

THE WHITE HOUSE
WASHINGTON

October 12, 2000

The Honorable Jack Reed
United States Senate
Washington, DC 20510

Dear Senator Reed:

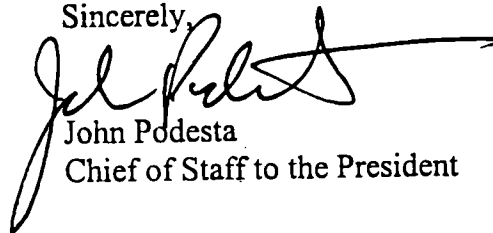
I am writing to let you know of the President's strong commitment to enacting legislation that would provide permanent resident status to thousands of Liberian nationals residing legally in the United States under the President's recent Executive Order of Deferred Enforced Departure (DED).

As you know, this issue is a priority for the President because he understands the simple matter of fairness involved in this issue and its foreign policy implications. Indeed, as the Congress has passed numerous immigration bills dealing with a host of other similarly situated classes of residency seekers, the President believes that it should offer similar assistance in the case of Liberian nationals. For this reason and others, the President has announced his intention to veto the fiscal year 2001 Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill unless it contains legislation to provide an opportunity for Liberians, Central Americans, and Haitians to adjust their status to permanent residence.

Addressing the plight of the Liberian people remains a priority for the President. He has recently provided DED to Liberians in the United States, advised Americans to avoid travel to Liberia due to country conditions, joined the United Nations in condemning Liberia's involvement in illicit diamond trading and the conflict in Sierra Leone, and banned Liberia's top officials from entering the United States. Enacting legislation to provide permanent residence to thousands of Liberians is an essential part of the President's Liberian policy, and rest assured that he remains committed to accomplishing this goal.

The President appreciates your leadership and shares your commitment to this issue.

Sincerely,

A handwritten signature in black ink, appearing to read "John Podesta", with a long horizontal flourish extending to the right.

John Podesta
Chief of Staff to the President

December 4, 2000

The Honorable Lincoln Almond
Governor of Rhode Island
Providence, Rhode Island 02903-1196

Dear Governor Almond:

Thank you for your letter in support of granting permanent immigration status to Liberian nationals. I appreciate knowing your views, and I've shared your correspondence with members of my staff in the Domestic Policy Council and the National Security Council.

I agree with you that although the civil war in Liberia ended in 1996 and conditions have improved, the political and economic situation there continues to be fragile. On September 28, I directed the Attorney General to defer for one year the deportation of certain Liberian nationals who were in the country as of September 29th. I did so because there are compelling foreign policy reasons not to deport these Liberians at this time, including the significant risk that such a decision would cause other countries in West Africa to repatriate involuntarily many thousands of Liberian refugees, leading to instability in Liberia and its neighboring countries. Congress is also actively considering more permanent solutions to this problem, and I would welcome any policy that would provide relief for Liberians with long-standing ties to the United States.

As we continue to protect those who have been displaced by civil war and support fragile democracies around the world, I'm grateful for your insights and involvement. Best wishes.

Sincerely,

BILL CLINTON

BC/MS/JHO/DA/DC/ddj-bws (Corres. #7335656)
(11.almond.doc)

cc: John Wertman, 97 EEOB
cc: Irene Bueno, 133 EEOB
cc: Wendy Patten, 397 EEOB
cc: Catherine Byrne, 497 EEOB
cc: Matthew Sonne, 96 EEOB

December 4, 2000

Mr. Melvin P. Foote
President and Chief Executive Officer
Constituency for Africa
Suite 510
2400 N Street, N.W.
Washington, D.C. 20037

Dear Melvin:

Thank you for your letter regarding the special immigration status of Liberian nationals. I appreciate knowing your views, and I've shared your correspondence with the appropriate members of my staff.

I agree with you that although the civil war in Liberia ended in 1996 and conditions have improved, the political and economic situation there continues to be fragile. On September 28, I directed the Attorney General to defer for one year the deportation of certain Liberian nationals who were in the country as of September 29th. I did so because there are compelling foreign policy reasons not to deport these Liberians at this time, including the significant risk that such a decision would cause other countries in West Africa to repatriate involuntarily many thousands of Liberian refugees, leading to instability in Liberia and its neighboring countries. Congress is also actively considering more permanent solutions to this problem, and I would welcome any solution that would provide relief for Liberians with long-standing ties to the United States.

As we continue to protect those who have been displaced by civil war and support fragile democracies around the world, I'm grateful for your insights and involvement. Best wishes.

Sincerely,

BILL CLINTON

BC/MS/JHO/DC/ddj-bws (Corres. #7335744)
(11.foote.doc)

cc: w/copy of inc. to Irene Bueno, 123 EEOB

5234812



September 26, 2000

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Hon. William Jefferson Clinton
President of the United States
The White House
Washington, D.C. 20500

Dear President Clinton:

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The Aidoo Group

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The Barden Companies

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Fitz-Pegado International

Hon. Gregory K. Scott

Rev. Wyatt Tee Walker
Canaan Baptist Church

Amb. Terence Todman

I am writing to express grave concern about the status of 10,000 Liberian nationals who face deportation from the United States when their special immigration status expires on Friday.

Clearly the situation on the ground in Liberia has not improved sufficiently enough to allow such a large number of refugees and displaced persons to forcefully be returned to that war-torn country. The conditions in Liberia today can only be described at best as "very fragile". I strongly encourage the U.S. government to continue to monitor the situation in Liberia, and to pressure the Charles Taylor government to work to improve security conditions and the social environment in the country, so as to allow Liberian nationals to return home on their own accord.

Thank you for your deep interest in addressing this matter and other matters of concern to Africa and African peoples.

Sincerely,

A handwritten signature in black ink, which appears to read 'Mel. P. Foote', is written over a horizontal line.

Melvin P. Foote
President & CEO

Melvin P. Foote,
President & CEO

SEP 29 2000

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FACSIMILE

CONGRESSMAN

PATRICK J. KENNEDY

FIRST DISTRICT - RHODE ISLAND

512 Cannon House Office Building Washington, D.C. 20515 - (202) 225-4911

District Office 249 Roosevelt Ave., Second Floor Pawtucket, R.I. 02860 (401) 729-5600

TO: • Maria EschavesteFROM: ☒ Congressman Patrick J. Kennedy☐ Tony Marcella☐ Matt Braunstein☐ Terri Alford☐ Kimber Colton☐ Brian Vigue☐ Peggie Rice☐ Cathy Kominos☐ Peggy Hernandez☐ Michael Zamore☐ Other _____

NUMBER OF PAGES, INCLUDING THIS PAGE:

2

DATE:

12/13NOTES: _____

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

December 13, 2000

President William Jefferson Clinton
The White House
Washington, D.C. 20502

Dear President Clinton:

I am writing to encourage you to retain the original immigration proposals advanced some months ago in the upcoming appropriations bills, and urge you to continue to negotiate with the enactment of these initiatives in mind.

As you are no doubt aware, the 1980's and early 1990's were an extremely desperate time in Central America and Haiti. Similarly, the entire decade of the 1990's saw a horrifying civil war destroy the nation of Liberia. Liberia has still not recovered or attained any true measure of democracy. The thousands of people who fled the violence-plagued nations in these regions seeking safety in the United States are still desperately in need of relief from their impending return to what was, but no longer remains, their homelands. Indeed, in facing danger upon their return, perhaps none of these populations face higher stakes than the people of Liberia, many of whom have a very real and credible fear of persecution if they are forced to return home.

In 1997, Congress passed the Nicaraguan Adjustment and Central American Relief Act (NACARA), allowing various refugees to apply for permanent residence. However, it did not offer the same opportunity to other refugees fleeing conditions just as dangerous in their homelands. Including in the final spending bills the provisions of the Latino Immigrant Fairness Act and H.R. 919, the Liberian Refugee Immigration Protection Act of 1999, would go far towards protecting these refugees.

During your tenure in the White House, you have fought for human rights around the globe. People from areas as diverse as Northern Ireland to East Timor to Kosovo to Liberia can thank you for taking actions that have saved their very lives. In the twilight of your Presidency, please stand for the principles which have made your foreign policies such a success. Support these populations as strongly as they have supported your Administration and ensure that they can remain safely here in America. Thank you for your time and attention to this most important matter.

