

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Irene Bueno to Eric P. Liu at 20:01:15.00. Subject: Immigration Priority Meeting with DOJ and INS. (2 pages)	02/25/2000	P5
002a. email	Irene Bueno to Eric P. Liu at 12:06:20.00. Subject: INS Criminal Aliens numbers - Heads up. (2 pages)	03/02/2000	P5
002b. email attachment	DOJ summary. (4 pages)	n.d.	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
OPD ([Detention, INS, Border Patrol])
OA/Box Number: 250000

FOLDER TITLE:

[02/25/2000 - 03/20/2000]

Adam Bergfeld
2011-1044-F
ab961

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 25-FEB-2000 20:01:15.00

SUBJECT: Immigration Priority Meeting with DOJ and INS

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

TO: Bruce N. Reed (CN=Bruce N. Reed/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

CC: Anna Richter (CN=Anna Richter/OU=OPD/O=EOP@EOP [OPD])

READ: UNKNOWN

Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

READ: UNKNOWN

irene_bueno@hotmail.com (irene_bueno@hotmail.com @ inet [UNKNOWN])

READ: UNKNOWN

TEXT:

As I mentioned, at the request of DOJ (Robert Raben), Maria held a meeting with DOJ and the INS Commissioner Meissner that I attended. The Attorney General asked that this meeting be scheduled to determine our immigration priorities for this year. Last year, the AG spent much time on INS restructuring only to have Rep. Lamar Smith basically kill it at the end. Before she spends more time on it this year, she wanted to get our views on our priorities. Below are a set of recommendations. Please let me know if you have any questions or concerns. Thanks.

INS's View: The INS Commissioner indicated that while INS restructuring is certainly a top priority, she is concerned that there was not enough political interest to get this passed this year; Rep. Lamar Smith is unpredictable; even if legislation were to pass implementation would be difficult with a new Administration; and we have budget and reprogramming proposals that implement some of our restructuring goals. More importantly, the Commissioner added that there are other pressing immigration issues as described below that have resulted in tragic situations in which families are separated b/c immigration judges have no discretion to not deport someone and others have been left in immigration limbo or not treated fairly under immigration laws. DOJ and Maria seemed to agree with this assessment.

RECOMMENDATION: I recommend that we adopt the priorities listed below to address the most urgent problems that immigrants are facing while at the same time putting some energy into pushing INS restructuring legislation and our budget and reprogramming proposals that are contained in our INS restructuring proposals but not focusing solely on INS restructuring.

PRIORITIES: We tentatively agreed that the top priorities that would be consistent with a message of restoring fairness to our immigration system.

- Fix 96/cancellation/discretion to restore immigration judges discretion not to deport certain individuals that was required under the 1996 immigration reform law. DOJ is working on drafting a proposal that I expect to review soon and there are several bills pending. Rep. McCullom has a bill but a more prominent Republican would need to come out

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in support for there to be any chance that such legislation would move. I understand that the Catholics have been working on Chairman Hyde which would be significant.

- Revising the registry date to mainly help individuals who are part of the late amnesty class and were prevented from applying for amnesty in 1986 but this would also help other long-time migrants. DOJ is preparing legislation for a possible submission. Also, Senator Reid, Rep. Jackson-Lee - have introduced legislation on this issue. Kennedy is considering introducing this legislation. Also, this would legalize some of the individuals that AFL-CIO wants to help.

- Central American Parity Legislation - to permit certain Salvadorans, Guatemalans, Hondurans, Haitians to legalize for foreign relations reasons (support fragile democracies) and to eliminate the inequity caused by NACARA. The President transmitted a proposal and it has bipartisan support in the House but not in the Senate.

- FY2001 budget proposal and Reprogramming proposals that begins to implement INS restructuring - The FY2001 budget proposal creates an Capital Fund that would provide more funding to reduce the backlog of applications and improve infrastructure at INS. The reprogramming proposal would allow INS to establish a Chief Financial Officer, make reforms to the detention program and provide pay reforms for border patrol to help with recruitment and retention.

- INS Restructuring legislation - we will continue to work on INS restructuring, develop and push legislation that has consensus among the Democrats and try to get Republican support but this would not be the main priority for reasons discussed above.

- Repeal Section 110/Border exit/entry program - we have supported Senate efforts (mainly Senator Abraham) to repeal this program or postpone its effective date it because it would not necessarily help security at the border and it would cause major delays at the border. Canadians, Mexican and border Congressional members strongly oppose it and support repeal. Rep. Lamar Smith, who has opposed efforts to repeal efforts in the past, has indicated some willingness to look at some compromise.

NEXT STEPS: Assuming you agree with this recommendation, we will focus on finalizing the legislative proposals and devising legislative strategy to try to move these priorities and raise awareness about this issue - should they be moved as a package, separately, what legislative vehicles are available, etc.

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RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 2-MAR-2000 12:06:20.00

SUBJECT: INS Criminal Aliens numbers - Heads up

TO: Eric P. Liu (CN=Eric P. Liu/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

CC: Anna Richter (CN=Anna Richter/OU=OPD/O=EOP@EOP [OPD])

READ:UNKNOWN

Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

READ:UNKNOWN

TEXT:

Last August after the Resendiz arrest - the accused "railroad killer" - House Immigration and Claims Subcommittee Chair Lamar Smith issued a subpoena to the Attorney General seeking the rap sheets on all criminal aliens released from detention by INS. Earlier this week, the INS sent to Rep. Smith 25 boxes containing rap sheets of the criminal aliens identified in the study and a three page narrative summary of the data (see below summary and attachment). The bottomline is that the data show that INS did release some criminal aliens that later committed another crime. We expect that Rep. Lamar Smith will use this data to attack efforts to repeal section 110 the border exit/entry system, to change of the harsh provision of the Immigration Reform law of 1996, and to support his efforts to restructure INS his way. DOJ internally is figuring how to respond to these the expected attacks and they will bring their recommendations to us. Let me know if you have any questions. Thanks.

Below is a brief summary of the data:

The survey period covered 5 years (1994-1999) during which time INS detained over 300,000 criminal aliens. Of this total, INS released 35,318 criminal aliens from detention -- 23,295 had criminal rap sheets on record with the FBI -- the remaining 12,023 had no FBI records. The INS/FBI criminal data match determined that of the 23,295 criminal aliens with FBI rap sheets, 8,658 were arrested for a crime after release from INS detention. Criminal aliens may be released under several conditions: 1) an immigration judge sets bond or orders release on recognizance/supervision; 2) after review of a case, INS releases an alien based on a decision that the alien is not a flight risk or danger to the community and that the detention space is needed for more serious criminals; 3) under an order of voluntary departure; and/or 4) an immigration judge grants some form of relief to the alien or terminates proceedings against the alien.

Of the 8,658 -- 4,264 were convicted of either a non-violent (2,270), drug (1,489) or violent (505) crime following release (the conviction data is an estimate developed from a random sample). Of the 8,658 aliens arrested after release 3,396 were removed from the US at least once after arrest -- 629 were removed before the arrest and had illegally reentered the US.

While it isn't mentioned in the summary shared with the Subcommittee, we have been told that approximately 100 murders were committed by the criminal aliens after release from detention by the INS.

----- Forwarded by Irene Bueno/OPD/EOP on 03/01/2000

COPY

"First, Patricia A" <Patricia.A.First@usdoj.gov>
02/29/2000 07:22:47 PM

Subject:

COPY

The Department of Justice has gathered and analyzed the immigration and criminal records of certain groups of aliens in response to a subpoena from the Committee on the Judiciary. The first group of these records relate to criminal aliens that were released from Immigration and Naturalization Service detention and either returned to the community or given an order of voluntary departure. The second group of records relates to aliens that were admitted to the United States through primary inspection at an airport.

The Department's response to this subpoena relied heavily on the Immigration and Naturalization Service and the Federal Bureau of Investigation. INS' staff also worked with the Bureau of the Census and the General Accounting Office in developing methodologies for answering the subpoena. The U. S. Customs Service assisted with data for the airport admissions.

