

**NLWJC - Kagan**

**DPC - Box 033 - Folder 012**

**Immigration - Liberians**

Immig-Liberians



BUSBY\_S @ A1  
09/22/98 04:57:00 PM

Record Type: Record

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:

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Julie A. Fernandes  
Laura Emmett  
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Adrienne C. Erbach  
Sandra Yamin  
Peter G. Jacoby

Immig-Liberians

▶ Julie A. Fernandes

09/21/98 06:07:12 PM

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Record Type: Record

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 not extend TPS -- they didn't want to change their conclusion about the stability of the country without the occurrence 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



▶ Julie A. Fernandes  
07/28/98 12:41:53 PM  
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Record Type: Record

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 commitments 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 voluntarily 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