Sincerely,

Patrick J. Kennedy
Member of Congress

12/08/00 FRI 10:49 FAX 202 225 3672

IMMIGRATION & CLAIMS

002

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JULIAN EPSTEIN
 MINORITY CHIEF COUNSEL
 AND STAFF DIRECTOR

December 8, 2000

The Honorable Jack Reed
 320 Hart Senate Office Building
 Washington, D.C. 20510-3903

Dear Senator Reed:

Thank you for your letter and article regarding Liberia. Since our discussion, I have again examined Liberians as a temporary protected status (TPS) group seeking legislation for adjustment of status. I compared Liberia with other countries which have received TPS. Here is what I found. Since the TPS statute was enacted into law, the Attorney General has designated 16 countries for such status, five of which received re-designations (including Liberia), and 11 of which have had their TPS extended for more than one year. While Liberia was designated for TPS for eight years, Bosnia-Herzegovina has been so designated for nine years, and Somalia for 10 years.

The United States has millions of foreign residents who have lived here for a period of time, worked, paid taxes, and have U.S. citizen family members. Many of these residents are also from countries with poor economic and political conditions. I understand that other foreign nationals have received nation-based adjustment of status opportunities. However, I believe it sets a bad precedent and encourages other foreign nationals to argue for amnesty because some select foreign nationals have received it in the past. Bosnia-Herzegovina and Somalia have had TPS longer than Liberia. If Congress enacts an amnesty for Liberians because they had TPS for several years, surely Bosnians and Somalis will likewise seek their own amnesty bills. This turns *temporary* protected status into a permanent status program, thereby undermining the purpose of TPS.

Fortunately for Liberians and others in this country, a number of immigration avenues exist for them to adjust their status to permanent residents. Because Liberians have been in the U.S. for a number of years, working and living with U.S. citizen family members, they can pursue family and labor-based visas and adjust their status to lawful permanent residents with such visas.

12/08/00 FRI 10:49 FAX 202 225 3672

IMMIGRATION & CLAIMS

003

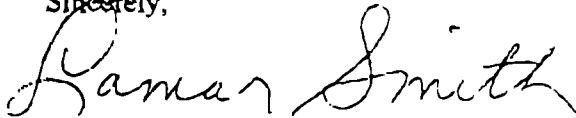
The Honorable Jack Reed

Page Two

The Attorney General terminated TPS for Liberians based upon a State Department report that indicated conditions had so improved in Liberia that Liberians in the U.S. could return home safely. If individual Liberians fear persecution upon returning home, they may apply for asylum. Given the number of forms of immigration relief already available, additional adjustment of status legislation for Liberian nationals should, I think, be approached cautiously.

I know this is not your preference and I hope I can be of more help next time.

Sincerely,



Lamar Smith

Chairman, Subcommittee on Immigration and Claims

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

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To: John Martin FAX 514-9077
Whitney Reitz 663-1473
Kathleen Lih 647-4855

Date/Time:

No. of pages to follow: Irene Bueno 65581
RE: 2

Please clear ASAP.

Liberians: Immigration Status
September 15, 1999

Context: For the past eight years, approximately 10,000 Liberians in the U.S. have enjoyed Temporary Protected Status (TPS), a temporary stay of deportation authorized by the Attorney General when she deems it unsafe for people to return to their home country. TPS is typically granted on an annual basis. In July, after consultation with the Department of State, the Attorney General published a notice in the Federal Register indicating that conditions in Liberia did not justify a further extension of TPS. Thus, TPS for Liberians will currently expire on September 28. Legislation has been introduced that would grant Liberians with TPS permanent legal status but the prospects for the passage of such legislation are dim. The Senate has also passed a provision as part of the Commerce, State, Justice appropriations bill that would extend TPS for Liberians for an additional year. The House bill does not contain such a provision so the issue will be decided in the conference on the CJS bill.

Since the announcement that TPS for Liberians would be allowed to lapse, Liberians and their supporters, including prominent members of the Congressional Black Caucus, have urged the President to grant Liberians Deferred Enforced Departure (DED), an extraordinary form of temporary relief that may be granted by the President based on his foreign affairs authority under the Constitution. Liberians and the CBC will hold a press conference at the National Press Club on Thursday and a vigil at the White House on Sunday. The Administration is currently considering whether a grant of DED or some other form of administrative relief would be appropriate.

TPS for approximately 10,000 Liberians will expire on September 28. What is the Administration doing to address the situation of these Liberians?

- The Administration recognizes that many of these Liberians have established strong ties in the U.S. during the time they have benefited from TPS.
- The Administration is considering several options to address the circumstances of this group. We intend to make a final decision as soon as possible and certainly before the expiration of TPS of September 28.

[If asked] Is Deferred Enforced Departure (DED) among the options under consideration?

- Yes, although it's important to acknowledge that this is an extraordinary remedy.

Why did the Attorney General decide to let TPS lapse for Liberians?

- Refer to the Department of Justice.



A FAX FROM THE OFFICE OF
United States Senator
Jack Reed

320 HART SENATE OFFICE BUILDING
WASHINGTON, D.C. 20510

PHONE (202) 224-4642 / 744-1809
FAX (202) 224-4860

DATE: 12/8/00

TO: IRENE

FAX: 456.1907

FROM: Neil

PAGES, INCLUDING COVER: c + 2

COMMENTS:

" Liberians, Lame, & Lies "

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JULIAN EPSTEIN
 MINORITY CHIEF COUNSEL
 AND STAFF DIRECTOR

December 8, 2000

The Honorable Jack Reed
 320 Hart Senate Office Building
 Washington, D.C. 20540-3903

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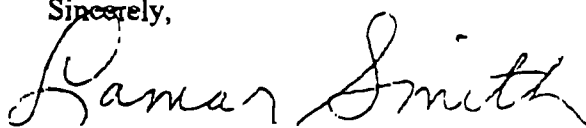
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The Honorable Jack Reed
Page Two

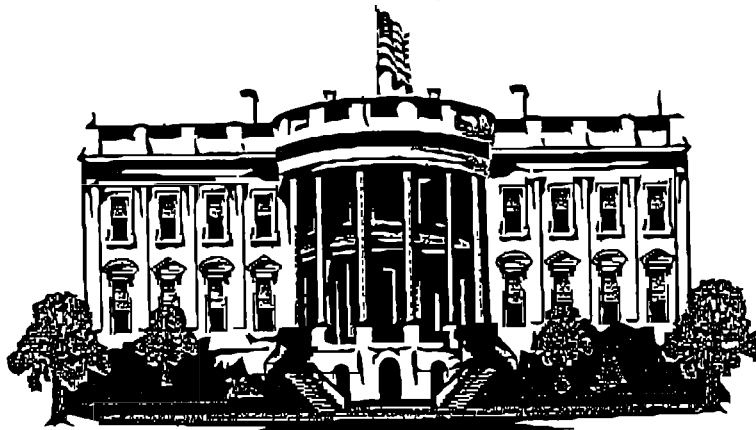
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I know this is not your preference and I hope I can be of more help next time.

Sincerely,

A handwritten signature in cursive script that reads "Lamar Smith". The signature is written in dark ink and is positioned below the word "Sincerely,".

Lamar Smith
Chairman, Subcommittee on Immigration and Claims



THE WHITE HOUSE

RUTH SAMARDICK
Policy Advisor
National Economic Council
Phone: (202)-456-5367
Fax: (202)-456-2223

DATE: 10/27/00 NUMBER OF PAGES (INCL. COVER): 5

TO: Irene

FAX: 61907

RE: Liberians

COMMENTS: What I got

I was going to make do, but
if you get more pls share!