Aliens released from detention

The Immigration and Naturalization Service released 35,318 criminal aliens from INS custody to the community or to voluntary departure between October 1, 1994 and May 31, 1999. Criminal aliens may be released under several conditions; most releases occur after an immigration judge sets bond for an alien or orders release on recognizance or supervision. Some aliens are released after review of the case by INS indicates that the alien is not a flight risk and the detention space is needed for more serious criminals. Finally, some aliens were released on an order of voluntary departure or because an immigration judge granted some form of relief to the alien or terminated the proceedings against the alien.

A search of INS data bases indicated that the Service had FBI numbers on 23,295 of the released aliens. INS did not have FBI numbers on the remaining 12,023 aliens. The FBI produced criminal histories (rap sheets) on the aliens with FBI numbers. Those histories were reviewed by INS investigative officers who determined that 8,661 aliens were arrested for a crime after release from detention. The officers checked the histories for the disposition of the most serious subsequent crime. As agreed with the Committee those crimes and dispositions have been classified into the discreet categories of violent crimes, drug-related crimes, and non-violent crimes. Violent crimes include homicide, assault, sexual assault, kidnapping, and robbery. The criminal histories often do not distinguish between levels of a crime, e.g., between homicide and attempted homicide. Assault includes

crimes ranging from simple assault to aggravated assault with a deadly weapon.

The following table summarizes the type of crime and the disposition of the case if known. Only the most serious crime is included in this table; some aliens had multiple charges or arrests on multiple dates.

	Total	nonviolent	drug	violent
Total arrests	8,661	4,413	2,871	1,377
convicted	4,264	2,270	1,489	505
dismissed	19	11	5	3
nolle pros	16	6	5	5
no disposition	4,362	2,126	1,372	864

Since a large proportion of the rap sheets provided by the FBI did not include information on the disposition of the case, INS agreed to draw a small random sample of 116 of the cases without a known disposition. The purpose of the sample was to develop an estimate of the number of convictions. INS officers traced the records of the sampled cases to determine disposition. The results indicated 72 cases with convictions, 24 cases still pending and 20 cases with dismissals, nolle pros, or acquittal. Therefore an estimate of the number of convictions among the cases without disposition is 2,709 plus/minus 379. The estimate of cases still pending is 903 plus/minus 318.

The arrest rate among the 23,295 aliens for whom the Department had FBI criminal histories is 37.2 percent. The number of convictions (including the estimate from the sample) is 6,973 plus/minus 379. The rate of arrest and conviction among the 23,295 aliens is 30 percent plus/minus 1.6 percent.

There is considerably less information about the 12,023 aliens for whom the Service did not have FBI numbers. INS drew a simple random sample of 400 cases from the records of these aliens. That sample was investigated by staff at the INS' Law Enforcement Support Center. Using name and date of birth checks the staff was able to find 67 possibly responsive records; an arrest rate of 16.8 percent plus/minus 3.6 percent. However, the Department believes that this lower arrest rate is attributable to the uncertainty and difficulty in using only name and date of birth with this population. Therefore the Department believes that the arrest and conviction rates

among these aliens is the same as the rates among those aliens that had FBI numbers.

INS compiled the records of subsequent actions taken by the INS after the initial release from detention. Of the 8,661 aliens who were arrested after release, 3,396 were removed from the United States at least once and there were a total of 4,646 removals among these aliens (2,767 aliens were first removed after the arrest and 629 aliens were removed before the arrest and had illegally reentered the United States).

Aliens admitted through primary inspection at airports

INS worked with the Customs Service to develop a list of the approximately 19 million aliens admitted through airports in FY 1998. The list contained information on name, date of birth, and date of entry. Because the list was too large to investigate every admission, the Department and the Committee agreed that a sample of the admissions would be investigated. INS drew a simple random sample of 10,000 aliens. The names and dates of birth of these aliens were processed by the FBI and approximately 400 potential matches were found using a "sounds-alike" system for determining name matches. After eliminating records that did not match the name and date of birth exactly, INS determined that there were 9 aliens among the 10,000 had a criminal history. Of these 9 aliens, 4 aliens had previous arrests that might have made them inadmissible and 5 aliens had arrests after their admission to the United States.

The small number of ineligible admissions uncovered by this sample indicates that a more complex sampling strategy will be needed to obtain an estimate for the entire population of admissions with a reasonable level of precision. The samples will need to be larger and they will need to be executed over long periods of time.

The current Interagency Border Inspection System (IBIS) query performed during primary inspection does not incorporate an NCIC III criminal history check and Immigration Inspectors working primary inspection do not generally have other access to this information. Therefore, the likelihood exists that an alien making application for entry that has not been encountered previously by the INS or other law enforcement agency contributing to IBIS may be granted entry even though the criminal record

of that person, had it been known, would have rendered that person inadmissible.

If a query of the NCIC III records could be incorporated into the primary inspection of applicants for admission, the likelihood of the admission of criminal aliens would be greatly diminished. In select locations, the INS currently queries the NCIC III records as part of the Advance Passenger Information System (APIS) processing of arriving passengers. This process has proven to be very useful in identifying, by biographic identifiers only, possible criminal aliens. However, not all air carriers are signatory to the APIS program and so not all passengers would be screened in this manner even if the program was to be implemented at all air ports-of-entry.

Finally, some review and analysis of the results of NCIC III criminal histories is required. Although NCIC III may reveal that a criminal history does exist, an immigration officer must still make a determination of admissibility after consideration of that record. With the commonality of many names, a biographic search may be insufficient to determine whether the individual before the officer is indeed a criminal alien. Many records for which a criminal history is created do not constitute a crime involving moral turpitude (CIMT), the test by which an applicant for entry may be found to be inadmissible.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Charlene C. Cozart to Paul Engskov and Phillip Caplan at 14:24:00.00. Subject: Ofelia Balea Re Husband Daniel Deluti's Pending Deportation. (1 page)	02/25/1999	P6/b(6)
002. email	Allen_Stayman@os.doi.gov to Debbie_Subera-Wiggin@os.doi.gov, Danny_Aranza@os.doi, etc. at 11:48:42.00. Subject: Illegal PRC immigrants to Guam and the Marianas. (2 pages)	04/26/1999	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([Detention, INS, Border Patrol])
OA/Box Number: 500000

FOLDER TITLE:

[06/24/1994 - 07/02/1999]

Adam Bergfeld
2011-1044-F
ab960

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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RR. Document will be reviewed upon request.

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

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Allen_Stayman@os.doi.gov (Allen_Stayman@os.doi.gov [UNKNOWN])

CREATION DATE/TIME: 26-APR-1999 11:48:42.00

SUBJECT: Illegal PRC immigrants to Guam and the Marianas

TO: Debbie_Subera-Wiggin@os.doi.gov (Debbie_Subera-Wiggin@os.doi.gov [UNKNOWN])
READ: UNKNOWN

TO: Danny_Aranza@os.doi.gov (Danny_Aranza@os.doi.gov [UNKNOWN])
READ: UNKNOWN

TO: John_Berry@os.doi.gov (John_Berry@os.doi.gov [UNKNOWN])
READ: UNKNOWN

TO: David_North@os.doi.gov (David_North@os.doi.gov [UNKNOWN])
READ: UNKNOWN

TO: EDWARD_COHEN@os.doi.gov (EDWARD_COHEN@os.doi.gov [UNKNOWN])
READ: UNKNOWN

TO: Anne_Shields@os.doi.gov (Anne_Shields@os.doi.gov [UNKNOWN])
READ: UNKNOWN

CC: Jeffrey L. Farrow (CN=Jeffrey L. Farrow/OU=WHO/O=EOP [WHO])
READ: UNKNOWN

TEXT:

Anne and John:

Danny, Ed, Debbie and I have been closely watching the crisis developing in Guam and the CNMI as organized crime interests in the PRC step up their smuggling of illegals into Guam, where the INA and its asylum provisions apply. A year ago, it was just a few people a month who came the 60 miles from the CNMI in small boats. Now, the Coast Guard and INS are being overwhelmed as ships carrying 100 to 150 persons attempt to reach Guam directly from China. The Governor has written to the President asking for help because local detention facilities have been overwhelmed by detainees, and many more migrants are able to avoid capture.

