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## Memorandum

HQOPS 70/23-C

DEC 23 1997

Regional Directors
Regional Counsel
District Directors
District Counsel
Officers in Charge (including SPCs)
Chief Patrol Agents

Office of Field Operations

President Clinton today directed the Attorney General to provide certain Haitian nationals with Deferred Enforced Departure (DED) and employment authorization for one year. With certain exceptions, the directive covers Haitian nationals who applied for asylum, or were paroled into the country, before December 31, 1995, and who have remained in the United States since that time. The exceptions include any Haitian national

- 1. who has been convicted of an aggravated felony;
- who is found to be a persecutor of others within the meaning of INA section 101(a)(42);
- whose removal the Attorney General determines is in the interest of the United States:
- whose presence or activities in the United States the Secretary of State has
  reasonable ground to believe would have potentially serious adverse foreign
  policy consequences;
- who voluntarily returned or returns to Haiti or to the alien's country of last habitual residence outside the United States;
- 6. who was deported, excluded, or removed prior to Dec. 23, 1997; or
- who is subject to extradition.

Aliens covered by the presidential directive and not subject to one of the listed exceptions shall not be removed from the United States while the directive remains in effect. Such aliens should also be released from custody, except that IIQOPS should be contacted if the alien is subject to mandatory detention or if the alien's release would present a danger to the community. Aliens falling within the exceptions may be detained and removed as

appropriate, except that HQOPS should be consulted prior to removal in cases falling within the exceptions numbered 3, 4, and 7 above. HQOPS should also be consulted prior to removal in cases falling with the exceptions numbered 1 and 2 above, unless the Board of Immigration Appeals or an immigration judge has found the alien to be an aggravated felon or a persecutor in a final, unappealed decision.

This instruction is effective immediately, and supersedes previous instructions regarding Haitian nationals, including the memoranda of November 19, 1997 and December 18, 1997 issued by this Office. Further instructions will be issued shortly regarding employment authorization. This memorandum should be distributed immediately to all affected personnel.

Nothing in this memorandum is intended to provide rights to aliens or to be enforceable in any court of law.

Michael A. Pearson

Executive Associate Commissioner

Office of Field Operations

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