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To: Ruth Swardick (NEC)

Fax: 6-2223

Date/Time: 10-18-00

No. of pages to follow: 3

Message:

R - let me know if this
works - WLP

DRAFT -- MAIN PORTIONS OF MEMO ON LIBERIAN LEGISLATION

Background:

The enactment of the Nicaraguan and Central American Adjustment Act of 1997 ("NACARA") highlighted the situation of nationals of other countries who either had been granted temporary protected status for long periods of time or otherwise had longstanding ties to the United States. Although the Administration's parity bill would extend NACARA-like benefits to Haitians and other Central Americans, it does not include Liberians who were granted temporary protected status ("TPS") in 1991, 1997, and 1998. Because the conditions for extending TPS in 1999 were not met, the Administration granted these Liberians a temporary status -- deferred enforced departure ("DED") -- based on compelling foreign policy reasons. This status is scheduled to expire on September 28, 2000. On that day, the President directed that DED be granted to Liberians for another year, based on the significant risk that a decision to remove them from the United States would cause the involuntary repatriation of many thousands of Liberian refugees in West Africa, causing instability in Liberia and the region.

Two bills have been introduced in Congress to enable Liberians to adjust their status to permanent residency. Senator Jack Reed's bill would allow any Liberian who has been physically present in the U.S. since January 1, 1999 to adjust. Rep. Patrick Kennedy's bill is similar, but uses a date of September, 1998. The President spoke with Reed and, per his notes on the call sheet, expressed support for legislation that would extend permanent residency to Liberians who have lived here for many years. Following their conversation, Reed sent a letter to the President, requesting his personal support for Reed's bill and for its inclusion in any other legislation, such as H1-B, that appears likely to be enacted this year.

We need to decide our position in order to reply to Reed, as well as to determine whether to include a permanent fix for Liberians in other statements of the Administration's immigration-related priorities. Even more immediately, Reed has placed a hold on a bill to reauthorize the visa waiver pilot program (which enables nationals of participating countries, mainly in the EU, to visit the US without visas, thereby streamlining visa issuance and airport inspections and facilitating travel not only to the US but also to the VWP countries that grant Americans reciprocal privileges to visit without visas). We need to decide what we can support in order to engage Reed and encourage him to remove his hold.

Administration Position:

In staff-level meetings involving State, Justice, INS, NSC, COS, DPC, and NEC, we have identified a preferred approach to a legislative fix to the Liberian situation, as well as a fallback position. Each is discussed below, as are our reasons for opposing the Reed and Kennedy bills in their current form.

Preferred Approach: Support Relief for Eight-Year TPS Holders and 1996 Evacuees - enable nationals of any country who have had TPS for eight years or more to adjust their status to permanent residency. Also provide relief to the roughly 500 Liberians evacuated from Monrovia in 1996. Includes a 3-year sunset provision.

We strongly prefer this approach, developed by State and Justice/INS, because it is non-nationality specific and extends the benefit of permanent status only to those who have had TPS for a significant number of years. While TPS is intended to provide temporary relief, this proposal acknowledges the fact that, in some cases, conditions that are expected to be temporary continue for

long periods of time, during which people naturally begin to set down roots. By setting the limit at eight years, however, this approach recognizes that TPS cannot remain a flexible tool to address humanitarian needs arising from armed conflict and natural disasters if it becomes a back-door route to permanent residency. While it would include 4,800 Liberians granted TPS in 1991, 400 Bosnians granted TPS in 1992, and 350 Somalis granted TPS in 1991, the total number of persons eligible for residency under this proposal would be less than any of the other options. It would also include the roughly 500 Liberians evacuated from the U.S. Embassy in Monrovia in 1996, as we took affirmative steps to afford them protection in the United States. The sunset provision would enable the concept to be evaluated before any other group with TPS became eligible for adjustment.

Fallback Position: Include Liberians in the Parity Bill - add Liberians to the Administration's Central American and Haitian parity bill, which would enable all Liberians physically present in the U.S. since December 31, 1995, regardless of TPS, to adjust status.

If a fallback position becomes necessary, we identified this option as the most defensible. Although it is nationality specific, it includes Liberians in broader legislation that addresses nationals of several other countries, all of whom would use the same physical presence date. Most of the groups covered by the bill fled civil conflict or serious unrest in their countries and were given some form of temporary protection, so Liberians would fit well in a bill otherwise focused on the Americas. Moreover, the bill also includes technical fixes, absent from Reed's and Kennedy's bills, that are necessary to ensure its successful implementation.

While we are comfortable with this approach as a fallback, it is less desirable than the 8-year TPS plus evacuees approach. The extension of NCARA-like benefits to groups beyond those covered in the parity bill could lead to calls for amnesty for all persons here only four and a half years. While there are strong humanitarian or foreign policy justifications for providing such relief to those covered by the parity bill and we could justify including Liberians, we are not prepared to endorse the general principle that four and half years here, without more, warrants amnesty.

Kennedy bill - Allow any Liberian who ever had TPS or was eligible to apply for TPS to become a permanent resident.

Given that Liberians could apply for TPS if they were physically present in 1991, in 1997, and again in September, 1998, this bill would allow Liberians here for only two years (since September, 1998) to become permanent residents, which in our view is not defensible on policy grounds. By comparison, the Attorney General has just extended TPS for 100,000 Hondurans, granting them TPS for a total of two and a half years. Embracing the Kennedy bill would mean endorsing a principle that could lead to amnesty for these 100,000 Hondurans as well. If we set this precedent, it will surely interfere with our ability to use TPS to address temporary humanitarian disasters by placing extreme pressure on any decision to extend TPS to two years.

Reed bill - Allow any Liberian who has been physically present since January 1, 1999 to adjust to permanent residency. Makes these Liberians eligible for citizenship as of five years after their date of entry, rather than their date of adjustment to permanent residency.

This option would include nearly all Liberians in the U.S., even those who arrived very recently. (INS roughly estimates the number to be at least 10,000). Reed apparently feels that, strategically, it is better to start with a more inclusive proposal that has room for downward modification. While Reed's legislative strategy may be defensible, we believe the core principles of his bill are not. There is no policy justification for granting amnesty to persons in the United States for only 19 months. (By contrast, the Administration's late amnesty proposal would extend amnesty only to those here for fourteen years.) This bill would set a precedent that could undermine TPS, which can be granted for

18 months, by making it vulnerable to attack as a first step toward permanent status. Moreover, this bill would deem Liberians permanent residents retroactive to their date of arrival in the United States, the effect of which is to enable them to apply for naturalization much sooner than all other aliens, who, under current law, may only apply for naturalization after first becoming a permanent resident and then waiting five years. This provision of the bill unfairly disadvantages all other aliens, who cannot count time in the U.S. with TPS or other non-immigrant status toward the required five-year wait to naturalize.

THE WHITE HOUSE
WASHINGTON

October 12, 2000

The Honorable Jack Reed
United States Senate
Washington, DC 20510

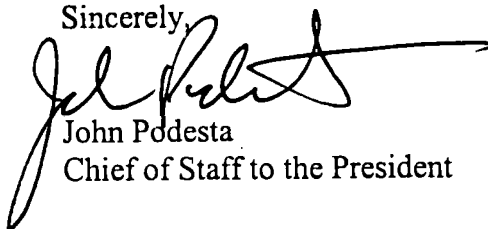
Dear Senator Reed:

I am writing to let you know of the President's strong commitment to enacting legislation that would provide permanent resident status to thousands of Liberian nationals residing legally in the United States under the President's recent Executive Order of Deferred Enforced Departure (DED).

As you know, this issue is a priority for the President because he understands the simple matter of fairness involved in this issue and its foreign policy implications. Indeed, as the Congress has passed numerous immigration bills dealing with a host of other similarly situated classes of residency seekers, the President believes that it should offer similar assistance in the case of Liberian nationals. For this reason and others, the President has announced his intention to veto the fiscal year 2001 Commerce, Justice, and State, the Judiciary and Related Agencies Appropriations Bill unless it contains legislation to provide an opportunity for Liberians, Central Americans, and Haitians to adjust their status to permanent residence.

Addressing the plight of the Liberian people remains a priority for the President. He has recently provided DED to Liberians in the United States, advised Americans to avoid travel to Liberia due to country conditions, joined the United Nations in condemning Liberia's involvement in illicit diamond trading and the conflict in Sierra Leone, and banned Liberia's top officials from entering the United States. Enacting legislation to provide permanent residence to thousands of Liberians is an essential part of the President's Liberian policy, and rest assured that he remains committed to accomplishing this goal.