The NSC has a standing Task Force to deal with such immigration problems which has been very active in coordinating an Administration response. Unfortunately, one solution which DOI representatives argued unsuccessfully against, was the establishment of a detention facility on the island of Tinian in the CNMI. We argued that holding these persons in the CNMI, where the INA does not apply, has two problems: (1) it makes this Administration look cynical when we divert persons to the CNMI to prevent them from exercising their rights under the INA (this strategy may also fail because these persons are under AG custody, and the Supreme Court has suggested that AG custody may be sufficient to extend INA asylum provisions); (2) it undermines the Administration's initiative to extend the INA to the CNMI.

The facility was established last week for 147 detainees with DOD, INS and local support, but another ship with 150 additional persons is being diverted. The CNMI, which was initially cooperative, has begun to object.

We attempted to get assurances that the facility would be temporary,

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or serve as a transit point to another facility where persons would be held for longer-term processing. Guam and Wake island were suggested. We have been unable to get those assurances. I would like to raise this matter to a higher level and recommend a letter from the Secretary seeking a White House commitment that the CNMI will NOT be used as the site of a long-term detention facility and to designate where they would be taken for further processing.

I understand that a meeting is scheduled for 3:00 this afternoon. See you then.

Al

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Stuart Shapiro to Dawn M. Chirwa and irene bueno at 17:37:29.00. Subject: FW: INS Detention regulation - Urgent. (4 pages)	05/12/2000	P5
002. email	Michelle M. Aronowitz to Irene Bueno and Katie Hong at 22:54:34.00. Subject: INS/LEP. (2 pages)	12/21/2000	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
WHO ([Detention, INS, Border Patrol])
OA/Box Number: 500000

FOLDER TITLE:

[05/12/2000 - 12/21/2000]

Adam Bergfeld
2011-1044-F
ab959

RESTRICTION CODES

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

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COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Stuart Shapiro (CN=Stuart Shapiro/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:12-MAY-2000 17:37:29.00

SUBJECT: FW: INS Detention regulation - URGENT

TO: Dawn M. Chirwa (CN=Dawn M. Chirwa/OU=WHO/O=EOP@EOP [WHO])
READ:UNKNOWN

TO: irene bueno (CN=Irene Bueno/OU=OPD/O=EOP@EOP [OPD])
READ:UNKNOWN

TEXT:

Let me know what you want to do from here.

----- Forwarded by Stuart Shapiro/OMB/EOP on 05/12/2000

06:12 PM -----

"Jones, Kevin R"

05/12/2000 05:20:26 PM

Record Type: Record

To: Stuart Shapiro/OMB/EOP

cc: "Hinchman, Robert" (Receipt

Notification Requested) (IPM Return Requested)

Subject: FW: INS Detention regulation - URGENT

TO: Stuart Shapiro - OMB

Here are INS's proposed responses to OMB's questions on the post-order detention rule. Please let me know ASAP if you have any comments or concerns. The SG's office is anxious to move this rule.

COPY

-- Kevin R. Jones, OPD (202) 514-4604

INS Response to OMB Comments

Detention of Aliens Ordered Removed (RIN 1115-AF82)

(1) Impact of regulation on the 9th Cir. Ma case? This rule would formalize and modify existing procedures for making detention/release determinations for aliens who are held in custody after expiration of the 90-day removal period. The Ma decision held, however, that the AG does not have authority to continue such aliens in detention after that time. The Department strongly disagrees and is seeking further review of the Ma decision. However, if that precedent remains in place in the 9th Circuit, the Service would not be able to detain aliens in custody contrary to the court's holding, regardless of danger to the community or flight risk, in any case subject to that court's jurisdiction. The law of the circuit prevails over an agency regulation, rendering the regulation ineffective in that jurisdiction.

(2) Why should a detainee's participation in rehabilitation program make any difference in determining whether someone should be released, since the issues are whether the detainee is a danger to the community or a flight risk? Successful participation may be probative of a change in attitude that will promote the likelihood of successful adjustment in the community without recourse to criminal activity. We are also trying to keep this regulation as similar as possible to the Mariel Cuban regulation at 8 CFR 212.12 to minimize litigation risks.

(3) Lack of sponsorship should not prevent an alien from being released, particularly if work authorization is provided. Sponsorship is not

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required by the regulation. The language is permissive. An individual may be released without sponsorship.

(4) Why isn't work authorization automatic when an alien has been released? The purpose of this regulation is to create a permanent procedure for custody review of detainees whose detention is expected to extend beyond the 90-day removal period. The provision for work authorization at 8 CFR 241.5(c) has not been changed by the proposed rule. The permissive language of subsection (c) preserves the agency's discretion to act in a manner appropriate to the specific circumstances. Work authorization is a privilege not a right and it must be demonstrated that the alien is eligible for the benefit under the regulation.

(5) What kind of sponsorship demonstrating financial support is required? Is it the 125% test used in affidavits of support or something less formal? INS will apply the same standard that it has long applied under Mariel Cuban program, which is 120% - slightly less than the 125% standard required by the affidavit of support rule.

(6) Why are we requiring that everything be submitted in English? Why can't the Service get translations? Translating documents constitutes an administrative burden given the extreme variety of dialects and languages spoken by these detainees. There is a danger of miscommunication and misunderstandings with translations given the variety of dialects. It would also make the process much slower and the proposed time lines would be very difficult to meet. A translator will be available for the interview process, however.

(7) Why doesn't this process apply to Mariel Cubans? We felt that there were sufficient distinctions between the Mariels and other post-order

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detainees, such as that the Mariels are all old exclusion cases, the mass migration, the 1984 repatriation agreement with the Cuban government, that the two groups should remain separate.

(8) Comment page 7 -- first sentence of first full paragraph - add the word "additional" after "During the". Done.

(9) Comment pages 7 - 8 -- can HQPDU notify the alien regarding the scheduling of a hearing before the transfer of detention authority? We expect this will happen in some cases. The notification does not impact the ability of the district director to release the alien in the meantime nor is the Service's ability to repatriate the alien affected.

(10) Comment page 17 -- Will the OMB approval for the G-28 need to be changed as a result of this rule? If so, there should be a Paperwork Reduction Act section. No change; no PRA issues.

COPY

RECORD TYPE: PRESIDENTIAL (NOTES MAIL)

CREATOR: Michelle M. Aronowitz (CN=Michelle M. Aronowitz/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 21-DEC-2000 22:54:34.00

SUBJECT: INS/LEP

TO: Irene Bueno (CN=Irene Bueno/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN

TO: Katie Hong (CN=Katie Hong/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN

TEXT:

----- Forwarded by Michelle M. Aronowitz/WHO/EOP on
12/21/2000 10:51 PM -----

"Norton, Helen"

12/21/2000 10:19:25 PM

Record Type: Record

To: "Friedlander, Merrily A"
(Receipt Notification Requested) (IPM Return Requested) , "Stoneman,
Christine" (Receipt Notification
Requested) (IPM Return Requested) , "Aloot, Sebastian"
(Receipt Notification Requested) (IPM
Return Requested)
cc: Michelle M. Aronowitz/WHO/EOP
Subject: INS/LEP

Folks,

This is my understanding of where we are (or where we should try to be) on the five INS issues:

1) application forms -- INS has agreed to make available Spanish translations of the key forms' instructions on the website, will notify stakeholders and work with them to distribute the translated forms to the communities. We will incorporate that into the plan, but will also urge that the plan commit to translation into Chinese, Vietnamese, Korean, and Russian, as well as clarifying that their commitment to stakeholders includes downloading and printing the forms to be made available at key locations where forms are accessible to the public (I see that CRT has committed to translating complaint forms only into Spanish and Chinese, and to consider additional translations as appropriate -- if need be, I wonder if we should consider this as a back-up position).

