

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Richard Nuccio to Robert Malley re: Memo (3 pages)	08/04/1995	P1/b(1)
002. email	Malley to Eric Schwartz re: Cubans at Guantanamo (2 pages)	08/07/1995	P1/b(1)
003. email	Schwartz to Richard Clarke et al. re: Your Concurrence ASAP (3 pages)	08/08/1995	P1/b(1)
004. email	Malley to Morton Halperin et al. re: Cuban Migrants (6 pages)	11/03/1995	P1/b(1)
005. email	Edward Appel to Rand Beers et al. re: FW: A Note from Nancy Soderberg (13 pages)	01/03/1996	P1/b(1)
006. email	Fulton Armstrong to Malley re: Shattuck Draft (6 pages)	02/06/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/12/1995-03/06/1996]

2011-1039-F
 rs1854

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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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]
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M S M a i l

DATE-TIME 12 July 95 16:57

FROM Danvers, William C.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Subject: RE: Guidance on Cuba [CONFIDENTIAL]

TO Armstrong, Fulton T.
Fetig, James L.
Mitchell, Calvin A.
Wozniak, Natalie S.

CARBON_COPY Andricos, George M.
Atkin, Timothy J.
Bassett, Leslie A.
Beers, Rand R.
Blakeman, Earle C.
Brown, Dallas
Clarke, Richard A.
Cooper, Kathleen H.
Danvers, William C.
Dymersky, Debra L.
Eddy, Randolph P.
Feinberg, Richard E.
Funches, Christina L.
Halperin, Morton H.
Jensen-Moran, Jeri L.
Kammerer, Kelly C.
Lindsey, Wanda
Longoria, Michael A.
Lorin, Matthew E.
Malley, Robert
Mazzuchi, Anthony D.
Norman, Marcia G.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Tyler, John T.

TEXT_BODY

Fulton-- I made a change in the last tick, per our conversation this morning.

From: Armstrong, Fulton T.
To: @PRESS - Public Affairs

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By PL NARA, Date 3/14/16
2011-1034-F

CC: /R, Record at A1; @INTERAM - Inter-American; @DEMOCRACY - Democracy Affairs; @GLOBAL - Global Affairs; @LEGISLAT-Legislative Affairs
Subject: Guidance on Cuba [CONFIDENTIAL]
Date: Wednesday, July 12, 1995 04:41 PM

Re updating Cuba guidance of 6/30:

-- The background/Q&A on the aftermath of the May 2 migration accord still holds, although some updating may be necessary. (We defer to whomever drafted it.)

-- The section on Nixon's nephew should be deleted. Mr. Nixon returned to the United States last week.

-- The section on Castro's meeting with the exile leader should be updated, per insert A below.

-- We probably should add a brief section on yesterday's HIRC vote to approve the Helms-Burton Bill, per insert B below.

INSERT A

Castro Meeting with Cuban Exile Leader:

[Background: The New York Times, Washington Post, and other major papers have reported in the past two weeks on a meeting in late June between Fidel Castro and exile leader Eloy Gutierrez Menoyo, head of the moderate Miami-based "Cuban Change" organization. Gutierrez Menoyo is the most influential exile leader that Castro has met with. (He was an ally of Castro's during the struggle against Batista but broke with him over the failure to hold elections in 1961; he subsequently joined an anti-Castro guerrilla movement, was caught, and served 22 years in prison until Spanish PM Gonzalez secured his release.) "Cuban Change" reportedly has only several hundred members, but it represents a large number of Cuban exiles who favor a less confrontational approach toward the island. The Cuban Interests Section in Washington cited the meeting as "another sign of our flexibility."

Gutierrez Menoyo (who met with Mort Halperin this week) says that the two discussed "the future of Cuba" -- including whether exiles could freely return to Cuba and whether his group could open an office there -- but Castro did not respond to the proposals. More conservative Cuban-American groups staunchly oppose such a dialogue, and Miami radio stations have declared Gutierrez Menoyo a traitor.]

Q: What significance do you give Cuban exile leader Gutierrez Menoyo's recent meeting with Fidel Castro?

-- We have consistently supported a peaceful, democratic transition in Cuba and, as I have stated before, are prepared to make carefully calibrated responses in return for far-reaching, meaningful political and economic reforms on the island. While a dialogue between Cuban exiles and Havana may help, the bottom line remains whether the Cuban government is willing to make such reforms.