The President appreciates your leadership and shares your commitment to this issue.

Sincerely,

John Podesta
Chief of Staff to the President



Contact: Media Services
Office of Public Affairs
(202) 514-2648 Fax: (202) 514-1776
Internet: www.ins.usdoj.gov

NEWS RELEASE

September 30, 1999

Deferred Enforced Departure For Liberians

WASHINGTON - In response to President Clinton's announcement earlier this week in which he authorized Deferred Enforced Departure (DED) for qualified Liberians until September 29, 2000, the Immigration and Naturalization Service (INS) announced today it will defer for one year the deportation or removal of certain qualified Liberians present in the United States.

Under DED, approximately 10,000 Liberians in the United States as of September 29, 1999, will be protected from removal for one year and will be authorized to work in the United States.

Since 1991, most Liberians present in the United States have resided here under Temporary Protected Status (TPS), a form of protection offered when conditions in a country are determined to be too dangerous or unstable for its nationals to safely return. Although TPS ended for Liberians on September 28, 1999, the President determined that for foreign policy reasons, protection from removal should be extended for another year.

To obtain employment authorization, qualified Liberian nationals will need to file Form I-765, Application for Employment Authorization, and Form I-765D, "Liberian DED Supplemental to Form I-765", at the District Office that has jurisdiction over the applicant's place of residence.

In addition, applicants must submit a copy of the following documentation, if available, to establish their DED eligibility for work authorization: Form I-94, Arrival Departure Record; their last Employment Authorization Document (EAD); a photo ID, such as a passport, driver's license or identity card or a school identification card.

If these documents are not available, applicants can submit an affidavit affirming that they are a national of Liberia who was present in the United States as of September 29, 1999, and is otherwise eligible for DED. INS will conduct interviews to determine eligibility in these cases. All applicants must submit two photographs with their application.

The filing fee for submitting an EAD application is waived for DED recipients. However, all applicants will be required to submit the standard \$25 fingerprinting fee.

(more)

Deferred Enforced Departure For Liberians

Page 2

Although DED status is automatic for qualified Liberians, there are some exceptions to eligibility under this program. Those who are ineligible include persons who have committed certain crimes, persons who are persecutors, and persons who have previously been deported, excluded, or removed.

- INS -

QUESTIONS AND ANSWERS

09/29/99

Deferred Enforced Departure For Liberians

Q. What is DED for Liberians?

A. Deferred Enforced Departure, referred to as DED, grants certain, qualified Liberian citizens and nationals protection from removal from the United States until September 29, 2000.

Q. Do I have to apply for DED?

A. No, DED is automatic for qualified Liberians, regardless of age. However, applicants in need of evidence of work authorization must apply.

Q. Who is eligible?

A. Any qualified Liberian national or citizen who is present in the United States as of September 29, 1999.

Q. Who is not eligible?

A. Although DED status is automatic for qualified Liberians, there are some exceptions to eligibility under this program, including persons who have committed certain crimes, persons who are persecutors, and persons who have previously been deported, excluded, or removed.

Q. Who is eligible for Liberian DED-related employment authorization?

A. With certain exceptions, the eligible class for Liberian DED-related employment authorization consists of Liberian citizens or nationals who are present in the United States as of September 29, 1999. The word "present" is defined to mean no absences from the U.S. after September 29, 1999; or, if there were absences since that date: 1) the total time period of such absences does not exceed 180 days; and 2) for each absence, the Liberian either returned to the U.S. with advance parole, or was inspected and admitted to the U.S.

Q. What forms do I need to file?

A. To obtain employment authorization, Liberian nationals must file a Form I-765, Application for Employment Authorization, and a Form I-765D, "Liberian DED Supplemental to Form I-765."

Q. What documentation must I submit when I file?

A. Applicants must submit with their applications copies of the following documents, if available: Form I-94, Arrival Departure Record; their last Employment Authorization Document (EAD) card; any documentation proving their residence in the U.S. as of September 29, 1999; a photo identity such as a passport, driver's license or identity card, or school identification card; and any documentation to establish that they are a citizen or national of Liberia. All applicants must also submit two photographs.

(more)

Q. What if I don't have proper documentation?

A. If you cannot provide documentation regarding eligibility, you may submit an affidavit affirming that you are a national of Liberia and were present in the U.S. as of September 29, 1999, and are eligible for DED. To detect and deter fraud, INS will conduct interviews to determine eligibility in these cases.

Q. Will I be required to submit any filing fees for the Employment Authorization Document (EAD)?

A. The filing fee for submitting an EAD application is waived for DED recipients. However, all applicants will be required to submit the standard \$25 fingerprinting fee.

Q. Where do I submit my complete application?

A. Applicants must submit all application materials to the District Office that has jurisdiction over their place of residence.

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence. (Introduced in the Senate)

S 656 IS

106th CONGRESS

1st Session

S. 656

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

IN THE SENATE OF THE UNITED STATES

March 18, 1999

Mr. REED introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the 'Liberian Refugee Immigration Fairness Act of 1999'.

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS-

(1) IN GENERAL-

(A) ELIGIBILITY- The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien--

(i) applies for adjustment before April 1, 2001; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) INELIGIBLE ALIENS- An alien shall not be eligible for adjustment of status under this section if the Attorney General finds that the alien has been convicted of--

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) two or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS-

(1) IN GENERAL- The benefits provided by subsection (a) shall apply to any alien--

(A) who is--

(i) a national of Liberia ; and

(ii) has been continuously present in the United States from January 1, 1999, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE-

For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL-

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

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that, if such application is pending for a period exceeding 180 days and has not been denied, the Attorney General shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE- Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW- The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

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

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

(f) LIMITATION ON JUDICIAL REVIEW- A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is

final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE- Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT

PROVISIONS- Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in the Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

**NATIONAL
SECURITY
COUNCIL**17th & Penn, N.W.
Washington, D.C.
20504Did you get a complete,
clear transmission? If not,
please call:

(202) 456- 9141

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

To: Erica Barks-Ruggles	NSC
Julie Fernandes	DPC
Ben Johnson	OPL
Maria Echaveste	COS
John Morton	DOJ
Bob Bach	INS

Joe Langlois

INT

Kelly Ryan

INS / 6am Co

Date/Time: Sept. 17

FAX

6-9260

6-5581

6-6218

6-6703

514-9077

305-0134

305-2918

514-0455

No. of pages to follow: 3

RE: State's formal recommendation on Liberians



United States Department of State

Washington, D.C. 20520

INFORMATION MEMORANDUM
UNCLASSIFIED

TO: NSC - Eric Schwartz

THROUGH: NSC - Scott Busby

FROM: PRM - Julia V. Tafe *nmk*
AF - Johnnie Carson, Acting *JS*

SUBJECT: Liberians under TPS in the U.S.

Some 8,000 Liberians are now living in the United States in Temporary Protected Status (TPS). This status is due to expire September 28, 1998 and those Liberians registered under TPS have been so notified. A number of Members of Congress and Liberian advocacy groups have requested that the Attorney General re-institute TPS for Liberians now in the United States.

The State Department recommends that the President consider allowing those Liberians currently under TPS to remain for an additional year under his authority to institute Deferred Enforced Departure (DED). The State Department further recommends that Liberians now under TPS be reminded that they can apply for asylum in the U.S. and that the State Department work with the Immigration and Naturalization Service (INS) on appropriately updating the background country conditions information available to asylum officers.

An extension of TPS is not an option, in our view. Safety is the key issue and statutory requirement in considering TPS. Earlier this year, the Departments of State and Justice agreed that the security situation in Liberia no longer justified TPS. Although security in Liberia is fragile, nothing has happened that leads us to change our earlier judgment that TPS is no longer justified. A conclusion that insecurity would prevent the return of 8,000 Liberians currently in the U.S. would contradict our strong support for ongoing voluntary repatriation of the hundreds of thousands of Liberian refugees in Guinea, Cote d'Ivoire, and elsewhere in West Africa. Such a conclusion would also be viewed with great concern by the Liberian government.

