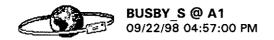
# NLWJC - Kagan DPC - Box 033 - Folder 012

Immigration - Liberians



To: Leslie Bernstein

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

Subject: RE: Reminder: Imm Working Group

# Update on Liberians

Just learned that, based on events in Liberia over the past several days, State will recommend to Justice that it extend Temporary Protected Status (TPS) for Liberians for an additional year. The recommendation will be that such status be limited to persons who live in Monrovia, although as a practical matter, Justice will probably not distinguish between those Liberians who are from Monrovia and those who are not.

Although the AG will have to sign off on a decision to extend, there is every reason to believe that she will. The notice will appear in the Federal Register by next Monday.

Although it is basically a done deal, we should not inform the groups of any final decision until the AG has signed on the dotted line. However, if we receive inquiries, we can say that Justice is very seriously considering an extension of TPS based on last weekend's events.

This means the President need not make a decision on DED.

## Message Copied To:

Julie A. Fernandes Laura Emmett Patricia E. Romani Janet L. Graves Adrienne C. Erbach Sandra Yamin Peter G. Jacoby



To: Elena Kagan/OPD/EOP, Maria Echaveste/WHO/EOP

cc: Laura Emmett/WHO/EOP, Marjorie Tarmey/WHO/EOP

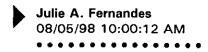
Subject: Liberians

According to Scott Busby, there was renewed violence in Liberia over the week-end (200 dead; lots injured; indications of political instability) that has caused the State Dept. to re-think their objection to recommending an extension of temporary protected status (TPS) for 8,000 Liberians in this country who fled their civil war.

As you recall, State wanted to provide some sort of relief from deportation for these 8,000 Liberians (their TPS expires at the end of Sept.), but did not recommend an extension of TPS b/c they had recently (last March) made a recommendation to the AG that she <u>not</u> extend TPS — they didn't want to change their conclusion about the stability of the country without the occurance of an intervening act that could be used to justify the change. They were also concerned that a conclusion that the country is unstable would be inconsistent with our continued support for the repatriation of 480,000 Liberians from other parts of Africa.

With this renewed violence, State may change their recommendation. Nothing is yet final, but if the State Dept. makes the recommendation to extend TPS, the AG will likely do it, at least for the next 6 months. That will temporarily relieve the pressure from the advocates for the Pres. to grant DED for this population. I will keep you posted.

julie



To: Elena Kagan/OPD/EOP, Robert N. Weiner/WHO/EOP

cc: Laura Emmett/WHO/EOP

Subject: Liberians

### Elena/Rob:

According to Scott Busby, Alan Erenbaum (INS leg. affairs) and Peter J. made a deal last Friday (unbeknownst to us (NSC/WHC/DPC)) with Rep. Jack Reed that we would not oppose his amendment (to the House CJS approps. bill) that provides for the extension of TPS (temporary protected status) for Liberians. As I indicated in my last note on this, the DOJ recently decided to terminate TPS for Liberians, effective September 28, 1998.

In addition, OPL sent a note to the President about a letter from the Liberian Association of Metropolitan Atlanta in which the group expressed its concern about the deportation of Liberians. This note also stated that the Liberian Ambassador approached Ben Johnson in Atlanta requesting that the President issue a stay of deportation. In the margin of this weekly item, the President indicated that he wanted Berger to figure out whether we could help with this and asked what Jesse Jackson thought about it.

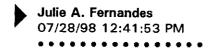
Last night, Scott Busby faxed me a copy of the Jackson recommendation. Jackson has asked the President to direct the AG to grant DED for Liberians b/c (1) though the country is doing better, it is not yet fully developed; (2) the economy could not now sustain a "sudden influx of citizens" -- not enough jobs or opportunities; and (3) Liberians living in the U.S. provide remittances to Liberia that are needed.

According to Scott, Berger wants to respond to the President as soon as he can with some background on this issue. Scott and Eric Shwartz want to recommend DED for Liberians if the Reed TPS amendment fails or if CJS does not pass before the expiration of TPS. Their reasoning is that the situation here is more stable than in Liberia (or in the rest of Africa where the overwhelming majority of ex-pat Liberians live and from where they are currently being repatriated); and that Liberia continues to be fragile. Busby and Shwartz have concluded that it would be "helpful" not to burden Liberia with more Liberians.

I continue to think that there are many problems with granting DED for this small population of Liberians -- (1) the number of Liberians at issue is very small; (2) the rate of deportation is very low (so the reality is that few Liberians will be returning within the next year); (3) many who are here may be eligible for asylum (the approval rate for asylum seekers in high for Liberians); and (4) we continue to fund (through UNHCR) repatriation efforts of close to 500,000 Liberians from other parts of the world and thus have made a foreign policy decision that the country is stable enough for return. According to NSC, the State Dept. and DOJ continue to be opposed to DED for Liberians.

I have asked Scott to call a meeting with us, DOJ, INS and State (and whomever else) to discuss their proposed recommendation.

julie



To: Elena Kagan/OPD/EOP, Bruce N. Reed/OPD/EOP
cc: Laura Emmett/WHO/EOP, Cathy R. Mays/OPD/EOP

Subject: DED for Liberians

### Bruce/Elena:

Yesterday, NSC hosted a meeting with DOJ and the State Department to discuss recent requests by refugee and Liberian advocacy groups for the President to direct the Attorney General to employ DED (Deferred Enforced Departure) for Liberians.

As you recall, last winter the President directed the Attorney General and the INS to defer for one year the deportation of Haitians who were paroled into the U.S. or applied for asylum prior to Dec. 31, 1995. At that time, the NSC and the State Dept, concluded that there were strong foreign policy reasons not to send large numbers of Haitians (approximately 40,000) back to the country. This conclusion was supported by committments by the Administration and members of Congress (at the urging of Haitian President Rene Preval) to work on providing a legislative solution for these Haitians within the year.

The situation for Liberians is very different. First, the State Department has concluded that though the economic situation in Liberia is bad, the country is politically stable. In fact, the U.S. is funding a UNHCR (United Nations High Commission on Refugees) effort to facilitate the return of approximately 480,000 Liberians from other countries (non-U.S.) back to Liberia (the population of Liberia is now approximately 4 million). In addition, many Liberians from around the world are voluntarity repatriating. There are a total of 8,000 Liberians in this country who would be affected by this DED. Of course, some number of the Liberians in this country are political asylees. Like other asylum seekers, if they have a credible fear of persecution based on a covered category (political activities, religious beliefs, etc.) they would be eligible for asylum (DOJ tells us that the approval rate for Liberians seeking asylum is approx. 80%).

Given all of these factors, there does not seem to be a credible basis for the President to use his extraordinary authority to grant DED for this small population of Liberians — particularly in light of U.S. support for the repatriation of hundreds of thousands of Liberians from other countries. The DOJ and State appear to agree with this view. NSC's position is not clear, though Scott B. seems inclined to advocate for DED.

The one complication here is that Jesse Jackson was recently in Liberia, and he may ask that the President issue DED for Liberians (this issue has been brought to his attention by advocacy groups). Howard Jeter (Director of West African Affairs at the State Dept. and Jackson's travelling companion last week in Liberia) indicated that he would brief Jackson on the situation and get his reaction. According to Scott B., Berger wants to respond to the letters that he received on this issue by the end of next week.

julie