

**NLWJC - Kagan**

**DPC - Box 034 - Folder 004**

**Immigration - Section 245i**

*Immigrati -  
Structural reform*

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET**

**Route Slip**

|                            |                       |                          |
|----------------------------|-----------------------|--------------------------|
| <b>FAX TO: ELENA KAGAN</b> | Take necessary action | <input type="checkbox"/> |
| <b>MICHAEL DEICH</b>       | Approval or signature | <input type="checkbox"/> |
|                            | Comment               | <input type="checkbox"/> |
|                            | Prepare reply         | <input type="checkbox"/> |
|                            | Discuss with me       | <input type="checkbox"/> |
|                            | For your information  | <input type="checkbox"/> |
|                            | See remarks below     | <input type="checkbox"/> |

**From: Steve Mertens**

**Date: January 14, 1998**

**Remarks:**

Attached is a copy of the INS reorganization narrative edited per Elena suggestion. The edits change the tense to better reflect current development of the Administration's reorganization plan. I will make these changes to the pageproofs Larry Haas will distributed today/tomorrow.

I confirmed with INS that they have no changes to this paragraph/narrative.

I will also follow-up with INS concerning the status of the briefing INS agreed to provide you as a kick-off for the Booze-Allen contract. Our concern was that the statement of work should be agreed upon and understood by all parties prior to Booze-Allen starting its work.

Attachment

c: David Haun

Revised Narrative  
January 14, 1997

***Organization and Structure:*** The final report issued by the Commission on Immigration Reform called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions that INS now performs.

The Administration has studied these and other reform proposals, and is developing a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The Administration's plan recognizes the interrelated nature of enforcement and benefit responsibilities, and continues to have a single agency, INS, responsible for both functions. The plan will improve the efficiency and effectiveness with which INS carries out these responsibilities, however, by separating enforcement and benefit/service operations -- both in headquarters and the field -- and thereby strengthening accountability and lines of authority. In addition, the Administration's plan will enhance coordination among Federal agencies involved with immigration issues. These reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its immigration heritage.

▶ **Julie A. Fernandes**  
01/09/98 12:33:02 PM  
.....

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Leanne A. Shimabukuro/OPD/EOP  
Subject: INS reform

Elena,

I just spoke with Bob Bach. Attached is the INS suggested change to the second paragraph. They still would also like an into sentence that makes the administration seem pro-active and not just responsive to CIR. Also, Bob tells me that Doris would like to discuss this with you if possible. Thanks.

Julie

  
BUDGET.I

The Administration has studied these and other reform proposals and ~~has developed~~ is developing a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS's enforcement and service operations -- both in headquarters at appropriate levels while maintaining and the field -- but keep the agency strengthening INS as a single intact agency.

*Immigrati - - structural reform*

**EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET**

**Route Slip**

|                            |                       |                          |
|----------------------------|-----------------------|--------------------------|
| <b>FAX TO: ELENA KAGAN</b> | Take necessary action | <input type="checkbox"/> |
| <b>MICHAEL DEICH</b>       | Approval or signature | <input type="checkbox"/> |
|                            | Comment               | <input type="checkbox"/> |
|                            | Prepare reply         | <input type="checkbox"/> |
|                            | Discuss with me       | <input type="checkbox"/> |
|                            | For your information  | <input type="checkbox"/> |
|                            | See remarks below     | <input type="checkbox"/> |

**From: Steve Mertens**

**Date: January 13, 1998**

**Remarks:**

Attached is the current language on the INS reorganization proposal included in the Budget chapter sent to Larry Haas by OMB last Friday.

We told INS that this paragraph reflected our understanding of the outcome of the DPC meeting held 12/20 and that if they believed changes needed to be made they should contact Michael. INS staff told me this paragraph and that message was taken to the Commissioner.

If you have any questions, please let me know (54935).

Attachment.

***Organization and Structure:*** The final report issued by the Commission on Immigration Reform ~~(CIR)~~ called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions that INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The Administration's plan recognizes the interrelated nature of enforcement and benefit responsibilities, and continues to have a single agency, INS, responsible for both functions. The plan would improve the efficiency and effectiveness with which INS carries out these responsibilities, however, by separating enforcement and benefit/service operations -- both in headquarters and in the field -- and thereby strengthen accountability and lines of authority. In addition, the Administration's plan will enhance coordination among Federal agencies involved with immigration issues. These reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to it immigration heritage.

Immigration -  
structural reform

▶ **Julie A. Fernandes**  
01/09/98 09:53:09 AM  
.....