Liberia's neighbors have been exceedingly generous in hosting large influxes of refugees. Guinea and Cote D'Ivoire have borne most of the burden. The expectation in the region is that these refugees would go home once an elected government that could assure peace and security was in place in Liberia. That is now largely in place and we do not want to see them burdened any longer than is necessary.

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-2-

Liberians in the U.S. who believe that they cannot return to Liberia at present owing to a well-founded fear of persecution may request asylum here. We understand that approvals for such claims have recently been running at 85%. We understand that the INS is prepared to expedite any asylum requests from Liberians in order not to impose undue hardship since asylum applicants are not authorized to work in the first 180 days that their claims are being reviewed. The State Department will, in any event, work with INS to provide appropriate guidance on the country conditions pertaining to past or future persecution of particular groups of Liberians that would be of use in evaluating asylum claims.

Returning the 8,000 Liberians currently under TPS to Liberia now could undermine U.S. policy goals of promoting stability and recovery in Liberia, particularly because of the economic role they are judged to play.

Liberia has not recovered from the civil war. There is a limited supply of potable water in the capital and there are few health facilities. There is no municipal electricity. Unemployment is rampant (estimated at 85 percent nation-wide). Housing is rudimentary. Many people are still living in ruins.

Security in Monrovia is still fragile after the wide-spread violence in the capital in April/May 1996. Guns and unruly gunmen, often members of the para-military government security forces, are common. Despite President Taylor's avowed support for reconciliation and attempts to create a government of inclusion, inter-tribal and factional rivalries retain the potential for civil unrest. The August 28 encounter between State Security Service forces and former ULIMO-Krahn fighters loyal to Roosevelt Johnson nearly led to an armed confrontation.

Liberia's economy is judged to benefit greatly from the remittances provided by these and other Liberians living and working abroad (mostly in the U.S. where their numbers are unknown; but may reach 100,000 or more). The private sector is not yet able to provide large-scale employment or drive overall growth. The entire Liberian national budget does not exceed \$42 million, and we are not encouraging large-scale public employment in any event. We estimate that Liberia receives annual remittances exceeding \$24 million from Liberians in the U.S., including those now registered under TPS. Progress has been made in Liberia in the last two years. A devastating

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-3-

civil war is over. An elected government is in place. These gains are fragile; reconciliation and reconstruction are far from complete.

We must be careful that any U.S. actions preserve and promote the peaceful reconstruction of the country. In the State Department's view, these foreign policy concerns warrant the President's consideration of DED.

UNCLASSIFIED

SESWALA 515

9/16/98

Drafted by PRM:MMcKelvey and AF/W:SMcIlvaine

Cleared: AF/W: HJeter

AF/W: KList



9/10/98

Liberians

State Dpt. : advocating DED for one year
for 8,000 Liberians

"necessities of life" are inadequate

Liberia hasn't recovered from its civil war

Lots of internal displacement

~~Liberia~~ Infrastructure destroyed; needs lots of building up;
little to no housing.

Based on socio-economic conditions, if this population
returns, - bad.

How does
Liberia compare
to other countries?
No organized conflicts in Liberia.

Remittances? We don't have figures on amt. from
the 8,000.

Total
of
Liberians
in U.S.?

- ① economic progress
- ② cleaner political system

Want DED rather than TPS b/c
of their repatriation efforts.

Possible for people to return.

75K so far (assisted by UNHCR)
many others returned on their own.

What do we
anticipate will
change after one year?

from camps?

How does it not
undermine to do DED?

→ TPS implies a "Safety" question.
State doesn't support that.

Not in camps; in villages. (extended family)

ethnically similar
to people in villages where settling.

- high unemployment
- irregular economic system
- ~~low~~ economic base is low.

DoJ

Morton:

need a very serious foreign policy reason to do DED
We should use TPS if we can.

Not much of a basis for destabilizing Liberia
w/ this 8,000. (while we are supporting 480K to return)

way to get back into TPS statute

by distinguishing voluntary $\hat{=}$ forced
repatriation $\hat{=}$ deportat~~ion~~

Annual # of Liberians subject to deportat~~ion~~:
approx 200.

majority who apply for asylum, set it (80%)

Robert D. (OLC)

for DED need very strong rationale in foreign affairs
or national security.

This case is hard b/c:

- ① last March, the AG accepted State's recomm to end TPS status as of the end of the month. would be extremely hard for Pres. to make a good faith determ for DED when State & DoJ have concluded that Liberia has turned to normal.

if situation
has not
changed in
the interim.

- ② ^{amend} CJS: Would grant TPS to Liberians for the next year (in Sen.)

~~if~~ If this does not pass, even harder for the Pres.

- ③ U.S. actively engaged in repatriating Liberians.

Idea

there is a precedent for the AG to instruct asylum officers (EO 12) to give special attn to applicants from a certain class.

AG could issue that kind of order to asylum officers.

w/ a change in circumstances, ^{AG} could change her mind w/ TPS.
a safer route.

State concerns w/ TPS

- ① good tool to deal w/ ambiguous situations

→ don't want to jeopardize TPS as a tool.

- ② don't want to undercut (unless circumstances have changed) the ~~of~~ repatriation of Liberians (funded by UNHCR).

State recommended TPS when there was organized fighting.

needs to
get this
idea
vetted.

TPS would somehow be worse for the bilateral relationship than DED b/c (?) (?) (?)

We have a history of going from TPS to DED to deportation?

~~250,000~~

Sept. 30, 1998

alc
rank(s) options (ranked by legal strength)

① CJS bill (w/ Liberian provision)

Admin. will not oppose.

② Asylum (w/ class w/ high success)

~~(w/ outreach by INS)~~

③ TPS

④ ~~DED~~

State Dpt.

Liberia -- Deferred Enforced Departure

An estimated 8,000 Liberians are now living in the United States in Temporary Protected Status (TPS). This status is due to expire September 30, 1998. The State Department recommends that the Administration allow these Liberians to remain for an additional year under Deferred Enforced Departure (DED).

Returning these 8,000 people to Liberia now could undermine U.S. policy goals of promoting stability and recovery in Liberia.

Liberia has not recovered from the civil war. There is a limited supply of potable water in the capital and there are few health facilities. There is no municipal electricity. Unemployment is rampant (estimated at 85 percent nation-wide). Housing is rudimentary. Many people are still living in ruins. Dissatisfaction with these basic conditions and the slow pace of reconstruction could make these additional people yet another destabilizing force.

Security in Monrovia is still fragile after the wide-spread violence in the capital in April/May 1996. Guns and unruly gunmen, often members of the para-military government security forces, are common. Despite President Taylor's avowed support for reconciliation and attempts to create a government of inclusion, inter-tribal and factional rivalries retain the potential for civil unrest. The August 28 encounter between state security forces and former ULIMO-Krahn fighters loyal to Roosevelt Johnson nearly led to an armed confrontation.

Liberia's economy is judged to benefit greatly from the remittances provided by these and other Liberians living and working abroad. The entire Liberian government budget does not exceed USD 42 million and we are not encouraging large-scale public employment in any event. We estimate that Liberia receives annual remittances of approximately USD 24 million..

Progress has been made in Liberia in the last two years. A devastating civil war is over. An elected government is in place. But these gains are fragile. We must be careful that any U.S. actions preserve and promote the peaceful reconstruction of the country.

UNCLAS

MONROVIA 04949

Lasers:

ACTION: POL

INFO: AID SA RSO AMB DCM DAO

DISSEMINATION: POL

CHARGE: PROG

APPROVED: CHG:WHOOD

DRAFTED: POLC:SAS:EVENS

CLEARED: POL:KLIST

VZCZCMVI291

PP RUEHC RUEHZK RUEHBS

DE RUEHMV #4949/01 3631324

ZNR UUUUU ZEH

P 291324Z DEC 97

FM AMEMBASSY MONROVIA

TO RUEHC/SECSTATE WASHDC PRIORITY 1395

INFO RUEHZK/ECOWAS COLLECTIVE

RUEHBS/USEU BRUSSELS

BT

UNCLAS SECTION 01 OF 02 MONROVIA 004949

E.O. 12958: N/A

TAGS: PGOV, ECOM, EFIN, LI

~~FOUO: REMITTANCES FROM THE UNITED STATES~~

1. SINCE THE CIVIL WAR BEGAN IN 1989, A NEW PHENOMENON -- REMITTANCES, BOTH MONEY AND GOODS -- FROM RELATIVES AND FRIENDS IN THE UNITED STATES HAVE ENABLED LIBERIANS TO SURVIVE THE HARDSHIPS AND DEPRIVATION OF THE CONFLICT AND ITS AFTERMATH. BEFORE THE WAR, REMITTANCES WERE VIRTUALLY UNKNOWN IN LIBERIA. TODAY MORE THAN 90 PERCENT OF LIBERIANS RECEIVE SOME FORM OF REMITTANCES. THEY PUMP MORE THAN USD 20 MILLION INTO THE ECONOMY EACH YEAR.