2) charging documents -- we've agreed that INS will complete a feasibility assessment by February 1

3) asylum -- everybody agrees that limited English proficiency should play no role in the grant or denial of authority to remain in the US (this is a big win -- if nothing else, we need to get a plan out that commits the INS to this principle in writing). INS estimates have varied from \$3.5 million to \$7 million. I believe that INS has committed to

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undertake an analysis and identify possible sources of revenue. We need to work the exact language out with them, but this seems eminently possible. Indeed, they made clear that some good language here would help them make the case to their internal budget decisionmakers. I would propose a second quarter 2001 deadline (the February 1 deadline was unique to the charging documents; everywhere else in the document we give folks until second quarter 2001; I think we're vulnerable to charges of disparate treatment by the INS once they see the whole thing).

Note that Michelle heard from someone in OMB that there might be efforts afoot to find some funding in this year's budget cycle for a pilot project to start providing asylum interpreters. Has anyone else heard anything about this?

It's not clear to me where INS stands on our a) requirement that they develop standards for certifying qualified interpreters (how big is this for us? have we required it of other components? are there some models on which they can draw?); or b) our International Religious Freedom Act bullet.

4) detention -- we've proposed that a) the INS put service providers on notice of their LEP responsibilities, and b) that they complete an assessment of their detention standards to ensure compliance with our compliance standards. My reading of the INS submission is that their detention standards already address LEP issues, but that they believe would be impractical to reference LEP requirements directly in their service contracts. It's not clear to me whether there is a real disagreement here. Please let me know.

5) Border Patrol -- we've asked for an assessment as to whether their LEP practices are consistent with our compliance standards. As yet, I don't think we have a response from them on this one.

Let me know if you think I've got any of this wrong. I agree that a conference call with them, followed by some e-mailed language back and forth-- could probably bring a lot of this to closure. I fear I am not terribly available tomorrow (the Bush transition team is here, y'know), so feel free to go ahead without me. I'll be back next Wednesday for any further discussions.

I am actually quite hopeful that we can come to closure with the INS. I take it we have yet to receive comments from JMD and EOUSA, both of whom have signalled that they may have major concerns? Am I right in thinking that the other eight affected components have signed off and can accurately be characterized as concurring without reservation? The fewer (if any) nonconcurring components, the more chance this has.

Thanks, as always, for your great work on this,

Helen

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	To Fulton Armstrong, re: [Daily] (9 pages)	10/20/1998	b(7)(E)
002. email	re: [Nicaraguan Adjustment and Central American Relief Act] [incomplete copy] (1 page)	ca. 10/1998	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
NSC ([Immigration and Naturalization])
OA/Box Number: 1200000

FOLDER TITLE:

[08/24/1998 - 12/21/1998]

Kara Ellis
2011-1044-F
ke1364

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

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Clinton Presidential Records Automated Records Management System [EMAIL]

This is not a presidential record. This is used as an administrative marker by the William J. Clinton Presidential Library Staff.

Hex Dump file is not in a recognizable format, has been incorrectly decoded or is damaged.

File Name: f_x3933412_nsc.html

Attachment Number: [ATTACH.D17]MAIL44143393Y.326

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Gerard Gallucci to Maria Echaveste et al. re: Extension of GPS (4 pages)	06/22/1999	P5
002. email	Maria Echaveste to Scott Busby et al. r: Extension of GPS (4 pages)	06/24/1999	P5
003. email	Irene Bueno to Maria Echaveste et al. re: Extension of GPS (4 pages)	06/24/1999	P5
004. email	Irene Bueno to Maria Echaveste et al. re: Extension of GPS (4 pages)	06/24/1999	P5
005. email	Irene Bueno to Eric Schwartz and Dora Kale re: Extension of TPS Application Period (6 pages)	06/28/1999	P5
006. email	Irene Bueno to Dag Vega, re: TPS issue [partial] (1 page)	06/30/1999	P6/b(6)

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
NSC ([Immigration and Naturalization])
OA/Box Number: 1200000

FOLDER TITLE:

[04/15/1999 - 07/21/1999]

Kara Ellis
2011-1044-F
ke1365

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Gerard M. Gallucci (CN=Gerard M. Gallucci/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 22-JUN-1999 12:09:44.00

SUBJECT: Re: Extension of GPS

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: scott busby (CN=scott busby/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: clara j. shin (CN=clara j. shin/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: irene bueno (CN=irene bueno/OU=opd/O=eop@eop [OPD])

READ: UNKNOWN

TEXT:

Thanks. I spoke with Scott. He and I agree with your position. I will pass this to State. But Hondurans & Nicaraguans plan charm offensive here anyway.

Maria Echaveste

06/21/99 06:52:35 PM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP

cc: Gerard M. Gallucci/NSC/EOP@EOP, Scott Busby/NSC/EOP@EOP, Clara J. Shin/WHO/EOP@EOP

bcc:

Subject: Re: Extension of GPS

thanks for the reminder--now I remember, we agreed that we would limit applications for six months so as to reduce the likelihood that people would keep coming and assume that so long as they were here before the 18 month period expired that would be okay--thus I still feel strongly that the july date should not be extended--we told everyone. does anyone disagree?

Irene Bueno

06/21/99 04:46:39 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP

cc: gerard m. gallucci/nsc/eop@eop, clara j. shin/who/eop@eop,

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scott busby/nsc/eop@eop

bcc:

Subject: Re: Extension of GPS

Maria -

I think this INS press release (see below) clarifies Romer's concerns about July 1999 date. While the period of TPS for Nicaraguans and Hondurans is for 18 months, the TPS applications must be received by July 6, 1999. Please let me know if you would like more info.

Irene

June 9, 1999

INS Issues Reminder for Hondurans and Nicaraguans Eligible for
Temporary Protected Status (TPS)

WASHINGTON □) The Immigration and Naturalization Service (INS) issued today a reminder to Hondurans and Nicaraguans eligible to apply for Temporary Protected Status (TPS) that the closing date for filing an application is July 6, 1999. TPS applications received by July 6, 1999 will be accepted by INS.

As part of the Clinton Administration's ongoing efforts to assist countries affected by Hurricane Mitch, on December 30, 1998, INS announced the Attorney General's designation of Temporary Protected Status (TPS) for Honduras and Nicaragua for a period of 18 months. During the designation period, eligible Hondurans and Nicaraguans will not be subject to removal and will be eligible for permission to work in the United States. Hondurans and Nicaraguans who were not in the United States by December 30, 1998 are not eligible and should not apply.

All Hondurans and Nicaraguans eligible for TPS must submit both an Application for Temporary Protected Status, Form I-821, and an Application for Employment Authorization, Form I-765, along with evidence of nationality and residence in the United States as of December 30, 1998. These forms are available from the toll-free INS Forms line, 1-800-870-3676, and from the INS Web site, www.ins.usdoj.gov. Once completed, they should be sent to the INS Service Center with jurisdiction over the state where the applicant resides. The INS Service Center locations and jurisdictions are listed on the forms.

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filing fee. Applicants who already have or do not wish to receive employment

authorization still must submit a completed Form I-765, but without the

accompanying fee. An applicant may request a waiver of TPS-related application

filing fees□*but not the fingerprinting fee□*by submitting proper documentation of

inability to pay.

□) INS □)

Maria Echaveste

06/21/99 04:17:55 PM

Record Type: Record

To: Gerard M. Gallucci/NSC/EOP@EOP

cc: Irene Bueno/OPD/EOP@EOP, Clara J. Shin/WHO/EOP@EOP, Scott Busby/NSC/EOP@EOP

bcc:

Subject: Re: Extension of GPS

Gerard--I believe you meant TPS and as I recall we granted TPS in December for 18 months, so what are they talking about it expiring july 5, 1999? Scott, am I remembering this correctly? Please clarify.