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Leanne A. Shimabukuro/OPD/EOP  
Subject: INS reform

Elena,

I just spoke with Bob Bach from INS re: the OMB chapter. OMB sent them a recent version of the chapter language, and I let Bob know of the most recent changes (that I e-mailed to you yesterday). According to Bob, Doris is dissatisfied with two aspects. First, they want the Administration to sound more pro-active (continuing our reform efforts) and less directly responsive to the CIR, and thus would like an introductory sentence that reflects that. Part of their concern is that by opening with the CIR, it legitimizes their proposal beyond its merit, particularly in light of the lack of staff support on the Hill. They don't want members who are unfamiliar with the CIR report to think more of it than it is worth. Second, Doris may not want the document to include language that specifically mentions that the separation within the agency will occur "both in headquarters and the field" (though Bob initially thought that this language would be o.k.). Because the latter was a change that occurred after Bob had a chance to discuss it with Doris, he is going to get back to me on whether this is o.k. with them.

OMB is moving very fast with this -- they have a Monday 9am deadline. Mertens has faxed me their most recent version (that incorporates the changes I e-mailed to you yesterday), and has stated that all comments from us should go to Deich.

How would you like me to proceed with this? Thanks.

Julie

*Immigration - structural reform*

▶ **Julie A. Fernandes**  
01/08/98 05:37:03 PM  
.....

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Leanne A. Shimabukuro/OPD/EOP, Laura Emmett/WHO/EOP  
Subject: INS budget language

This is the most recent (an hour ago) version of the budget statement from OMB. The changes to OMB's prior version are in bold. Thanks.

Julie

  
BUDGET.O

**Organization and Structure:** The final report issued by the Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions that INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS' enforcement and service operations, **both in headquarters and the field**, but keep the agency intact. The division of functions will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, INS will also implement management and administrative improvements. In addition, the Administration's plan will enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. Together, these reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its immigration heritage.

▶ **Julie A. Fernandes**  
01/08/98 02:40:03 PM  
.....

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP  
Subject: INS reform budget language

Elena,

Steve Mertens has sent me another version of OMB's draft statement. It is not much different from his last one, but there are some changes. I am sending you both that document and my suggested edits (budget.red) Mertens has told me that Deich wants us to get the statement to INS and DOJ today if possible. They are looking for a Monday 9am deadline for WH sign-off. Thanks.

Julie

   
BUDGET.O BUDGET.R

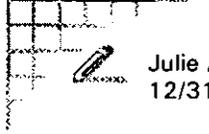
**Organization and Structure:** The recent Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions that INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS' enforcement and service operations, but keep the agency intact. The division of functions will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, INS will also implement management and administrative improvements. In addition, the Administration's plan will enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. Together, these reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its immigration heritage.

**Organization and Structure:** The recent final report of the Commission on Immigration Reform (CIR) called for major changes in how the Federal Government federal government sets and implements its immigration policy. In particular, it urged a separation of the enforcement and benefit functions that INS now performs.

The Administration has studied these and other reform proposals, and has developed a plan to enhance immigration law enforcement while improving the delivery of immigration services and benefits. The plan is designed to separate INS' enforcement and service operations, but keep while keeping the agency intact. The division of functions will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, INS will also implement management and administrative improvements. In addition, the Administration's plan will enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. Together, these reforms within INS and across the Government will support and sustain the Administration's progress over the last five years in enforcing our immigration laws and fulfilling the Nation's commitment to its immigrationimmigrant heritage.

Immigrati- - structural reform



Julie A. Fernandes  
12/31/97 01:33:04 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Leanne A. Shimabukuro/OPD/EOP

cc:

Subject: Revised INS draft -- FYI

Steve sent me this this morning. It is OMB's most recent draft of the statement. According to Steve, Michael has asked that we take the lead on following up with INS to get consensus on the language.

----- Forwarded by Julie A. Fernandes/OPD/EOP on 12/31/97 01:35 PM -----

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**Steven M. Mertens**

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12/30/97 03:41:34 PM

Record Type: Record

To: Julie A. Fernandes/OPD/EOP

cc:

Subject: Revised INS draft -- FYI

JF: I shared the draft INS language with Scott Busby -- he made a number of edits (mostly for clarification) which I have included. It is attached FYI:



99ORG.RE

**Organization and Structure:** The recent Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions currently carried out by the INS. The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a plan to enhance immigration law enforcement and improve the delivery of immigration services and benefits.

The Administration's plan will build on INS' achievements over the past five years while enhancing its ability to meet future challenges. The plan aims to separate INS' enforcement and service operations in the field through headquarters but keep the agency intact. This programmatic focus will improve efficiency and effectiveness, while strengthening accountability, lines of authority and leadership. To support these structural changes, the INS will also implement management and administrative improvements. The Administration's plan will also enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made by the Administration over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.