BARRELS, BOXES

2. FRIENDS AND RELATIVES USE MANY DIFFERENT WAYS TO TRANSFER MONEY AND GOODS TO LIBERIA. THERE ARE SEVERAL COMPANIES IN THE UNITED STATES, THE LARGEST OF WHICH IS TRANSGLOBAL EXPRESS SERVICES WITH OFFICES IN NEW YORK, PHILADELPHIA AND MONROVIA WHICH, FOR A FEE, SHIP PRE-PACKAGED BARRELS CONTAINING COMMODITIES (RICE, CANNED FISH) AND CLOTHING TO LIBERIA. TRANSGLOBAL ALSO TRANSFERS FUNDS IN ADDITION TO BARRELS AND BOXES PACKED BY INDIVIDUALS. WHEN THE BARREL, BOX OR FUNDS ARRIVE IN COUNTRY, THE INDIVIDUAL IS NOTIFIED VIA WORD-OF-MOUTH OR

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MONROVIA 04949

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MONROVIA 04949

A NOTICE IS PUT IN ONE OF THE LOCAL NEWSPAPERS URGING THE RECIPIENT TO COME IN TO PICK UP THE FUNDS/GOODS. IT IS A RELATIVELY EXPENSIVE, TIME-CONSUMING, LABOR-INTENSIVE PROCESS BUT THE COMPANIES HAVE AN EXCELLENT REPUTATION FOR HONESTY AND FOR PROVIDING GOOD SERVICE.

3. FOUR COMPANIES BASED IN MONROVIA ALSO PROVIDE THE SAME SERVICE AS TRANSGLOBAL AND OTHER U.S.-BASED COMPANIES. THESE MONROVIA BUSINESSES RENT WAREHOUSES IN THE NEW YORK CITY/NEW JERSEY AREA WHERE THE PARCELS SENT BY FAMILY AND FRIENDS ARE STORED UNTIL THERE ARE ENOUGH FOR A CONTAINER LOAD (ABOUT 130 BOXES). THESE COMPANIES USUALLY SHIP GOODS TO LIBERIA ONLY THREE OR FOUR TIMES A YEAR BECAUSE IT IS TOO EXPENSIVE TO SHIP A PARTIAL CONTAINER. WE WERE TOLD THAT MOST OF THE BARRELS AND BOXES ALSO CONTAIN MONEY, USUALLY SEWN INTO THE LINING OF A PIECE OF CLOTHING OR HIDDEN IN A JAR OR TIN CAN.

FAMILY, FRIENDS, AND MISSIONARIES

4. ANOTHER WAY OF TRANSFERRING MONEY IS TO HAVE SOMEONE RETURNING TO LIBERIA FROM THE UNITED STATES CARRY THE FUNDS WITH THEM. A BUSINESSMAN WHO RECENTLY RETURNED FROM THE EAST COAST TOLD US THAT HE BROUGHT BACK A SUITCASE FULL OF ENVELOPES. A FEW OF THE MORE THAN 300 ENVELOPES HE BROUGHT BACK CONTAINED AS LITTLE AS USD 5, BUT MOST CONTAINED MORE THAN USD 500, HE SAID. MISSIONARIES FROM THE CATHOLIC AND LUTHERAN CHURCHES REGULARLY TRAVEL BETWEEN LIBERIA AND THE UNITED STATES AND THEY ALMOST ALWAYS BRING BACK MONEY AND PACKAGES FROM U.S.-BASED FRIENDS AND RELATIVES. WE WERE TOLD THAT RETURNING TRAVELLERS PROBABLY ACCOUNT FOR 10-15 PERCENT OF ALL REMITTANCES.

5. THE LIBERIAN POST OFFICE NOW RECEIVES A SMALL AMOUNT OF INTERNATIONAL MAIL BUT MOST PEOPLE DO NOT TRUST THE POST OFFICE AS ITS STAFF IS KNOWN TO OPEN MAIL, PARTICULARLY LETTERS SENT FROM OVERSEAS.

BANK TRANSFERS, WESTERN UNION

6. DIRECT BANK TRANSFERS ARE ANOTHER MEANS OF TRANSFERRING CASH AND CREDIT. A NUMBER OF BANKS IN MONROVIA INCLUDING THE LIBERIA UNITED BANK, INC. (LUBI), INTERNATIONAL TRUST COMPANY (ITC), TRADEVCO BANK AND THE LIBERIAN BANK FOR DEVELOPMENT AND INVESTMENT (LBDI) REGULARLY RECEIVE REMITTANCES FROM THE UNITED STATES. TO

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MONROVIA 04949

UNCLAS

MONROVIA 04949

TRANSFER FUNDS, THE FRIEND OR RELATIVE IN THE U.S. HAS THEIR LOCAL BANK REMIT FUNDS TO THE BANK HANDLING INTERNATIONAL TRANSFERS DESIGNATED BY THE BANK IN LIBERIA. FOR EXAMPLE, TO TRANSFER FUNDS TO THE ITC BANK, THE DONOR HAS THEIR LOCAL BANK REMIT FUNDS TO MORGAN GUARANTY TRUST COMPANY (MGTC) IN NEW YORK. MGTC, IN TURN, CREDITS ITC'S ACCOUNT FOR FURTHER CREDIT TO A DESIGNATED BENEFICIARY IN LIBERIA. WHEN THE CREDIT TRANSFER IS EFFECTED, USUALLY IN 15-20 DAYS, THE BENEFICIARY IS ABLE TO COLLECT THE FUNDS. THE COST FOR THE SERVICE VARIES FROM A FLAT FEE TO A PERCENTAGE OF THE FUNDS TRANSFERRED. DIRECT BANK TRANSFERS USED TO BE THE MOST POPULAR WAY OF REMITTING FUNDS WITH MORE THAN 50 PERCENT OF REMITTANCES SENT THIS WAY UNTIL SEPTEMBER 1997 WHEN LBDI OPENED ITS WESTERN UNION OFFICE.

7. IN THE FOUR MONTHS THAT A WESTERN UNION OFFICE HAS BEEN OPEN IN MONROVIA, LBDI'S GENERAL MANAGER MILDRED REEVES TOLD US IT HAS CAPTURED MORE THAN 50-60 PERCENT OF THE REMITTANCE BUSINESS AS IT IS FASTER, CHEAPER AND MORE CONVENIENT THAN BANK TRANSFERS. REEVES TOLD US THAT SHE NEVER EXPECTED THE BUSINESS TO GROW SO FAST SO SOON. WILLIS KNUCKLES, PRESIDENT OF TRANSGLOBAL'S MONROVIA OFFICE, AGREED WITH REEVES' ASSESSMENT OF WESTERN UNION'S MARKET SHARE.

8. DISCOUNTING THE INCREASE SHE ATTRIBUTED TO THE HOLIDAY SEASON AND EXCLUDING WHAT SHE CONSIDERED BUSINESS TRANSFERS, REEVES ESTIMATED THAT EACH DAY WESTERN UNION/LBDI RECEIVES MORE THAN 300 TRANSFERS TALLING OVER USD 35,000. THE AVERAGE AMOUNT TRANSFERRED TO INDIVIDUALS EACH MONTH HAS TOPPED MORE THAN USD ONE MILLION, WITH OVER 90 PERCENT OF THE TRANSFERS COMING FROM THE UNITED STATES, SHE SAID. WITHIN THE NEXT SIX MONTHS, REEVES EXPECTS THE NUMBER OF TRANSFERS TO GROW TO OVER 1,000 DAILY BASED ON WHAT HAPPENED WHEN WESTERN UNION SERVICE BEGAN IN NEIGHBORING GUINEA. REEVES ALSO NOTED THAT SHE WAS SEEING MANY REPEAT CUSTOMERS WHO WERE SENDING MONEY TO LIBERIA ON A REGULAR BASIS.