Gerard M. Gallucci

06/21/99 04:02:20 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP

cc: Eric P. Schwartz/NSC/EOP@EOP, Joshua Gotbaum/OMB/EOP@EOP

Subject: Extension of GPS

Maria: The Nicaraguans and Hondurans have asked to extend GPS for another six months beyond July 5. I understand that Scott Busby passed to State last week your lack of support for that option. INS apparently does not want to do either. But Pete Romero is asking for us to reconsider. I said I would check with you on WH position.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP [WHO])

CREATION DATE/TIME: 24-JUN-1999 11:19:29.00

SUBJECT: Re: Extension of GPS

TO: Scott Busby (CN=Scott Busby/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN

TO: Francisco J. Sanchez (CN=Francisco J. Sanchez/OU=WHO/O=EOP@EOP [UNKNOWN])
READ: UNKNOWN

TO: Eric P. Schwartz (CN=Eric P. Schwartz/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN

TO: Kenneth H. MacKay Jr (CN=Kenneth H. MacKay Jr/OU=WHO/O=EOP@EOP [WHO])
READ: UNKNOWN

TO: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP@EOP [OPD])
READ: UNKNOWN

TEXT:

I'm amazed--I met with Buddy and his office on this issue and stated that INS had been so strong to send a signal that we weren't encouraging people to come--and now you tell me that INS is rethinking this---what about Nicaragua--remember they'll just lobby--how many people are we talking about here? I want to hear definitively what DOJ and INS think

Irene Bueno
06/24/99 10:30:22 AM
Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP, Eric P. Schwartz/NSC/EOP@EOP
cc: Marjorie Tarmey/WHO/EOP@EOP
bcc:
Subject: Re: Extension of GPS

I just spoke to Bob Bach who informed me that INS is supportive of an 3 month extension for TPS applications from Hondurans and asked if we would reconsider our position. He indicated that (1) this type of request is normal and INS has granted extension in the past (eg Haitians); (2) he does not think this would invite new people to come to the US b/c only those residing in the US can apply. The AG is meeting with the Honduran Ambassador today to discuss this matter.

I think that Bob's makes good argument. Initially, I was concerned that many new people may see this as invitation to come to the US but as long as it is very clear that this is only available for those who already in the US and we have done this in other circumstances, that it is only fair to provide the extension to apply for Hondurans as well.

Please advise. Thanks.

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06/21/99 04:46:39 PM
Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP
cc: gerard m. gallucci/nsc/eop@eop, clara j. shin/who/eop@eop,
scott busby/nsc/eop@eop
bcc: Records Management@EOP
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Authorization, Form I-765, along with evidence of nationality and residence in the United States as of December 30, 1998. These forms are available from the toll-free INS Forms line, 1-800-870-3676, and from the INS Web site, www.ins.usdoj.gov.. Once completed, they should be sent to the INS Service Center with jurisdiction over the state where the applicant resides. The INS Service Center locations and jurisdictions are listed on the forms.

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filing fee. Applicants who already have or do not wish to receive employment

authorization still must submit a completed Form I-765, but without the

accompanying fee. An applicant may request a waiver of TPS-related application

filing fees□*but not the fingerprinting fee□*by submitting proper documentation of

inability to pay.

□) INS □)

Maria Echaveste
06/21/99 04:17:55 PM
Record Type: Record

To: Gerard M. Gallucci/NSC/EOP@EOP
cc: Irene Bueno/OPD/EOP@EOP, Clara J. Shin/WHO/EOP@EOP, Scott Busby/NSC/EOP@EOP
bcc:
Subject: Re: Extension of GPS

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cc: Eric P. Schwartz/NSC/EOP@EOP, Joshua Gotbaum/OMB/EOP@EOP
Subject: Extension of GPS

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 24-JUN-1999 14:34:32.00

SUBJECT: Re: Extension of GPS

TO: Maria Echaveste (CN=Maria Echaveste/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

CC: kenneth h. mackay jr (CN=kenneth h. mackay jr/OU=who/O=eop@eop [WHO])

READ: UNKNOWN

CC: francisco j. sanchez (CN=francisco j. sanchez/OU=who/O=eop@eop [UNKNOWN])

READ: UNKNOWN

CC: eric p. schwartz (CN=eric p. schwartz/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TEXT:

I informed Bob that you would like to hear directly from INS and DOJ on this issue.

Maria Echaveste

06/24/99 11:21:29 AM

Record Type: Record

To: Irene Bueno/OPD/EOP@EOP, Eric P. Schwartz/NSC/EOP@EOP, Kenneth H. MacKay Jr/WHO/EOP@EOP, Francisco J. Sanchez/WHO/EOP@EOP

cc:

bcc:

Subject: Re: Extension of GPS

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06/24/99 10:30:22 AM

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Please advise. Thanks.

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cc: gerard m. gallucci/nsc/eop@eop, clara j. shin/who/eop@eop,
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□) INS □)

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cc: Irene Bueno/OPD/EOP@EOP, Clara J. Shin/WHO/EOP@EOP, Scott Busby/NSC/EOP@EOP

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Subject: Re: Extension of GPS

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READ:UNKNOWN

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READ:UNKNOWN

CC: eric p. schwartz (CN=eric p. schwartz/OU=nsc/O=eop@eop [NSC])

READ:UNKNOWN

TEXT:

I received a voice message from Bob Bob that they no longer pushing to the extend TPS application period.

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06/24/99 11:21:29 AM

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Please let me know if you would like more info.

Irene

June 9, 1999

INS Issues Reminder for Hondurans and Nicaraguans Eligible for
Temporary Protected Status (TPS)

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As part of the Clinton Administration's ongoing efforts to assist countries affected by Hurricane Mitch, on December 30, 1998, INS announced the Attorney

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General□,s

designation of Temporary Protected Status (TPS) for Honduras and Nicaragua for a period of 18 months. During the designation period, eligible Hondurans and

Nicaraguans will not be subject to removal and will be eligible for permission to work

in the United States. Hondurans and Nicaraguans who were not in the United

States by December 30, 1998 are not eligible and should not apply.

All Hondurans and Nicaraguans eligible for TPS must submit both an Application for

Temporary Protected Status, Form I-821, and an Application for Employment

Authorization, Form

I-765, along with evidence of nationality and residence in the United States as of

December 30, 1998. These forms are available from the toll-free INS Forms line,

1-800-870-3676, and from the INS Web site, www.ins.usdoj.gov. Once completed, they should be sent to the INS Service Center with jurisdiction over the

state where the applicant resides. The INS Service Center locations and jurisdictions

are listed on the forms.

Form I-821 must include a \$50 filing fee, along with a \$25 fingerprinting fee.

Applicants for employment authorization should submit a Form I-765 with the \$100

filing fee. Applicants who already have or do not wish to receive employment

authorization still must submit a completed Form I-765, but without the

accompanying fee. An applicant may request a waiver of TPS-related application

filing fees□but not the fingerprinting fee□by submitting proper documentation of

inability to pay.

□) INS □)

Maria Echaveste

06/21/99 04:17:55 PM

Record Type: Record

To: Gerard M. Gallucci/NSC/EOP@EOP

cc: Irene Bueno/OPD/EOP@EOP, Clara J. Shin/WHO/EOP@EOP, Scott Busby/NSC/EOP@EOP

bcc:

Subject: Re: Extension of GPS

Gerard--I believe you meant TPS and as I recall we granted TPS in December for 18 months, so what are they talking about it expiring July 5, 1999?

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Scott, am I remembering this correctly? Please clarify.

Gerard M. Gallucci

06/21/99 04:02:20 PM

Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP

cc: Eric P. Schwartz/NSC/EOP@EOP; Joshua Gotbaum/OMB/EOP@EOP

Subject: Extension of GPS

Maria: The Nicaraguans and Hondurans have asked to extend GPS for another six months beyond July 5. I understand that Scott Busby passed to State last week your lack of support for that option. INS apparently does not want to do either. But Pete Romero is asking for us to reconsider. I said I would check with you on WH position.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Irene Bueno (CN=Irene Bueno/OU=OPD/O=EOP [OPD])

CREATION DATE/TIME: 28-JUN-1999 15:19:13.00

SUBJECT: Re: Extension of TPS Application period

TO: eric p. schwartz (CN=eric p. schwartz/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: dora kale (CN=dora kale/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

TEXT:

I spoke with INS today and they are concerned that holding a meeting on 6/30 may be too late given the expiration date in 7/6. I explained that I believe that it was a scheduling issue and that we were trying to move the meeting to an earlier date. Given their concerns - do you think we may be able to do a conference call early Tuesday morning, 6/29 to discuss this issue? I am free on Tuesday until 1 pm. I could ask someone on my staff to reschedule this call.