INSERT B

[Background: The House International Relations Committee voted 28 to 9 yesterday to approve the Helms-Burton bill. Rep. Burton told reporters that the bill will be reviewed in the next few weeks by the Ways and Means Committee and probably will be ready for floor debate before the August recess.]

Q: Would you like to comment on the House International Relations Committee's passage of the Helms-Burton Bill yesterday?

-- We remain committed to our policy, based on the Cuba Democracy Act, of a strong economic embargo on Cuba and increased support for the Cuban people to facilitate a peaceful, democratic transition in Cuba.

-- We still have problems with the Helms-Burton legislation. We are concerned about provisions in the bill that might infringe on Presidential authority under the Constitution to conduct foreign policy and could conflict with our broader interests, including our compliance with international trade agreements.

-- We support efforts to improve the legislation.

CONCURRENCES: Mort Halperin; Bill Danvers

Withdrawal/Redaction Marker

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MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
OA/Box Number: 590000

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M S M a i l

DATE-TIME 21 August 95 15:53
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT paragraph for panetta update [UNCLASSIFIED]
TO Joshi, M. Kay
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[HAITI108.DOC : 3846 in HAITI108.DOC]]
**ATTACHMENT
FILE DATE** 21 August 95 15:51
**ATTACHMENT
FILE NAME** HAITI108.DOC

Haitian migrants

The U.S. Coast Guard and the Bahamian Defense Force yesterday rescued some 400 Haitian migrants from an 80-foot vessel in Bahamian waters. At least five were reported dead on the scene and others may have died enroute. The migrants are being held in Nassau, from which they are expected to be returned to Haiti. We are attempting to obtain additional information from Bahamian authorities about the circumstances of this smuggling incident.

M S M a i l

DATE-TIME 11 September 95 08:50
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT RE: Haitians in G'tmo [~~CONFIDENTIAL~~]
TO Cicio, Kristen K.
CARBON_COPY Halperin, Morton H.
Schwartz, Eric P.

TEXT_BODY

PLEASE PASS TO SANDY:

There still are 23 HIV positive Haitians at GTMO for whom sponsorship has yet to be found in the US, in addition to their 16 accompanying family members. Justice/CRS believes that sponsors will be easier to find now that the summer break is over. But needless to say, DOD is extremely disturbed by the length of time it is taking. (This is adding to general frustration in DOD regarding the continued use of GTMO for some of the Cuban migrants intercepted at sea and who are awaiting final disposition. We are working to shorten the time spend at GTMO, but you should expect to hear from OSD or JCS sometime soon).

There also are 3 or 4 Haitians who are on medical hold at GTMO, and who will be returned to Haiti when possible.

From: Cicio, Kristen K.
To: Malley, Robert; Schwartz, Eric P.
CC: /R, Record at A1; @NSA - Nat'l Security Advisor; @GLOBAL - Global Affairs; @DEMOCRACY - Democracy Affairs
Subject: Haitians in G'tmo [~~CONFIDENTIAL~~]
Date: Saturday, September 09, 1995 12:35 PM

Eric/Rob,

Sandy asks..."Why are there still Haitians at G'tmo?"

Kris

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MS NARA, Date 3/24/16
201-1234-F

M S M a i l

DATE-TIME 11 September 95 12:22
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT RE: Haitians in G'tmo (II)[~~CONFIDENTIAL~~]
TO Cicio, Kristen K.
CARBON_COPY Schwartz, Eric P.
TEXT_BODY

PLEASE PASS TO SANDY -- This is a more accurate update:

There are in fact 52 Haitian migrants at GTMO

43 are U.S. bound:

- 23 Haitians are HIV positive are are awaiting sponsors in the US
- The 23 have 16 attached family members
- Another 4 Haitians have severe behavioral problems and are awaiting special placement in the US. Transfer should occur around September 21.

9 are Haiti bound:

- 5 are on medical hold
- They have 2 attached family members
- 2 Haitians formerly on INS hold are now cleared to return to Haiti.

From: Cicio, Kristen K.

To: Malley, Robert; Schwartz, Eric P.