**Steven M. Mertens**

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12/31/97 01:58:58 PM

Record Type: Record

To: Elena Kagan/OPD/EOP, Julie A. Fernandes/OPD/EOP

cc: Michael Deich/OMB/EOP, Kenneth L. Schwartz/OMB/EOP, David J. Haun/OMB/EOP

Subject: Revised INS Organizational Write-up for FY 99 Budget

Elena/Julie: Here is the revised draft of INS' organizational structure in the immigration chapter of the President's Budget. The write up reflects comments and revisions received from DPC, NSC and OMB -- and builds off the INS draft submitted on 12/23. We believe that this draft also reflect the discussion and agreement reached at the 12/22 meeting with Commissioner Meissner. We have not shared this revised draft outside the EXOP. With your concurrence on this draft, we would appreciate you sharing this with INS to gain their agreement so we can finalize language for the budget chapter.

As I relayed to Julie, Michael believes the reference to the CIR in the first paragraph is useful. The CIR is the catalyst for the Administration's current restructuring effort and by prominently mentioning them we give some show of legitimacy to the CIR (which they are seeking from the Administration) and this minor stroking may help build CIR staff support for our proposed reorganization when it goes to the Hill.

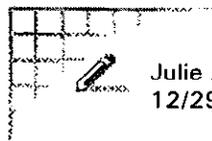
Any questions/assistance, please let me know (54935). Thanks.



99ORG.RE

**Organization and Structure:** The recent Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets and implements immigration policy. In particular, it urged a separation of the enforcement and benefit functions currently carried out by the INS.

The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a plan to enhance immigration law enforcement and improve the delivery of immigration services and benefits. The plan aims to separate INS' enforcement and service operations in the field and through headquarters but keep the agency intact. This programmatic division will improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. To support these structural changes, the INS will also implement management and administrative improvements. The Administration's plan will also enhance coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made by the Administration over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.



Julie A. Fernandes  
12/29/97 03:29:50 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Leanne A. Shimabukuro/OPD/EOP  
Subject: INS reform

Elena,

I spoke with Steve Mertens this morning and explained to him that you had not signed off on the draft that I sent to him last week, and thus it only reflected suggestions from me and Leanne. Steve informed me that he sent his old version off to Larry Haas last week (before receiving our suggestions), but now wants to make some changes to reflect what we sent him. I am e-mailing you both Steve's most recent version (99org.rev) and a red-lined version (99org.red) that reflects my suggested edits (not including the substantive issues discussed below). According to Steve, Michael wants him to complete work on the chapter by noon tomorrow (Tuesday).

There seem to be two issues that are being grappled with here. First, whether we want to assert that the Administration has "a plan." Steve's version states that the Administration has developed "a plan to ..." and the draft that Leanne and I did states that "[a]fter completing our study of various proposals for reform, including the recent final report of the [CIR], the Administration will put forth a broad reform proposal aimed at ..." I think that we need to figure out whether the assertion that we have completed work on "a plan" will somehow foreclose our ability to work with the Congress to develop a "plan" based on the principles that we outline (therefore not presented them with a fait accompli. Second, we should decide whether we want to communicate so directly (as done in the OMB draft) that we are making a reform proposal because of the CIR recommendation. Given how different our proposal will be from what they recommended, I am not sure that we want to characterize ourselves as responding to the CIR.



99ORG.RE



99ORG.RE

julie

**Organization and Structure:** The recent final report of the Commission on Immigration Reform (CIR) called for major changes in how the ~~Federal Government~~ federal government sets and administers its immigration policy ~~and organized enforcement and benefits~~. The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a ~~plan to enhance~~ broad reform proposal aimed at enhancing immigration law enforcement and ~~improving~~ improving the delivery of immigration services and benefits. The Administration's plan will build on INS' achievements over the past five years while enhancing its ability to meet future challenges.

Within the INS, the plan will separate enforcement and service operations in headquarters and the field to improve efficiency and effectiveness, while strengthening accountability, lines of authority and leadership. ~~To support these structural changes, management and administrative improvements will be implemented to increase the effectiveness of INS' enforcement and service operations.~~ The Administration's plan will also improve coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.

**Organization and Structure:** The recent Commission on Immigration Reform (CIR) called for major changes in how the Federal Government sets immigration policy and organized enforcement and benefits. The Administration has studied various proposals for reform, including the CIR recommendations, and has developed a plan to enhance immigration law enforcement and improve the delivery of immigration services and benefits. The Administration's plan will build on INS' achievements over the past five years while enhancing its ability to meet future challenges.

Within the INS, the plan will separate enforcement and service operations in headquarters and the field to improve efficiency and effectiveness, while strengthening accountability, lines of authority and leadership. To support these structural changes, management and administrative improvements will be implemented to increase the effectiveness of INS' enforcement and service operations. The Administration's plan will also improve coordination among Federal agencies involved in immigration and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the progress made over the last five years to enforce our immigration laws and fulfill the Nation's commitment to its immigration heritage.