Let me know. Thanks.

Irene Bueno

06/25/99 10:09:07 AM

Record Type: Record

To: Eric P. Schwartz/NSC/EOP@EOP

cc: Dora Kale/NSC/EOP@EOP

Subject: Re: Extension of TPS Application period

I spoke to Dora briefly about your schedule for Monday, 6/28 and I think that we are both available to meet on Monday, 6/28 afternoon from 3-4 pm.

Suggested invitees include:

- James Costello, DOJ 514-3392
- Bob Bach, INS 305-8539 (Jackie is his assistant).
- Mark Schlackman - Buddy McKay's office - will not be in on Monday but can call in by phone. 6-7575
- Francisco Sanchez in Buddy McKay's office 6-6250
- State Dept - is John Keane the best person? I defer to you who should be invited from State.

Any one else that should be invited?

Please let me know. Thanks.

----- Forwarded by Irene Bueno/OPD/EOP on 06/25/99 10:03 AM -----

Irene Bueno

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06/25/99 10:01:52 AM
Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP
cc: eric p. schwartz/nsc/eop@eop, marjorie tarmey/who/eop@eop,
leslie bernstein/who/eop@eop
bcc: Records Management@EOP
Subject: Re: Extension of TPS Application period

Maria - My sense from speaking to Bob Bach is that INS would like to have an opportunity to present their views about extending the application period. Also, based on my conversations with INS, State Dept., folks from Buddy McKay's office, I am not convinced that I have the full information to make a recommendation whether or not it is appropriate to extend the TPS applicaiton period. We will report to you have after the meeting and include someone (Francisco and/or Mark) from McKay's office.

Eric - I will coordinate with Dora to schedule this meeting for Monday if possible.

Thanks.

Maria Echaveste
06/25/99 09:48:22 AM
Record Type: Record

To: Irene Bueno/OPD/EOP@EOP, Eric P. Schwartz/NSC/EOP@EOP
cc: Marjorie Tarmey/WHO/EOP@EOP, Leslie Bernstein/WHO/EOP@EOP
bcc:
Subject: Re: Extension of TPS

I thought that since ins had reconsidered its views, did we really need to revisit this issue --who is pushing within the govt for this- and remember it's not about extending tps--it's about extending the six month application period---I guess the way to do this is you Irene meet with interested agencies and find out their positions, make sure you include someone from Buddy Mackay's office and report to me where the agencies are--if there's no consensus I'll have a mtg.

Irene Bueno
06/25/99 09:30:15 AM
Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP
cc: Eric P. Schwartz/NSC/EOP@EOP, Marjorie Tarmey/WHO/EOP@EOP
Subject: Re: Extension of TPS

Maria -

Eric Schwartz and I have discussed this issue and we recommend that the WH hold a meeting asap to clarify the agency's views and concerns about extending the application period for TPS applicants and to have a discussion about views and concerns. Please let us know if you have concerns about holding this meeting and if you would like to convene the

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meeting.

Thanks..

Irene

----- Forwarded by Irene Bueno/OPD/EOP on 06/25/99 09:20
AM -----

Maria Echaveste
06/24/99 11:21:29 AM
Record Type: Record

To: Irene Bueno/OPD/EOP@EOP, Eric P. Schwartz/NSC/EOP@EOP, Kenneth
H. MacKay Jr/WHO/EOP@EOP, Francisco J. Sanchez/WHO/EOP@EOP
cc:
bcc:
Subject: Re: Extension of GPS

forgot to say that Bob Bach is not being completely accurate here--we have
given extensions of TPS, several in fact as the time period expired and we
did it most recently with haitians and liberians, however, I believe this
was the first time we had a six month application period for tps that did
not coincide with all of the 18month tps period--do we really want to
extend it? I could be convinced, but let me hear the arguments.

Irene Bueno
06/24/99 10:30:22 AM
Record Type: Record

To: Maria Echaveste/WHO/EOP@EOP, Eric P. Schwartz/NSC/EOP@EOP
cc: Marjorie Tarmey/WHO/EOP@EOP
bcc:
Subject: Re: Extension of GPS

I just spoke to Bob Bach who informed me that INS is supportive of an 3
month extension for TPS applications from Hondurans and asked if we would
reconsider our position. He indicated that (1) this type of request is
normal and INS has granted extension in the past (eg Haitians); (2) he
does not think this would invite new people to come to the US b/c only
those residing in the US can apply. The AG is meeting with the Honduran
Ambassador today to discuss this matter.

I think that Bob's makes good argument. Initially, I was concerned that
many new people may see this as invitation to come to the US but as long
as it is very clear that this is only available for those who already in
the US and we have done this in other circumstances, that it is only fair
to provide the extension to apply for Hondurans as well.

Please advise. Thanks.

Irene Bueno
06/21/99 04:46:39 PM
Record Type: Record

COPY

To: Maria Echaveste/WHO/EOP@EOP
cc: gerard m. gallucci/nsc/eop@eop, clara j. shin/who/eop@eop,
scott busby/nsc/eop@eop
bcc: Records Management@EOP
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□) INS □)

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Busby/NSC/EOP@EOP

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Robert Malley to Melanie Darby and Ardenia Hawkins, re: Draft Cuba Speech (6 pages)	09/28/1994	P1/b(1)
002. email	Robert Malley to Eric Schwartz, re: Cuba-announcements (4 pages)	10/06/1994	P1/b(1)
003. email	Robert Malley to Kathleen Cooper and Morton Halperin, re: Draft announcements (4 pages)	10/06/1994	P1/b(1)
004. email	James Baker to William Leary re: Lake Declaration (5 pages)	11/03/1994	P5
005. email	Richard Wilhelm to Victor Rocha, re: [Meetings] (21 pages)	11/29/1994	P1/b(1)
006. email	Richard Wilhelm to Victor Rocha, re: [Meetings] (7 pages)	12/22/1994	P1/b(1)
007. email	Richard Wilhelm to Sandra Schmidt, re: [Memcons] (14 pages)	12/22/1994	P1/b(1)
008. email	Eric Schwartz to James Baker et al. re: DPC Immigration Memorandum (4 pages)	12/29/1994	P5

COLLECTION:

Clinton Presidential Records
 NSC Emails
 MSMail - Record (Sept 94 - Sept 97) ([Immigration and Naturalization])
 OA/Box Number: 590000

FOLDER TITLE:

[09/28/1994 -12/29/1994]

Kara Ellis
 2011-1044-F
 ke1372

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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 b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

M S M a i l

DATE-TIME 29 December 94 09:36
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT [UNCLASSIFIED]DPC IMMIGRATION MEMORANDUM

TO Baker, James E.
Cooper, Kathleen H.
Halperin, Morton H.
Kreczko, Alan J.
Lennon, John E
Longoria, Michael A.
Malley, Robert

CARBON_COPY Beers, Rand R.

TEXT_BODY

I have enclosed for your information a draft memorandum to Tony regarding a DPC-draft memorandum on immigration issues. DPC would like its memo to go to the President next week.

My memo is now with Randy for comment.

I am not seeking your concurrence as such, but thought you might like to see this. If you want the DPC draft, please let me know. (Note, however, that the DPC memo will change, and some of the changes are already reflected in my memo but not in the version of the DPC memo that I have in my office.)

[[IMM.DOC : 2400 in IMM.DOC]]

**ATTACHMENT
FILE DATE**

29 December 94 8:52

**ATTACHMENT
FILE NAME**

IMM.DOC

x:imm

information MEMO TO LAKE
FROM SCHWARTZ

SUBJECT: Presidential Memorandum Relating to Immigration

Carol Rasco will shortly be forwarding a memorandum to the President on immigration policy. Although there are some issues of national security/foreign policy concern in the draft (which is 18

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pages), the focus is primarily on domestic policy.

I have summarized the memorandum below and have included comments we are providing DPC staff. I do not believe action on your part is required at this time, though we welcome any comments/reactions you might have. The memo is expected to be sent to the President next week.