CC: /R, Record at A1; @NSA - Nat'l Security Advisor; @GLOBAL - Global Affairs; @DEMOCRACY - Democracy Affairs

Subject: Haitians in G'tmo [~~CONFIDENTIAL~~]

Date: Saturday, September 09, 1995 12:35 PM

Eric/Rob,

Sandy asks..."Why are there still Haitians at G'tmo?"

Kris

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *MM* NARA, Date *3/28/16*
241-1034-F

M S M a i l

DATE-TIME 19 September 95 14:14
FROM Brown, Dallas
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Haiti One-Year Update for POTUS [~~CONFIDENTIAL~~]
TO Armstrong, Fulton T.
Malley, Robert
Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Please review attached package for clearance. Thanks.
[[19SELAK.DOC : 3621 in 19SELAK.DOC]][[19SEPRE.DOC : 3622 in
19SEPRE.DOC
]]

ATTACHMENT
FILE DATE 19 September 95 14:10

ATTACHMENT
FILE NAME 19SELAK.DOC
~~CONFIDENTIAL~~
number
~~CONFIDENTIAL~~

CLASSIFICATION
CLASSIFICATION

September 19, 1995

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: RICHARD A. CLARKE

FROM: DALLAS BROWN

SUBJECT: One-Year Anniversary of the Intervention
in Haiti

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *M* NARA, Date *2/18/11*
2011-1031-F

Today marks the one-year anniversary of the U.S.-led intervention in Haiti. Attached at Tab I is an information memorandum for the President which lays out our accomplishments there to date.

Concurrences by: Rob Malley, Fulton Armstrong, Eric Schwartz

RECOMMENDATION

That you sign the Memorandum for the President at Tab A.

Attachments

Tab I Memorandum for the President

ATTACHMENT
FILE DATE

19 September 95 14:11

ATTACHMENT
FILE NAME

19SEP95.DOC
~~CONFIDENTIAL~~
number
~~CONFIDENTIAL~~
cc: Vice President
Declassify on: OADR
Chief of Staff

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~

INFORMATION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE

SUBJECT: One-Year Anniversary of the Intervention
in Haiti

Purpose

To provide you a benchmark update on accomplishments in Haiti to date.

Information

September 19th marked the one-year anniversary of the U.S.-led intervention in Haiti. Though the people and Government of Haiti have a long way to go, we have accomplished a great deal there over the past twelve months. Specifically:

- ù The military triumvirate of Cedras, Biamby and Francois was ejected, and the democratically-elected government of President Aristide was returned to power. The rule of law and a return to normalcy has been provided to the Haitian people.

- ù The initial intervention was accomplished peacefully, with only one minor exchange of gunfire, and no loss of life. To date, the U.S. has suffered only one fatality that was operationally related -- the isolated result of a former FAd'H officer pulling a pistol on U.S. soldiers at a busy traffic checkpoint.

- ù The exodus of Haitian migrants, which peaked at more than 3,000 per day in July 1994 and which threatened to destabilize conditions throughout the Caribbean, was brought to a stop.

- ù Under the leadership of the U.S., donor nations and international financial institutions have pledged more than \$1.2 billion in assistance for Haiti's economic recovery. Statistical economic indicators in Haiti have climbed steadily over the past twelve months. More than 12,000 workers are now employed on a daily basis in assembly sector firms, up from zero before the intervention last September. The World Bank has signed a \$50 million accord with the GOH to fund labor-intensive infrastructure projects. OPIC has established an on-sight lending facility in Port-au-Prince which has approved loans totaling \$8 million to date for small business development. U.S. trade development

missions in areas as diverse as telecommunications, agribusiness and handicrafts have traveled to Haiti to spur investment and economic development.

- ù The U.S.-led Multinational Force turned over its multi-faceted missions to the United Nations Mission in Haiti (UNMIH) on March 31. Today the UNMIH military component consists of 6,000 troops from eighteen nations. 2,400 of these troops are U.S.

- ù The Haitian Government has conducted three rounds of local and parliamentary elections which, though flawed administratively, were the best-run and most peaceful in the history of the nation. A national Presidential election

will be conducted in November, and a new President will be inaugurated in February. This will mark the first ever transition from democratically-elected government to democratically-elected government to take place in Haiti.