**DRAFT Narrative on INS Restructuring in the Immigration Section of the  
"ENFORCING THE LAW" Chapter**

**Organization and Structure:** The President is committed to an immigration policy and organizational structure that can best serve the Nation and the immigration community. This policy strives to welcome those who enter legally, while controlling the border in a way that deters those who attempt to enter illegally. The recently completed Commission on Immigration Reform (CIR) has called for significant changes in the way immigration policy is set and enforcement and immigration benefits are organized and has recommended that INS be divided. The Administration is studying the Commission's recommendations and will address the report in a way that builds upon INS' past five years of success and achievement while enhancing the agency's ability to meet future challenges. The Federal immigration policy and program organization and structure that will be outlined in detail by the Administration will permit immigration-related agencies to meet their fundamental programmatic challenges in a way that addresses the CIR concerns, while permitting INS core functions to remain intact. Any future organizational structure will be based and focused on meeting programmatic priorities and establishing clear lines of authority, responsibility and accountability. This programmatic focus within the INS will result in the establishment of separate and distinct leadership centers for enforcement and services that will be reflected throughout the organization -- from restructured district and sector operations to the agency's executive level. In addition, management and administrative structural improvements will be implemented to increase the effectiveness of INS' management support for program operations. The organizational structure to be proposed by the Administration will enhance coordination between Federal immigration policy agencies and strengthen INS' ability to effectively meet the enforcement requirements of the Nation while serving the immigrant community efficiently.

*Immigratic - structural reform*



**United States Department of Justice**  
**Immigration and Naturalization Service**  
425 I Street, N.W., Washington, D.C. 20536

**Facsimile Transmission Cover Sheet**

**TO:** Elena Kagen Date: Dec 2

**OFFICE:** Domestic Policy Council Room: \_\_\_\_\_

Phone No.: 202 456-5565

Fax No.: 456-2878

**FROM:** Robert Paech

**Office of the Executive Associate Commissioner,  
Policy and Planning**

Room - 6038

Phone No.: (202) 514-3242

Fax No.: (202) 305-0134

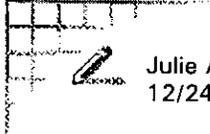
No. of Pages: Cover + 2

**SUBJECT:** Memo

**DISCUSSION:**

The President is committed to an immigration policy that best serves the national interest. This policy strives to welcome those who enter legally, and to deter effectively and efficiently those who attempt to enter or to stay illegally. The Administration seeks to build upon its past five years of success and achievement by enhancing the ability of the agencies tasked to implement immigration policy to meet future challenges. After studying various proposals for reform of the way in which the government implements immigration policy, the Administration will propose a series of steps aimed at enhancing immigration law enforcement and improving customer service. These proposals will strengthen coordination among Federal agencies involved in immigration enforcement and service, and establish greater accountability within each agency for performance. Within the Immigration and Naturalization Service, the proposal will separate enforcement and service operations in headquarters and the field in ways that improve efficiency and effectiveness, while strengthening lines of authority and leadership. These reforms within INS and across the government will support and sustain the pace of progress made over the last few years in fulfilling the nation's commitment to its immigrant heritage.

immigrant - structural reform



Julie A. Fernandes  
12/24/97 11:57:36 AM

Record Type: Record

To: Michael Deich/OMB/EOP

cc: Leanne A. Shimabukuro/OPD/EOP, Elena Kagan/OPD/EOP, Steven M. Mertens/OMB/EOP

Subject: INS reform chapter

Michael,

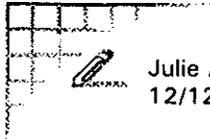
Attached is a suggested revision to the INS and OMB draft statement for the budget. As you will see, the major change is to language that made it appear as if our primary task in developing a reform package for the INS was to respond to the CIR. I faxed a copy of this to Steve Mertens and Bob Bach yesterday. Bob has agreed to this version, but I haven't had a chance to discuss it with Steve (I think that he was out of the office yesterday). Please let me know if this looks o.k. Thanks.

Julie



BUDGET.W

The President is committed to an immigration policy that best serves the national interest. This policy strives to welcome those who enter legally, and to deter effectively and efficiently those who attempt to enter or to stay illegally. The Administration seeks to build upon its past five years of achievement by enhancing the ability of the agencies tasked to implement immigration policy to meet future challenges. After completing our study of various proposals for reform of the way in which the government implements immigration policy, including the recent final report of the Commission on Immigration Reform, the Administration will put forth a broad reform proposal aimed at enhancing immigration law enforcement and improving the delivery of immigration services and benefits. Within the Immigration and Naturalization Service, the proposal will separate enforcement and service operations in headquarters and the field to improve efficiency and effectiveness, while strengthening accountability, lines of authority, and leadership. This proposal will also significantly improve coordination among Federal agencies involved in immigration enforcement and service, and establish greater accountability within each agency. These reforms within the INS and across the government will support and sustain the pace of progress made over the last few years to enforce our immigration laws and fulfill the nation's commitment to its immigrant heritage.