Overall Strategy

This is where the memorandum is weakest. To be sure, the memorandum urges a "proactive" strategy that attempts to maintain basic social benefits for legal immigrants, essential services to all aliens (including illegals) and generous (albeit somewhat reduced) levels of immigration. Recognizing that we must demonstrate resolve in deterring illegal immigration, the strategy contains a range of beefed up enforcement measures as well.

What is missing, however, is a strong defense of our immigration tradition and of the view that we should maintain relatively large levels of immigration for family unification and refugee resettlement purposes. Moreover, while the paper speaks of maintaining a social service safety net for legal immigrants (which the Republicans have begun to challenge), it does not explain why such a safety net is in all of our interests -- in particular, that it is essential to promote integration (rather than marginalization) of new arrivals.

As a result, the proposal is less a strategy than a combination of enforcement measures with a few liberal gestures thrown in for good measure. We have made these points to the DPC and will continue to work with them on these issues.

Proposition 187

The interagency is moving toward a recommendation that the Administration speak out solidly against Proposition 187 initiatives, which impose broad restrictions on access to public benefits to all illegals. Our argument, first enunciated by the President, is that it is counterproductive to deny emergency medical treatment to undocumented aliens, to deny schooling to minors, etc., as we increase the likelihood of public health problems, social unrest, etc.

Action Items

The vehicles for the proposed immigration strategy, which would be articulated in part in the State of the Union address, would be a Presidential Memorandum (presumably something less than a formal directive) and a legislative package.

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The Presidential Memorandum, to be signed in early January, would deal mainly with control of illegal immigration (through "targeted

deterrence areas" which would establish clusters of enforcement activities in selected areas, a pilot program to improve verification for work authorization, greater efforts on alien smuggling and improving the detention and removal system). It would also include an enhanced naturalization and antidiscrimination campaign.

The proposed legislation would institute many of the measures of the Presidential Memorandum. The legislation would authorize the verification pilot program, increase the border patrol and its capabilities, increase penalties for alien smuggling, identify the targeted deterrence areas, restrict non-essential benefits to adult illegal immigrants, augment the sponsorship requirement for family members of immigrants, increase the penalties for discrimination against lawful immigrants, expand funding for detention and removal, reduce legal immigration (by about 10-15%, which is less than that recommended in Republican proposals) and change the "entry" doctrine so that an illegal alien found anywhere in the United States is presumed "not to have entered" and therefore subject to exclusion (rather than the more cumbersome deportation) proceedings.

NSC Issues

Alien Smuggling: The DPC paper proposes that the President direct the NSC staff to plan and implement the Administration's deterrence strategy on alien smuggling. State/INM was given this task last year and has performed capably. We will recommend that the Presidential Memorandum reaffirm the State role and direct that State also coordinate an effort to enhance intelligence gathering on illegal alien smuggling and adapt deterrence strategies to new routes.

International Cooperation on Migration Issues: DPC recommends that the Presidential Memorandum recommendation expansion of such cooperation. This is already occurring (and will be part of the proposed PDD on International Migration) and we see no problem including it Presidential Memorandum.

Expedited Exclusion: The DPC proposal does not include expedited exclusion as a legislative initiative. We think it should, as this legislation would enable us to remove people more expeditiously. It would serve as a deterrent to fraudulent asylum claimants who seek to use delay to remain in the United States. Moreover, it would have a beneficial humanitarian effect, as it would make it more feasible for us to permit temporary entry (and expeditious processing) of interdicted migrants, thus reducing our requirements

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to interdict and hold migrants at sea for long periods.

Redefining the "entry doctrine": We need to clarify what this means with respect to our obligations under the Refugee Convention and Protocol. Under the proposal, if an illegal alien is apprehended in St. Louis, he will not be considered to have entered the U.S. Does this mean that, even if this migrant has a well-founded fear of persecution, the Refugee Convention and Protocol's protections against involuntary return do not apply? If that is our legal position, what are the policy and international political implications? We need to discuss this with Justice and with State, and have asked DPC to ensure that State is heard on this issue.

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Robert Malley to Kelly Letts re: Package (3 pages)	06/07/1996	P5
002. email	Robert Malley to James Baker et al re: FGM (3 pages)	06/10/1996	P5
003. email	Robert Malley to Kelly Letts re: Package (3 pages)	06/11/1996	P5
004. email	Eric Schwartz to Robert Malley re: FGM (3 pages)	06/14/1996	P5
005. email	Robert Malley to Kelly Letts re: FGM (4 pages)	06/17/1996	P5
006. email	Robert Malley to Eric Schwartz, re: [PDD] (10 pages)	07/17/1996	P1/b(1)
007. email	Robert Malley to John Sparks re: USCG and GTMO (4 pages)	07/18/1996	P5
008. email	Robert Malley to Kelly Letts, re: package (3 pages)	07/25/1996	P1/b(1)
009. email	Robert Malley to Kelly Letts, re: package (3 pages)	07/24/1996	P1/b(1)
010. email	Robert Malley to Kelly Letts, re: package (5 pages)	08/01/1996	P1/b(1)
011. email	Peter Boynton to Robert Malley (8 pages)	08/05/1996	P5
012. email	Robert Malley to Kelly Letts re: Golden Venture (8 pages)	08/05/1996	P5
013. email	M. K. Friedrich to Kelly Letts re: Package 5421 (5 pages)	08/09/1996	P5

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail - Record (Sept 94 - Sept 97) ([Immigration and Naturalization])
OA/Box Number: 590000

FOLDER TITLE:

[06/04/1996 - 12/18/1996]

Kara Ellis
2011-1044-F
ke1376

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
014. email	Joesph Sestak to Robert Malley re: Golden Venture (7 pages)	08/10/1996	P5
015. email	Robert Malley to Kelly Letts re: Package (3 pages)	09/11/1996	P5
016. email	Peter Bass to Kristen Cicio and Katherine Veit re: Golden Venture (10 pages)	12/11/1996	P5

COLLECTION:

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NSC Emails
MSMail - Record (Sept 94 - Sept 97) ([Immigration and Naturalization])
OA/Box Number: 590000

FOLDER TITLE:

[06/04/1996 - 12/18/1996]

Kara Ellis
2011-1044-F
kel376

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M S M a i l

DATE-TIME 18 July 96 19:00
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: USCG and GTMO [UNCLASSIFIED]
TO Sparks, John E.
CARBON_COPY Armstrong, Fulton T.
Boynton, Peter J.

TEXT_BODY

John --

This is the package I propose sending up, subject to Kantor's opinion (but we should press him to agree, if this is acceptable to you).

I would like to move ASAP, as the numbers at GTMO are getting to be much too high.

Please send me your comments and suggestions. Thanks

[[THIRDCN2.DOC : 4908 in THIRDCN2.DOC]][[THIRDCNT.DOC : 4909 in THIRDCNT.DOC]]

From: Sparks, John E.
To: Malley, Robert
CC: /R, Record at A1; @LEGAL - Legal Advisor
Subject: USCG and GTMO [UNCLASSIFIED]
Date: Thursday, July 18, 1996 04:27 PM

You may have heard that the Coast Guard is still resisting the OLC interpretation of removal authority re the 3d country nationals at GTMO. I've talked w/ OLC who say that it may take a formal opinion from them to resolve the issue. Unfortunately, this process is formal and it's fairly long and drawn out. But it would require CG to fully brief their side of the issue. This seems to defeat the goal of prompt action to remove these folks at GTMO.

I have a call in for Capt Kantor, but I'll be leaving today by 5:00. Any ideas other than seeking formal OLC opinion?

ATTACHMENT
FILE DATE

18 July 96 18:58

ATTACHMENT
FILE NAME

THIRDCN2.DOC

COPY

July 18, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY

SUBJECT: Repatriation of Third-Country Nationals from
Guantanamo

Background: Four third-country nationals currently are being held at Guantanamo -- two Indians, a Jordanian, and a Hungarian. They came from Cuba during the 1994 rafting crisis and have been at GTMO for roughly two years. Although they do not wish to return to their countries of origin, they have been found by INS not to have credible fears of persecution. The four are travel-ready.