ù The brutal FAd'H has been dismantled completely and a new, civilian police force is being trained with U.S. assistance and deployed to the field under the guidance and supervision of international CIVPOL monitors. The well-motivated young cadets of the new Haitian National Police are being trained in professional ethics, human rights and the rule of law. U.S.-led programs to educate and empower the members of the Haitian judiciary are well underway.

ù USAID programs in democracy and governance, medicine, education, agriculture, soil conservation, jobs training and tree planting have been established and/or expanded in Port-au-Prince and other major cities, and throughout the Haitian countryside.

ù Haiti has rejoined the international community of nations, as evidenced by President Aristide's participation in the OAS Summit in Miami in December 1994, and the conduct of OAS Ministerials near Port-au-Prince in July 1995.

In short, the U.S.-led international intervention in Haiti has provided a return to normalcy for the Haitian people, and given them the opportunity to rebuild their society and to re-establish and strengthen their democratic traditions. A great deal of work remains to be done, but the situation in Haiti is vastly improved today in a whole spectrum of areas -- democracy, governance, migrants, the rule of law, police and security structures, economic well-being -- over what it was at the time of the intervention a year ago.

M S M a i l

DATE-TIME 02 October 95 19:47
FROM Veit, Katherine M.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Haitian Freighter in Miami [UNCLASSIFIED]
TO Schwartz, Eric P.
CARBON_COPY Bass, Peter E.
Cicio, Kristen K.
Emery, Mary C.
Hall, Wilma G.
Veit, Katherine M.

TEXT_BODY

Sandy Berger ready your e-mail and notes: "Please call Chiles' guy." thx.

From: Letts, Kelly J.
To: @NSA - Nat'l Security Advisor; @GLOBAL - Global Affairs;
@DEMOCRACY -
Democracy Affairs
CC: /R, Record at A1
Subject: Haitian Freighter in Miami[UNCLASSIFIED]
Date: Monday, October 02, 1995 04:38 PM

Message for Sandy Berger from Eric Schwartz:

On October 1, a Haitian freighter did enter the Miami River before being detected by U.S. officials INS has about 172 in custody. They will be put into exclusion proceedings. An unknown number escaped apprehension-possibly dozens.

What we are doing:

1. INS will detain the migrants (although children will likely benefit from early parole).
2. INS will investigate to determine the Haitian source of this smuggling operation.
3. The Coast Guard has heightened surveillance around south Florida, with three boats and a medium endurance cutter, as well as 3 aircraft.
4. An IWG will meet tomorrow to discuss means to enhance our efforts on alien smuggling of Haitians as well as interdiction. One of the principle areas of discussion will be enhanced efforts at the source (Haiti).

M S M a i l

DATE-TIME 19 October 95 09:05

FROM Schwartz, Eric P.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT A little bit of good migration news [~~CONFIDENTIAL~~]

TO Beers, Rand R.
Brown, Dallas
Clarke, Richard A.
Cooper, Kathleen H.
Daadler, Ivo H.
Eddy, Randolph P.
Eisenhower, James J.
Halperin, Morton H.
Kammerer, Kelly C.
Letts, Kelly J.
Lindsey, Wanda
Lorin, Matthew E.
Malley, Robert
Noetzel, Jon C.
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Tyler, John T.
Verville, Elizabeth G.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Coast Guard found several Cubans on a Bahamian Cay and told the GOB. GOB said thanks for the information, please take them back to Cuba. Pursuant to recently issued internal guidance, we told GOB that the Cubans were their responsibility -- we'd take them to whatever Bahamian port the GOB chose. GOB finally agreed to take them in. While we may see them some day in Miami, getting GOB to agree to accept responsibility was a (small) step forward.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By ML NARA, Date 3/28/16

201-1034-F

M S M a i l

DATE-TIME 27 October 95 09:22
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT RE: First Draft: Refugee PDD [~~CONFIDENTIAL~~]
TO Halperin, Morton H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Attached is an annotated copy (my comments are in bold) I added a paragraph on the issue we discussed -- Eric deals with it but only in the context of alien smuggling and as a temporary hold pending return. I have two questions:

(1) I speak only of GTMO whereas Eric later mentions Wake Island as well (in the context of alien smuggling) -- should we add Wake Island?

(2) In my version, DOJ/INS is responsible for management and funding and DOD for perimeter security. Does that sound right? Under what circumstances? (Presumably, at some point the numbers will be such that DOD would handle it all -- would that include funding?)