Julie A. Fernandes  
12/12/97 07:13:36 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Laura Emmett/WHO/EOP, Leanne A. Shimabukuro/OPD/EOP  
Subject: INS reform

Elena,

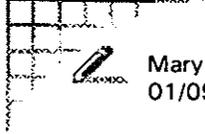
I wanted to follow up on your meeting earlier this week with Commissioner Meissner. Leanne talked the Bob Bach from INS today. Apparently, they were concerned that OMB was moving forward with drafting chapters on INS reform, and that this was going to somehow trump or co-opt our review. I spoke with Steve Mertens at OMB and sure enough, he was drafting such a chapter. According to Steve, he was putting this in as a "straw man" because he was sure that we wanted something in the budget document and that he might as well put in his recommendations. I asked Steve not to include anything more than the most general statement (we are reviewing recommendations) in the budget document until he heard otherwise from us. This is the second time that Steve Mertens has made assumptions about our process directly contrary to what we are telling him. At least for now, we have spoken with INS and assured them that our process has not been completed, etc. and that OMB was not driving what we do.

What should be our next step in all this? As this latest episode indicates, OMB (or, at least Steve) is nervous about their budget deadlines, and wants to have an idea from us if we are going to use the document as a vehicle, how we are going to use it. To make that determination, we only need to decide the broad questions, of course.

Thanks.

julie

Immigration -  
section 245i



Mary L. Smith  
01/09/98 08:58:31 AM

Record Type: Record

To: See the distribution list at the bottom of this message

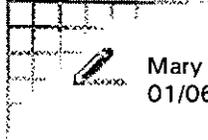
cc:

Subject: Battered Immigrant Women --245i

Julie and I met with DOJ and INS yesterday to discuss the elimination of 245i and its effect on battered immigrant women. With the elimination of 245i, these women now have to return to their home countries while their visa applications are pending. Senator Kennedy is working on a bill, and DOJ is going to have a meeting with his staff to discuss the language and timing. INS is working on analyzing the data to determine how many immigrant women we could anticipate would be affected every year by the elimination of 245i. After DOJ meets with Kennedy's staff, we will hold another meeting to see where we are. Thanks, Mary

Message Sent To:

Bruce N. Reed/OPD/EOP  
Elena Kagan/OPD/EOP  
Maria Echaveste/WHO/EOP  
Thomas L. Freedman/OPD/EOP  
Julie A. Fernandes/OPD/EOP  
Leanne A. Shimabukuro/OPD/EOP  
Jose Cerda III/OPD/EOP  
Audrey T. Haynes/WHO/EOP  
Robin Leeds/WHO/EOP



Mary L. Smith  
01/06/98 06:01:43 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP, Elena Kagan/OPD/EOP, Thomas L. Freedman/OPD/EOP

cc:

Subject: Battered Immigrant Women

We are going to have a meeting with DOJ and INS on Thursday, January 8 to discuss possible legislative language so that battered immigrant women can remain here while their visa applications are pending. We set up this meeting in response to concerns by the Audrey Haynes and the Violence Against Women Office. Thanks, Mary

**JANET MURGUIA**

11/24/97 04:45:11 PM

Record Type: Record

To: Peter G. Jacoby/WHO/EOP, Elena Kagan/OPD/EOP

cc:

Subject: VAWA 245i

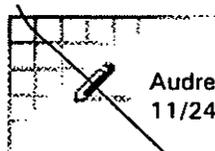
As all of you probably are aware, the special provisions of VAWA for battered immigrant women have been undercut by recent legislation. A number of our congressional friends, especially those in the Congressional Women's Caucus, spoke of their concern about this during their one minute floor speeches prior to adjournment. The advocacy groups are getting geared-up and are wanting relief on this issue and would like for the White House, the groups and our congressional friends to have a united front in getting this "fixed" before Congress reconvenes. Bonnie Campbell and Janna Sidley have spoken with me about this but do not want to encourage the groups one way or the other until they know the White House plan.

Additionally, Bonnie says the Justice Dept. is supportive of remedies on this issue. Please advise as to our plan.

If there is no plan, could we have a discussion ! thanks.