9. WE DO NOT KNOW THE ACTUAL AMOUNTS TRANSFERRED IN THE PAST VIA DIRECT BANK TRANSFERS WHICH USED TO ACCOUNT FOR 50 PERCENT OF ALL REMITTANCES. WE CAN CONSERVATIVELY ESTIMATE, HOWEVER, THAT USD 12 MILLION A YEAR WILL BE TRANSFERRED IN THE NEXT 12 MONTHS THROUGH LBDI'S WESTERN UNION SERVICE, WHICH IS PROBABLY EQUAL TO WHAT WAS SENT VIA DIRECT BANK TRANSFERS IN THE PAST. ASSUMING WESTERN UNION HAS CAPTURED 50 PERCENT OF THE REMITTANCE MARKET, THIS COULD MEAN THAT ABOUT USD 24 MILLION A YEAR IN FUNDS AND GOODS ARE TRANSFERRED TO LIBERIA.

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MONROVIA 04949

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MONROVIA 04949

10. THIS AMOUNT IS NOT INSIGNIFICANT WHEN COMPARED TO THE CASH REVENUES CURRENTLY AVAILABLE TO THE GOVERNMENT OF LIBERIA, WHICH THE FINANCE MINISTER ESTIMATED IN EARLY DECEMBER WOULD BE ABOUT USD 40 MILLION A YEAR BASED ON CURRENT TAX SCHEDULES. OUR INTERLOCUTERS CONCLUDED THAT REMITTANCES WERE MORE IMPORTANT TO LIBERIA THAN THEY WERE TO COUNTRIES LIKE MEXICO OR TO THE CARIBBEAN BECAUSE "THEY ARE NOT USED TO MAKE LIFE MORE PLEASANT, LIKE SEND A CHILD TO SCHOOL. IN LIBERIA, THEY ARE USED TO BUY FOOD AND MEDICAL CARE, THE BREAD AND BUTTER OF LIFE."

HOOD

BT

#4949

NNNN

UNCLAS

MONROVIA 04949

S 656 IS

106th CONGRESS

1st Session

S. 656

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

IN THE SENATE OF THE UNITED STATES

March 18, 1999

Mr. REED introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be referred to as the 'Liberian Refugee Immigration Fairness Act of 1999'.

SEC. 2. ADJUSTMENT OF STATUS.

(a) ADJUSTMENT OF STATUS-

(1) IN GENERAL-

(A) **ELIGIBILITY-** The Attorney General shall adjust the status of an alien described in subsection (b) to that of an alien lawfully admitted for permanent residence, if the alien--

(i) applies for adjustment before April 1, 2001; and

(ii) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except that, in determining such admissibility, the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(B) **INELIGIBLE ALIENS-** An alien shall not be eligible for adjustment of status under this section if the Attorney General finds that the alien has been convicted of--

(i) any aggravated felony (as defined in section 101(a)(43) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(43)); or

(ii) two or more crimes involving moral turpitude.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1), if otherwise qualified under that paragraph. Such an alien may not be required, as a condition on submitting or granting such application, to file a separate motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General makes a final decision to deny the application, the order shall be effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS-

(1) IN GENERAL- The benefits provided by subsection (a) shall apply to any alien--

(A) who is--

(i) a national of Liberia; and

(ii) has been continuously present in the United States from January 1, 1999, through the date of application under subsection (a); or

(B) who is the spouse, child, or unmarried son or daughter of an alien described in subparagraph (A).

(2) DETERMINATION OF CONTINUOUS PHYSICAL PRESENCE- For purposes of establishing the period of continuous physical presence referred to in paragraph (1), an alien shall not be considered to have failed to maintain continuous physical presence by reasons of an absence, or absences, from the United States for any period or periods amounting in the aggregate to not more than 180 days.

(c) STAY OF REMOVAL-

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

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order an alien to be removed from the United States if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and has applied for adjustment of status under subsection (a), except where the Attorney General has made a final determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that, if such application is pending for a period exceeding 180 days and has not been denied, the Attorney General shall authorize such employment.

(d) RECORD OF PERMANENT RESIDENCE- Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the

alien's admission for permanent record as of the date of the alien's arrival in the United States.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW- The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

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

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

(f) LIMITATION ON JUDICIAL REVIEW- A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

(g) NO OFFSET IN NUMBER OF VISAS AVAILABLE- Whenever an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under any provision of the Immigration and Nationality Act.

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS- Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in the Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, function, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

END

S.656

SPONSOR: Sen Reed, Jack (introduced 03/18/99)

TITLE(S):

SHORT TITLE(S) AS INTRODUCED:

Liberian Refugee Immigration Fairness Act of 1999

OFFICIAL TITLE AS INTRODUCED:

A bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

STATUS: Floor Actions

NONE

STATUS: Detailed Legislative Status

Senate Actions

Mar 18, 99:

Read twice and referred to the Committee on Judiciary.

Mar 24, 99:

Referred to Subcommittee on Immigration.

STATUS: Congressional Record Page References

NONE

COMMITTEE(S):

COMMITTEE(S) OF REFERRAL:

Senate Judiciary

SUBCOMMITTEE(S):

Ssc Immigration

AMENDMENT(S):

NONE

COSPONSOR(S):

NONE

SUMMARY:

(AS INTRODUCED)

Liberian Refugee Immigration Fairness Act of 1999 - Provides for the permanent resident adjustment of status of certain Liberian nationals present in the United States.



National Office
930 East 50th Street • Chicago, Illinois 60615 • Phone: 773-373-3366 • Fax: 773-373-3571
Washington, DC Bureau
1002 Wisconsin Avenue, NW • Washington, DC 20007 • Phone: 202-333-5270 • Fax: 202-728-1192
Wall Street Bureau
40 Wall Street, Suite 429 • New York, New York 10005 • Phone: 212-425-7874 • Fax: 212-968-1412

MEMORANDUM

TO: President William Jefferson Clinton
Secretary of State Madeleine Albright

FROM: Reverend Jesse L. Jackson *JLJ*
Special Envoy for the Promotion of Democracy and Human Rights in Africa

RE: Request for Liberian Deferred Enforced Departure

DATE: August 3, 1998

Recommendation

I recommend that the U.S. government grant Deferred Enforced Departure (DED) status for the more than 8,000 Liberians in the United States whose Temporary Protective Status (TPS) expires on September 28, 1998. This recommendation is based on three principle assessments:

- **Ongoing Process of Peace Consolidation**
Having returned from a recent official visit to Liberia, I am pleased to report that under President Taylor's leadership, some steps have been taken to consolidate peace, both within and beyond its borders, and to develop its physical and economic infrastructure. However, Liberia has a long way to go and the country needs time to put in place mechanisms to ensure that returnees will be integrated securely into the socioeconomic and political life of the country.
- **Inadequate Macroeconomic Infrastructure**
Liberian repatriation is necessary for the sustained development of the country. However, in its current state the Liberian economy is not prepared to absorb a sudden influx of citizens, many of whom will be leaving skilled and secure jobs for almost certain unemployment. Given time to make the necessary macroeconomic reforms and to attract investment and development, Liberia will be greater prepared to take advantage of the skills and leadership that returnees have to offer.
- **Continued Need for Remittance Payments**
Currently, many Liberians living in the United States use their incomes to provide vital financial resources to relatives in Liberia. A cessation of this assistance would cause further hardship for Liberians.

Conclusion

Liberia has the potential to serve as a beacon of hope for peace and stability in the region. As such, Liberia needs U.S. support, and DED is one form of assistance that we can extend as Liberians face the challenging process of post-war reconstruction.

