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United States Senate

WASHINGTON, DC 20510

March 15, 2005

Hon. Michael Chertoff
Secretary
U.S. Department of Homeland Security
Nebraska Avenue Complex
3801 Nebraska Avenue, N.W.
Washington, DC 20528

Dear Secretary Chertoff:

I am writing to urge you to grant a Deferred Enforced Departure (DED) for the qualifying Montserratians, whose Temporary Protected Status (TPS) in the United States expired on February 27, 2005.

In January, Senators Kennedy, Kerry and I asked the President to extend TPS for the nearly three hundred Montserratian refugees now residing in the United States. The Administration referred the letter to the Department of Homeland Security (DHS), which rejected our request for extended TPS, leaving the Montserratian refugees with few options to continue on with their lives.

In its response, rejecting an extension of TPS, the DHS stated that Montserratians, by virtue of being a British dependency, could go to the United Kingdom. As a theoretical matter, that is correct. Unfortunately, for a Montserratian heading to the UK would need at least six months of funds to support themselves without work, as well as a family member or friend with whom to stay in the UK. The relative weakness of the dollar to the pound compounds these refugees' difficulties, as does the fact that few of them have family or friends in the UK.

Montserratian refugees in the United States have no real home to go back to, and the island from where they came and where they would expect to return has just started its rebuilding process, which will not be completed for several years. In his budget speech on March 8, 2005, the Montserratian Chief Minister reiterated that the island is not able to accommodate returning refugees, as many Montserratians continue to live in the same shelters they have inhabited since the volcano erupted in 1995.

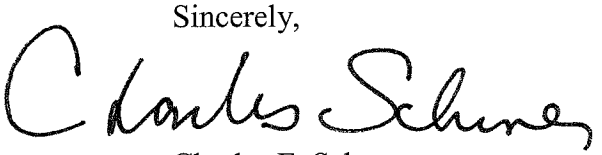
The federal government has invoked DED five times since 1990, and this dire situation calls for a sixth invocation. As discussed above, Montserratians cannot go back to any semblance of a life in Montserrat, and leaving now for the U.K. would drive nearly all of them into abject poverty or worse.

DED would enable a smooth transition out of the United States for those Montserratians who could not adjust their status. The majority of the Montserratians, who have been in the United States under TPS, have children in college and other schools, and it is difficult to remove those students at this time without exposing those students to serious setbacks in their education. DED will enable the Montserratian parents to work and support their children while they complete their education. This 12-18 month period would also enable them to dispose of whatever property and personal belongings they may possess, so that they can be in the best position to succeed financially outside the United States.

Whatever choices the Montserratian refugees are forced to make, they will need to have some means to support themselves for at least six months or more after they exit the United States, and this DED period would enable them to prepare for their departure, prevent economic and social hardships for themselves and their families, and provide them with an opportunity to seek a safe haven and jobs outside the United States.

I appreciate your prompt attention to this matter and look forward to hearing from you soon.

Sincerely,



Charles E. Schumer
United States Senator