*Leg?  
admin?*

----- Forwarded by Janet Murguia/WHO/EOP on 11/24/97 04:35 PM -----



Audrey T. Haynes  
11/24/97 04:30:28 PM

Record Type: Record

To: See the distribution list at the bottom of this message

cc: Robin Leeds/WHO/EOP

Subject: VAWA 245i

As all of you probably are aware, the special provisions of VAWA for battered immigrant women have been undercut by recent legislation. A number of our congressional friends, especially those in the Congressional Women's Caucus, spoke of their concern about this during their one minute floor speeches prior to adjournment. The advocacy groups are getting geared-up and are wanting relief on this issue and would like for the White House, the groups and our congressional friends to have a united front in getting this "fixed" before Congress reconvenes. Bonnie Campbell and Janna Sidley have spoken with me about this but do not want to encourage the groups one way or the other until they know the White House plan.

Additionally, Bonnie says the Justice Dept. is supportive of remedies on this issue. Please advise as to our plan.

If there is no plan, could we have a discussion ! thanks.

Immigration - Deportation  
and  
Immigration - 245i

Leanne A. Shimabukuro 11/05/97 07:06:13 PM

Record Type: Record

To: Elena Kagan/OPD/EOP  
cc: Jose Cerda III/OPD/EOP, Julie A. Fernandes/OPD/EOP  
Subject: immigration legislative update

As of this evening:

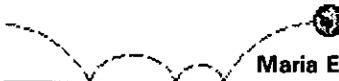
**Central Americans--** Looks like this is back on DC Approps, which the Senate has yet to pass. Kennedy is holding the Central-Americans piece to add Haitians and NJB. He is also trying to get a relaxed suspension standard (from "extreme hardship" to "hardship") for the ABC class, but will probably pull back on this. Peter is hoping yesterday's letter will give us some leverage with the CBC and Hispanic Caucus when the House votes on the DC bill. Timing on DC still unclear.

**245(i)--** The CJS conference is meeting tomorrow at 9:00am. The Senate (Gregg) is supposedly still holding firm on a permanent extension. Despite the strong House vote on motion to instruct last week, House conferees will be looking to compromise through some sort of grandfather provision. The current thinking is that a limited clean extension (2-5 years) of 245(i) is preferable to a grandfathering provision-- which we might be able to get after the extension expires. INS has been working with Abraham to get numbers on how much revenue would be lost through grandfathering.

Immigration - Section 245(i)

Presidential Signing Statement on section 245(i) of Immigration  
Nationality Act  
(part of Commerce, State, Justice Appropriations Bill)

I am pleased that this bill contains provisions that continue to permit eligible individuals to obtain lawful permanent resident status without leaving the country. While we sought a permanent extension of section 245(i) of the Immigration and Nationality Act in its current form, these provisions will help to ensure that families remain together and businesses are not disrupted while persons who are already in the United States go through the immigration process.

 Maria Echaveste

11/07/97 03:29:45 PM

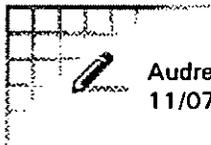
Record Type: Record

To: Peter G. Jacoby/WHO/EOP, Elena Kagan/OPD/EOP  
cc:  
Subject: Immigration Discussions

Jana Sidley with Bonnie Campbell's office just called and said that as you are negotiating the Immigration provisions, there is an exemption in 245i for immigrant women who are victims of domestic violence which allows them to stay in the country while they are applying for citizenship.....they want to make sure these provisions will continue, if not it will gut the immigrant portion of the VAWA. I have the name of the attorney at Justice that knows most about this if you need more information.

FYI--I don't know how this plays out in the current negotiations on 245i,, but wanted to be sure you knew about this.

----- Forwarded by Maria Echaveste/WHO/EOP on 11/07/97 03:13 PM -----



Audrey T. Haynes  
11/07/97 12:35:34 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP  
cc:  
Subject: Immigration Discussions

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WARNATH S @ A1  
10/22/97 12:15:00 PM

Record Type: Record

To: Elena Kagan, Jose Cerda III, Leanne A. Shimabukuro

cc:

Subject: HOUSE APPROVES EXTENSION OF IMMIGRATION PROVISION -- FYI

Date: 10/22/97 Time: 11:26

House approves extension of immigration provision

WASHINGTON (AP) The House today agreed to extend by two weeks an expiring statute that allows illegal immigrants to remain in the United States while applying for legal residence in exchange for paying a \$1,000 fine.

Extension of the controversial provision was included in a stopgap spending bill that funds government operations through Nov. 7, giving Congress more time to complete its appropriations process. The Senate is expected to take up similar legislation before Thursday's expiration of an earlier stopgap spending bill.

House critics of the immigration measure abandoned their attempt to defeat the spending bill, which passed by voice vote, after being promised a separate vote on the provision next week.

Opponents, led by Rep. Dana Rohrabacher, R-Calif., contend the statute fosters illegal immigration and improperly rewards people who broke the law by overstaying their visas or entering the country illegally. They say the measure also penalizes people who apply for visas overseas and often must wait years for permission to come here.