[[REFPDD.DOC : 2307 in REFPDD.DOC]]

From: Halperin, Morton H.
To: Malley, Robert
CC: /R, Record at A1
Subject: FW: First Draft: Refugee PDD [~~CONFIDENTIAL~~]
Date: Friday, October 27, 1995 09:08 AM

<<Attached File: >>

Please review carefully and discuss with me before getting back to Eric. In general it seems ok to me. However, it is not specific enough on the issue of maintaining and paying for a stand-by capability in GTMO for small numbers.

From: Schwartz, Eric P.
To: @GLOBAL - Global Affairs; @DEMOCRACY - Democracy Affairs
CC: /R, Record at A1
Subject: First Draft: Refugee PDD [~~CONFIDENTIAL~~]
Date: Thursday, October 26, 1995 07:31 PM

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ML NARA, Date 3/28/16
201-103A-F

I've enclosed a very first draft of a Refugee PDD.

Please let me have your comments before I circulate. If I can get them by COB Friday, I can circulate.

I've left out Immigration Emergencies because the issue is being worked elsewhere. Same with coordination of humanitarian assistance.

I made the IWG at the DAS level because I think I should chair -- I'm already chairing a range of ad hoc migration IWGs already, but I don't want to have Phyllis O. or others get bent out of shape.

Eric

**ATTACHMENT
FILE DATE**

27 October 95 9:18

**ATTACHMENT
FILE NAME**

REFPDD.DOC

INTRODUCTION

As we approach the 21st century, refugee and migration issues are having a far greater impact on the domestic and foreign policies of the United States and other industrialized countries.

The end of the Cold War has brought an acceleration of refugee and migration outflows as the outbreak of multiple conflicts has forced people to flee and as restrictions on emigration have been eased. At the same time, the end of the Cold War has provided opportunities to develop durable solutions to the plight of refugees, as reflected in large scale repatriations of former displaced Cambodians and the possibility of such returns in the Former Yugoslavia.

Increased migration has resulted in unprecedented levels of asylum-seekers in Europe and North America in recent years. While a critical component of our refugee protection, the asylum process is costly and time-consuming and there is a widespread perception in Europe and North America that asylum systems are being abused. Effective measures to ensure against abuses are essential to maintain public support for generous policies in this area.

Our worldwide efforts to promote democracy and the development of market economies, as well as our emphasis on political and ethnic

reconciliation in states experiencing civil conflict, can contribute to limit the potential for refugee flight and migration emergencies. Even under the best of circumstances, however, we will continue to witness such outflows and need to be prepared to respond.

Refugee protection and resettlement are traditional and fundamental elements of the U.S. humanitarian agenda. Our task is to develop policies that reaffirm our world leadership on this issue at a time of diminished resources and continuing challenges to effective enforcement of our immigration laws.

REFUGEE ASSISTANCE

- ù We will continue efforts to provide between 20% and 25% of contributions to refugee emergencies worldwide, which roughly equates to our percentage of worldwide GDP.

- ù We will undertake efforts to ensure that planning for refugee assistance is integrated into overall U.S. Government funding for humanitarian assistance. Detailed procedures for coordination will be promulgated in the forthcoming Presidential Review Directive on international humanitarian assistance.

REPATRIATION

- ù The U.S. goal for most large-scale refugee populations should be repatriation to their homes as early as conditions allow this to be accomplished safely. We recognize that, even when conditions for return are deemed safe, some may continue to express fears of return. Such cases should be considered on a basis that recognizes the principle of non-refoulement and the right of those who express the need for protection to have claims heard.

- ù State, AID and DOD will seek to augment support for both repatriation and for local integration by increased funding for economic and social development efforts to facilitate these

durable solutions. We will be prepared to use traditional sources of refugee and migration funding for these purposes.

OVERSEAS PROTECTION

- ù We will continue to encourage governments to adopt, and seek to implement, policies that do not result in the return of bonafide refugees to locations where they would have well-founded fears of persecution based on race, religion, nationality, membership in a social group or political opinion. We will also encourage governments not to summarily return asylum-seekers to situations of conflict.

