automatic lawful permanent resident status to these individuals and, as a matter of policy, we are not in favor of such amnesty schemes), we have indicated that we would support whatever form of relief Congress is able to pass. The Treasury-Postal bill is currently in conference.

Points

- Am pleased that the Senate responded to my call for immigration relief for those Haitians we brought to the United States after the overthrow of President Aristide.
- Have urged the Treasury-Postal conferees to maintain some form of relief for Haitians in the Treasury-Postal bill.
- Will support and sign whatever form of relief for Haitians Congress is able to pass.

To Chris Shin

HAITI ADVOCACY, INC.

915 E Street SE

Washington DC 20003

(202) 544-9084, 544-6429 fax, advocacy@bellatlantic.net

When guidance?

October 22, 1998

Via Facsimile (202) 456-6703

Maria Echaveste, Deputy Chief of Staff to the President
The White House
1600 Pennsylvania Avenue NW
Washington DC 20500

Hoping that
short turn-around
b/c regs should
look a lot
like

Re: Extension of Employment Authorization for Beneficiaries of the
Haitian Refugee Immigration Fairness Act of 1998

Dear Ms. Echaveste:

First let me take this opportunity to extend my profound gratitude to you and to everyone in the Administration who worked so hard to win passage of the Haitian Refugee Immigration Fairness Act of 1998. At the beginning of this struggle, it was the Administration, through the grant of DED, which saved the beneficiaries from deportation and gave their advocates a year of breathing room to fight. Finally, after the bill was removed from the Treasury-Postal appropriations legislation, it was the Administration which came to the rescue and insisted that it be included in the omnibus package.

Unfortunately, most of the beneficiaries have employment authorization which is only valid until December 22, 1998, i.e., the date of expiry of the executive order. I understand that the Department of Justice is moving expeditiously to promulgate implementing regulations but it is not possible, even under the most optimistic assumptions, that this work will be completed in time to avoid tens of thousands of deserving individuals losing their jobs and suffering severe economic hardship. (As you know, it can take up to three months to renew employment authorization.)

After the Administration has done so much, it is only with the greatest reluctance that I approach with a further request. But it seems that the only remedy for this situation is another executive order, perhaps a nominal extension of DED for another year, granting employment authorization simply to cover the beneficiaries of this legislation until the proper regulations are in place.

Thank you very much for your kind attention to this matter. Should you have any comments or questions regarding this query, please do not hesitate to contact me.

Sincerely,

Merrill Smith

Merrill Smith

THE WHITE HOUSE

WASHINGTON

EXECUTIVE OFFICE OF THE PRESIDENT

OFFICE OF THE CHIEF OF STAFF

Fax Cover SheetPlease Deliver To: JULIE FERNANDEZFax Number: () 456 - 5581Sender: CLARA SHIN

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