"This provision is bad for our country because it undermines our laws," Rohrabacher said at a morning news conference.

A Rohrabacher ally, Rep. Nathan Deal, R-Ga., termed the provision "in effect a government bribe."

But supporters say the provision benefits only those already in position to secure their green card. It also pumps much-needed revenue into the coffers of the Immigration and Naturalization Service, bringing in an estimated \$214 million this year, they note.

"It does not give illegal immigrants the right to live in the United States," said Rep. Howard Berman, D-Calif. "The only issue it deals with is where they can adjust status."

The statute is targeted at undocumented immigrants eligible for legal residence, either because they're already in line for visas or are the spouse or minor child of a U.S. citizen. Parents of adult children who are U.S. citizens also can apply.

Some 345,000 people took advantage of the rule in 1995 and 1996. This year, an estimated 214,000 have applied.

The Senate has approved a permanent extension. But that approval, which wasn't matched on the House side, is included in an appropriations bill that has yet to be finalized.

The Clinton administration supports continuation of the provision, which was first enacted in 1994. The idea was twofold: Reduce the hardship on foreigners eligible to legalize their status and lessen the pressure on U.S. consulates overseas where immigrants previously applied.  
APNP-10-22-97 1129EDT

**JANET MURGUIA**

09/23/97 05:46:01 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP, Elena Kagan/OPD/EOP, Elena Kagan/OPD/EOP, Michael Deich/OMB/EOP

cc:

Subject: CJS Approps and 245(i)

----- Forwarded by Janet Murguia/WHO/EOP on 09/23/97 05:35 PM -----

**JANET MURGUIA**

09/23/97 04:06:20 PM

Record Type: Record

To: Barbara Chow/WHO/EOP, Charles E. Kieffer/OMB/EOP, Jacob J. Lew/OMB/EOP

cc: Peter G. Jacoby/WHO/EOP, Ananias Blocker III/WHO/EOP, Lisa M. Kountoupes/OMB/EOP

Subject: CJS Approps and 245(i)

Last Thursday in the Washington Post and again today, the "245(i)" immigration provision was highlighted as expiring and causing major alarm in immigrant communities. We've not mentioned it in our House SAP because it is not in the House bill and we don't necessarily want to make it an issue on the House side because Rep. Lamar Smith opposes any sort of extension. However, favorable language providing an extension was approved in the Senate-passed bill. We would want to be sure to stress the importance and urgency of getting the Senate-approved language out of conference and also making sure any CR would allow for this extension temporarily. The President mentioned his support for this provision in his remarks to the Congressional Hispanic Caucus Gala dinner last week.

For your review, 245(i) is named after a section of the 1994 State Department appropriations bill (PL 103-317) that allows certain illegal immigrants to apply for permanent resident visas in the U.S., rather than having to return home to apply. It pertains to immigrants who are in the U.S. illegally but are on track to become legal through family or employment sponsorship. Immigrants in this category go to an INS office, where an immigration officer fines them \$1,000 for being here illegally, then gives them a permanent resident visa. Last year, fees from such applications totaled \$147.5 million and this year are expected to reach \$214.5 million. A funding pot used for immigration enforcement which House Approps Subcommittee Chair Rogers has indicated he wants to protect.

Provision 245(i) expires Sept. 30, after which permanent visas will only be issued at American embassies and consulates abroad. At the same time, a provision in last year's immigration law (PL 104-208), which goes into effect Sept. 27, would bar illegal immigrants who leave the U.S. from returning for three years, or 10 years beginning next April. That means illegal immigrants who hope to become legal will face one law requiring them to go home to get a visa, and another that says they cannot come back.

## ***Section 245(i): Questions and Answers***

### ***What is Section 245 of the Immigration and Nationality Act?***

Generally, in order to become a permanent resident of the United States, an individual must obtain an immigrant visa in their home country on the basis of either an offer of employment from a US employer or a close family relationship. Section 245 of the Immigration and Nationality Act permits certain individuals who are eligible for an immigrant visa, but are present in the United States as a nonimmigrant, to get their permanent residence (their "green card") by "adjusting" their status from nonimmigrant to immigrant. These individuals must demonstrate that a visa would be immediately available to them (that they are now at the head of the line for an immigrant visa). They must also prove that there are no grounds which would make them inadmissible to the United States.

### ***What is Section 245(i)?***

Section 245(i) permits certain groups of eligible people to obtain their immigrant visas while remaining in the United States, so long as they satisfy eligibility criteria. These individuals would previously have had to leave the United States and go to a US consulate abroad to obtain the immigrant visa to reenter as an immigrant. To adjust under Section 245(i), however, eligible immigrants must pay a significant fee. This fee was increased in 1996 to \$1,000 per person, with 80% of that amount designated for detention and enforcement efforts.