The legal obstacle: All agencies involved assert that they lack the legal authority to repatriate migrants who were brought to Guantanamo. As a result, this issue has been mired in inter-agency discussions over the past several months. We asked OLC for an informal opinion on this issue; it concludes that the Coast Guard (CG) has the authority -- derived from President Bush's Executive Order -- to repatriate the migrants. However, CG is challenging this interpretation, which it views as setting the dangerous precedent that it is responsible for repatriating all intercepted aliens. Given CG's position, OLC informs us that we would have to wait several weeks before receiving a final, cleared DoJ opinion.

Proposed course of action: Because of the significant amount of time the migrants have spent at GTMO, and because of the importance

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of reducing the population on the base prior to the onset of rafting season, we propose to address the underlying legal question at a later stage. For now, we would request the CG to delegate to the INS the authority it possesses in this specific case to repatriate the third-country nationals. To meet CG's concerns, we would specify that this course of action did not constitute a precedent for future cases. The inter-agency is comfortable with this course of action.

Concurrence by: Fulton Armstrong; John Sparks; Peter Boynton

RECOMMENDATION

That you authorize Andrew Sens to sign the attached memorandum.

Attachment

Tab A Memorandum from Andrew Sens

ATTACHMENT
FILE DATE

18 July 96 18:36

ATTACHMENT
FILE NAME

THIRDCNT.DOC

MEMORANDUM FOR

MR. WILLIAM J. BURNS
Executive Secretary
Department of State

COL. ROBERT P. MCALEER
Executive Secretary
Department of Defense

MR. JAMES G. MCADAMS, III
Counsel for Intelligence
Policy
Department of Justice

COPY

COL. F. C. WILSON, USMC
Secretary, Joint Staff

CAPTAIN V. S. CREA, USCG
Executive Assistant to the
Commandant (G-C)
U.S. Coast Guard

SUBJECT: Repatriation of Third-Country Nationals from
Guantanamo

Agencies are requested to pursue the following course of action
to
address the issue of the four third-country nationals currently
at
Guantanamo in an expeditious manner:

1. Coast Guard will delegate to the Immigration and Naturalization Service (INS) the authority it has in this specific case to escort the four country nationals to their respective countries of origin. This procedure does not constitute a precedent applicable to future repatriation operations.
2. The State Department will bear the cost of transportation for the four third-country nationals. The cost of transportation for the escort will be borne by INS.

Andrew D. Sens
Executive Secretary

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Judson Bruns to Roger Merletti, re: Draft Briefing Package for Visit of Mexican Pres-elect Fox (13 pages)	08/14/2000	P1/b(1)
002. email	Wendy Patten to Anthony Banbury et al. re: Position on Legislation to Grant Immigration Relief to Liberians (5 pages)	08/14/2000	P5
003. email	Judson Bruns to Timothy Punke, re: Draft Briefing Package for Visit of Mexican Pres-elect Fox (13 pages)	08/15/2000	P1/b(1)
004. email	Wendy Patten to Wendy Gray re: FW: Position on Legislation to Grant Immigration Relief to Liberians (5 pages)	08/18/2000	P5
005. email	Lee Wolosky to Wendy Patten, re: Reminder - Concurrence/Comments on Fox Briefer (12 pages)	08/21/2000	P1/b(1)
006. email	Wendy Patten to Mara Rudman re: Position on Legislation to Grant Immigration Relief to Liberians (5 pages)	08/21/2000	P5

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange - Record (Sept 97 - Jan 01) ([Immigration and Naturalization])
 OA/Box Number: 620000

FOLDER TITLE:

[08/02/2000 - 08/21/2000]

Kara Ellis
 2011-1044-F
 ke1391

RESTRICTION CODES

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

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

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

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

RR. Document will be reviewed upon request.

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

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

Exchange Mail

DATE-TIME 08/14/2000 7:12:17 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT position on legislation to grant immigration relief to Liberians
[UNCLASSIFIED]
TO Gray, Wendy E. (NSA)
Rudman, Mara E. (NSA)

CARBON_COPY Banbury, Anthony "Tony" N. (MULTI)
Feldman, Daniel F. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Patten, Wendy L. (MULTI)
Peterson-Becker, Augustine "Gusti" (ADMIN)
Schwartz, Eric P. (MULTI)
Smith, Peter D. R. (MULTI)
Tierney, Mary "Theresa" T. (MULTI)
Wilcox, Richard M. (MULTI)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Walldorff, Rebecca L. (LEGIS)
Battenfield, Pat A. (AF)
Byrne, Catherine E. (AF)
Cooper, Colby J. (MULTILAT)
Dempsey, Nora B. (AF)
Harris, Grant T. (AF)
ODonohue, Peter A. (AF)
Smith, Gayle E. (AF)
Tabak, Lauren B. (AF/INTERN)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Williams, Mary C. (ADMIN)

TEXT_BODY

Please pass to Mara.

From Wendy thru Eric
Concurrence by Cathy

COPY

Byrne and Miles Lackey

We are seeking your feedback on the following recommended Administration position on legislation to grant permanent immigration relief to Liberians with temporary status.

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 foreign policy reasons. This status is scheduled to expire on September 28, 2000.

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

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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.

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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,

COPY

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.

Decision:

Agree
with preferred approach _____

Agree to fallback if needed

Discuss _____

COPY

Exchange Mail

DATE-TIME 08/18/2000 6:39:22 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: position on legislation to grant immigration relief to Liberians
[UNCLASSIFIED]
TO Gray, Wendy E. (NSA)

CARBON_COPY

TEXT_BODY

Wendy -- has mara had a chance to look at this yet? thanks --- WLP

-----Original

Message-----

From: Patten, Wendy L. (MULTI)

Sent: Monday, August
14, 2000 7:12 PM

To: @RUDMAN

Cc: @MULTILAT - Multilateral and
Humanitarian Affairs; @LEGISLAT - Legislative Affairs; @AFRICA -
African Affairs; @LEGAL - Legal Advisor

Subject: position on legislation
to grant immigration relief to Liberians [UNCLASSIFIED]

Please
pass to Mara.

From Wendy thru Eric
Concurrence by Cathy Byrne
and Miles Lackey

We are seeking your feedback on the following
recommended Administration position on legislation to grant permanent
immigration relief to Liberians with temporary status.

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

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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 foreign policy reasons. This status is scheduled to expire on September 28, 2000.

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

COPY

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.

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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.

Decision:

Agree

with preferred approach _____

Agree to fallback if needed

Discuss _____

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Exchange Mail

DATE-TIME 08/21/2000 2:11:57 PM
FROM Patten, Wendy L. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: position on legislation to grant immigration relief to Liberians
[UNCLASSIFIED]
TO Rudman, Mara E. (NSA)

CARBON_COPY

TEXT_BODY

thank you

-----Original Message-----

From: Rudman, Mara E. (NSA)

Sent: Saturday, August 19, 2000 7:11 PM

To: Patten, Wendy L.

(MULTI); @RUDMAN

Cc: @MULTILAT - Multilateral and Humanitarian

Affairs; @LEGISLAT - Legislative Affairs; @AFRICA - African Affairs;

@LEGAL - Legal Advisor

Subject: RE: position on legislation to grant
immigration relief to Liberians [UNCLASSIFIED]

Wendy -- I would
go with preferred approach and fallback.

Miles you and I need
to discuss how to best handle the Hill angle. (Miles -- you need
to tell me when/how you want me to deploy on what we discussed.)

-----Original Message-----

From: Patten, Wendy L. (MULTI)

Sent: Monday,

August 14, 2000 7:12 PM

To: @RUDMAN

Cc: @MULTILAT - Multilateral

and Humanitarian Affairs; @LEGISLAT - Legislative Affairs; @AFRICA

- African Affairs; @LEGAL - Legal Advisor

Subject: position on legislation
to grant immigration relief to Liberians [UNCLASSIFIED]

Please

COPY

pass to Mara.

From Wendy thru Eric
Concurrence by Cathy Byrne
and Miles Lackey

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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.

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COPY

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Decision:

Agree
with preferred approach _____

Agree to fallback if needed

Discuss _____

COPY