NATIONAL SECURITY COUNCIL

OFFICE OF MULTILATERAL
AND HUMANITARIAN AFFAIRS

FAX COVER SHEET

NATIONAL
SECURITY
COUNCIL17th & Penn, N.W.
Washington, D.C.
20504Did you get a complete,
clear transmission? If not,
please call:

(202) 456-9141

From: SCOTT BUSBY
To: JULIE FERNANDES
Agency:
Fax Number: 65581
Date/Time:
No. of pages to follow: 2
Message:

Liberian

copied 5446
Berger
NSC WWDsk
COS

ETHNIC OUTREACH

- **Middle East Peace Process:** The Arab American community is extremely upset over the lack of movement in the peace process. They encourage you to make one last effort to get the peace process back on track.

Sandy/US
Can't
help on
this? what
about
stay?
PC

Deportation of Liberian citizens residing in the U.S: The Liberian Association of Metropolitan Atlanta sent you a letter informing you of concern that Liberia is not safe enough for return of Liberian citizens residing in the U.S. Approximately 15,000 Liberian citizens living in the United States are facing automatic deportation after September 28, 1998, due to the Temporary Protected Status (6 months TPS) granted by the Attorney General in March 1998. The Liberian Ambassador approached Ben Johnson in Atlanta requesting that you issue a stay on the deportation.

HEALTH CARE OUTREACH

- **Praise for your announcement on the initiative to improve the quality of nursing homes:** Your announcement was met with a favorable reaction, both from senior citizen's groups and the nursing care community.
- **Henney Nomination:** Dr. Jane Henney, the nominee for Commissioner of the FDA, was very well received when she met with 24 key women leaders from health organizations. In a round table discussion hosted by OPL, these leaders expressed that they very much want to help us with Dr. Henney's nomination.

HISPANIC OUTREACH

- **Puerto Ricans March on July 25th to mark the 100th Anniversary of the U.S. Invasion of Puerto Rico:** A series of marches will be held on July 25th to commemorate the 100th anniversary of the invasion of Puerto Rico by U.S. military forces. The marches will focus primarily on Puerto Rico's unresolved political status. The Administration's Interagency on Puerto Rico has recommended the White House release a Presidential Message that reiterates your position regarding the ability of the Puerto Rican people to choose their status. Some of the demonstrations will also address the issue of the release of the 15 Puerto Rican political prisoners. White House Counsel's office has been working with the Justice Department to determine whether anything can be done regarding their release.
- **Concerns over Spouse Reunification:** OPL hosted a meeting with the DPC for the Association of Americans for Spouse Reunification to discuss the organization's concerns over the denial of visitor's visas for spouses of legal residents. Spouses, who currently have applications for permanent residency pending, have been denied visitor's visas at

HR 919 IH

106th CONGRESS

1st Session

H. R. 919

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

IN THE HOUSE OF REPRESENTATIVES

March 2, 1999

Mr. KENNEDY of Rhode Island introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the 'Liberian Refugee Immigration Protection Act of 1999'.

SEC. 2. ADJUSTMENT OF STATUS OF CERTAIN LIBERIAN NATIONALS.

(a) Adjustment of Status-

(1) IN GENERAL- Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of any alien described in subsection (b) shall be adjusted by the Attorney General to that of an alien lawfully admitted for permanent residence, if the alien--

(A) applies for such adjustment before April 1, 2001; and

(B) is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for inadmissibility specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) RELATIONSHIP OF APPLICATION TO CERTAIN ORDERS- An alien present in the United States who has been ordered excluded, deported, removed, or ordered to depart voluntarily from the United States under any provision of the Immigration and Nationality Act may, notwithstanding such order, apply for adjustment of status under paragraph (1). Such an alien may not be required, as a condition on submitting or granting such application, to file a motion to reopen, reconsider, or vacate such order. If the Attorney General grants the application, the Attorney General shall cancel the order. If the Attorney General renders a final administrative decision to deny the application, the order shall be

effective and enforceable to the same extent as if the application had not been made.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS- The benefits provided by subsection (a) shall apply to any alien who--

(1) is a national of Liberia; and

(2)(A) who was granted temporary protected status on or after March 27, 1991; or

(B) was eligible to apply for temporary protected status on or after March 27, 1991.

(c) Stay of Removal-

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

(2) DURING CERTAIN PROCEEDINGS- Notwithstanding any provision of the Immigration and Nationality Act, the Attorney General shall not order any alien to be removed from the United States, if the alien is in exclusion, deportation, or removal proceedings under any provision of such Act and raises as a defense to such an order the eligibility of the alien to apply for adjustment of status under subsection (a), except where the Attorney General has rendered a final administrative determination to deny the application.

(3) WORK AUTHORIZATION- The Attorney General may authorize an alien who has applied for adjustment of status under subsection (a) to engage in employment in the United States during the pendency of such application and may provide the alien with an 'employment authorized' endorsement or other appropriate document signifying authorization of employment, except that if such application is pending for a period exceeding 180 days, and has not been denied, the Attorney General shall authorize such employment.

(d) ADJUSTMENT OF STATUS FOR SPOUSES AND CHILDREN-

(1) IN GENERAL- Notwithstanding section 245(c) of the Immigration and Nationality Act, the status of an alien shall be adjusted by the Attorney

General to that of an alien lawfully admitted for permanent residence, if--

(A) the alien is a national of Liberia;

(B) the alien is the spouse, child, or unmarried son or daughter, of an alien whose status is adjusted to that of an alien lawfully admitted for permanent residence under subsection (a),

except that in the case of such an unmarried son or daughter, the son or daughter shall be required to establish that they have been physically present in the United States for at least 1 year and is physically present in the United States on the date the application for such adjustment is filed.

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

(D) the alien is otherwise eligible to receive an immigration visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (4), (5), (6)(A), and (7)(A) of section 212(a) of the Immigration and Nationality Act shall not apply.

(2) PROOF OF CONTINUOUS PRESENCE- For purposes of establishing the period of continuous physical presence referred to in paragraph (1)(B), an alien shall not be considered to have failed to maintain continuous physical presence by reason of an absence, or absences, from the United States for any periods in aggregate not exceeding 180 days.

(e) AVAILABILITY OF ADMINISTRATIVE REVIEW- The Attorney General shall provide to applicants for adjustment of status under subsection (a) the same right to, and procedures for, administrative review as are provided to--

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

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

(f) LIMITATION ON JUDICIAL REVIEW- A determination by the Attorney General as to whether the status of any alien should be adjusted under this section is final and shall not be subject to review by any court.

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

(h) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS- Except as otherwise specifically provided in this Act, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this Act shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

END

H.R.919

SPONSOR: Rep Kennedy, Patrick J. (introduced 03/02/99)

TITLE(S):

SHORT TITLE(S) AS INTRODUCED:

Liberian Refugee Immigration Protection Act of 1999

OFFICIAL TITLE AS INTRODUCED:

A bill to adjust the immigration status of certain Liberian nationals who were provided refuge in the United States.

STATUS: Floor Actions

NONE

STATUS: Detailed Legislative Status

House Actions

Mar 2, 99:

Referred to the House Committee on the Judiciary.

Mar 10, 99:

Referred to the Subcommittee on Immigration and Claims.

STATUS: Congressional Record Page References

NONE

COMMITTEE(S):

COMMITTEE(S) OF REFERRAL:

House Judiciary

SUBCOMMITTEE(S):

Hsc Immigration and Claims

AMENDMENT(S):

NONE

COSPONSORS(13):

Rep Payne, Donald M. - 04/15/99
Rep Kilpatrick, Carolyn C. - 05/05/99
Rep Weygand, Robert A. - 05/05/99
Rep Olver, John W. - 05/25/99
Rep Kucinich, Dennis J. - 05/25/99
Rep McDermott, Jim - 05/25/99
Rep McNulty, Michael R. - 06/08/99
Rep Frank, Barney - 06/10/99
Rep McGovern, James P. - 06/10/99
Rep Menendez, Robert - 06/10/99
Rep Evans, Lane - 06/10/99
Rep Capuano, Michael E. - 07/12/99
Rep Millender-McDonald, Juanita - 07/12/99

SUMMARY:

(AS INTRODUCED)

Liberian Refugee Immigration Protection Act of 1999 - Provides for the permanent resident status adjustment of certain Liberian nationals who were granted, or are eligible to apply for, temporary protected status as of a specified date.