### ***Who uses Section 245(i)?***

Section 245(i) can only be used by certain prospective lawful permanent residents and under close and careful scrutiny of Federal authorities. Section 245(i) also can be used by those who would not have been eligible for adjustment under INA Section 245, as long as they meet all eligibility requirements, the same eligibility requirements they would have had to meet abroad. Some of the people who use 245(i) include those who came in under the Visa Waiver Pilot Program as tourists or business visitors, those who were not inspected and admitted at the border, who were in transit without a visa, who came in as crewmen, or who worked without authorization or otherwise violated their nonimmigrant status, even if the violation was technical.

### ***How much money does 245(i) provide to INS?***

INS estimates that Section 245(i) applications generate in excess of \$100 million annually. Under the 1996 law, 80% of that fee must go to INS detention efforts.

***Why was Section 245(i) put into the law?***

Section 245(i)'s passage recognizes the fact that 30% of all immigrant visa cases consist of those who have to leave the United States in order to obtain a visa to readjust as an immigrant. These people who must use 245(i) have waited to become permanent residents; they have a close family member, or an employer, who petitioned for them for a green card, but could not get that green card when they first entered the U.S. because of our strict numerical limits on immigration. It exchanges a new penalty, payment of a significant fee, for the old, outdated one of a trip to a U.S. consulate abroad.

***Why not just keep sending people abroad?***

The current process creates greater efficiencies on the part of consulates overseas by eliminating an unnecessary case load which is being handled by the INS. This provision of the law generates in excess of \$100 million in annual revenues to achieve government goals. Without Section 245(i), money currently being paid as a fine and allocated to INS detention and adjudication efforts would go to airlines for plane tickets to transport people to interviews in U.S. Consulates abroad. INS and the State Department have adjusted their workloads to account for the shift to INS of Section 245(i)-eligible cases. Consulates will be unable to cope with the increased workload if section 245(i) is allowed to expire. For its part, INS will have inadequate funds to meet the detention requirements of the new law as much of the funding for this function comes from Section 245(i).

***Can INS do the job of processing these applications as well as the State Department?***

INS long has had the job of processing applications for adjustment, undertaking the same evaluation of an individual's eligibility for an immigrant visa that had been performed by consulates abroad. In the case of Section 245(i) applicants, moreover, the State Department and INS undertake the same checks and make the same determinations – apparently reaching the same conclusions. At a recent Congressional hearing, Mary Ryan, the Assistant Secretary for Consular Affairs, stated that in the past consulates approved virtually all the cases that are now the subject of Section 245(i) applications because these individuals largely were eligible to adjust. The INS's mandate is to determine who is and is not eligible for admission into the U.S. and receive lawful permanent residence.

***Why are critics wrong who allege that Section 245(i) is an amnesty for illegal aliens?***

It is not an "amnesty" or a benefit given to illegal aliens. The people for whom Section 245(i) is designed are eligible to obtain legal status in the form of permanent residence in this country. Those who apply for adjustment under Section 245(i) must qualify for an immigrant visa based on a family relationship or an offer of employment, have a visa number immediately available, and must be otherwise admissible to the United States. Those who are inadmissible under the law are ineligible for Section 245(i). Section 245(i)

does not make immigration easier nor change the rules of the game. It merely changes the location of processing and provides a penalty fee which offsets processing costs and funds detention efforts.

***How many people use Section 245(i)?***

INS figures for FY 1995, the first year this kind of adjustment was available, show that an estimated 224,000 people filed applications for adjustment under Section 245(i). The INS does not keep separate figures of the number of adjustments approved under Section 245(i). The applicants who use Section 245(i) include Irish, Cubans, Poles, Indians and Mexicans -- in short, people from every country.

***What will happen if Section 245(i) is not extended?***

As an immediate matter, both the INS and the State Department will be adversely impacted by a significant shift in workload. INS will lose personnel and money now earmarked for badly-needed apprehension and detention efforts. U.S. consulates abroad will collapse under the increased workload without the additional resources that Section 245(i) provides. Every U.S. citizen who seeks services from one of these agencies will suffer, not just those who could have used Section 245(i).

Those who would have benefited from Section 245(i) will suffer undue hardship. American employers will have their businesses interrupted and lose the much needed skills of employees who work on revenue-generating projects as they wait for their return from overseas. This could take months, with unforeseen delays keeping these needed personnel away from their work. Families will suffer from the hardship of separation and loss of income. All of this uncertainty is unnecessary and unwarranted in light of the high approval rate of these cases.

As for those for whom Section 245(i) is designed, they will have two choices: return to their home countries, separating themselves from families, jobs, and the lives they have built in the United States, or go underground. Many will choose to lose their right to legalize their status at a future date rather than give up their families and jobs.