ù State will seek to strengthen and broaden the protection role of the UNHCR and our contributions to protection efforts. We will be prepared to devote resources from humanitarian, refugee and migration assistance funds to projects designed to protect the rights of refugees and displaced persons. These could include investigations of abuses such as forced movement, torture and killing of refugees.

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ù The State Department will update its 1972 Administrative guidance, including sections dealing with handling asylum requests by persons within foreign jurisdictions.

ù In the case of migrants from refugee producing countries, it may be appropriate for U.S. officials to initiate status determination procedures to ensure against return of refugees. The State Department, in consultation with the Immigration and Naturalization Service, will develop special protocols to deal with such situations.

MIGRATION MANAGEMENT, IMMIGRATION CONTROL AND PROTECTION

ù In efforts to provide protection for those fleeing persecution or conflict, we should seek to avoid mass economic boat migration that threatens widespread loss of life, taxes domestic social services and undermines public support for asylum and other forms of protection. For this reason, we will consider the option of regional safe haven outside the United States in the case of

large-scale migration close to our shores of those who may be fleeing persecution or conflict. We will also seek third country resettlement for refugees in circumstances where the prospect of asylum in the United States risks encouraging large-scale economic migration by boat.

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EXPEDITED EXCLUSION AT PORTS OF ENTRY

ù We will continue efforts to enact legislation on expedited exclusion at ports of entry to streamline the asylum process while ensuring conformity to the Refugee Convention and Protocol. We will oppose legislative provisions that appear to conflict with the letter or spirit of Convention and Protocol obligations, such as time limits on applications for asylum, absence of review and detention of claimants who appear to have credible claims to asylum.

REFUGEE ADMISSIONS AND RESETTLEMENT

ù The U.S. does and should continue to play a unique leadership role in refugee resettlement, contributing on average about

one-half of the third country resettlement places offered worldwide from countries of first asylum. We should use our position to ensure that resettlement needs are viewed as a shared international responsibility.

ù Without abandoning historical commitments to affected communities, we should seek to establish uniform standards of review for determining well-founded fear in overseas refugee admissions processing.

ù Our priorities in overseas processing should include 1) UNHCR or Embassy-referred individual cases of compelling concern (particularly for security cases and vulnerable populations such as women at risk, torture victims, medically needy); 2) groups of special concern to be established as need by nationality and based on UNHCR recommendations or a determination that the USG has a particular interest and has concluded that specified individuals or groups are in need of and qualify for resettlement in the U.S. 3) spouses, unmarried sons and daughters and parents of persons permanently in the United States; 4) more distant relatives of persons permanently in the United States.

ù In countries where human rights abuses are rampant, it is appropriate for the U.S. to consider in-country processing to ameliorate the situation while avoiding the magnet effect of admissions processing elsewhere. However, while in-country processing should be seen as alternative to flight, it should not be the only alternative for individuals seeking to flee persecution.

ù We will strongly oppose legislative attempts to limit the President's flexibility in determining refugee admissions numbers in any given year.

PROTECTION AND RESETTLEMENT OF CASES OF HUMANITARIAN CONCERN

ù Justice shall develop administrative procedures to provide protection for victims of abusive practices (including torture) who might not be eligible for protection under our asylum statute. This protection will supplant and not supplement protection offered under Temporary Protected Status.

ù Justice shall seek legislative authority to provide permanent legal status to those provided such protection.

ù Justice shall also propose legislation to provide temporary protection for victims of conflict who might not be eligible for Temporary Protected Status.

ALIEN SMUGGLING

ù We will continue efforts initiated under PDD-9 to combat trafficking in migrants by criminal syndicates, while maintaining protection for bonafide refugees.

ù To assist in this effort, State will continue efforts to seek cooperation from foreign governments in obtaining their permission to accept repatriates from third countries. In particular, State will seek reversal of Chinese Government restrictions on third country repatriation to China and on the involvement in repatriations by the International Organization for Migration.

ù DOD will make available on a standby basis facilities at Wake Island and Guantanamo Bay, Cuba, to provide means for repatriation of smuggled migrants when use of third countries is not possible or practical.

ù Justice will ensure that funding for repatriation is included in the FY 1997 budget request.

COORDINATION AND ORGANIZATION

ù An interagency working group on international migration and refugee affairs at the Deputy Assistant Secretary level will meet periodically to discuss evolving migration issues. It will be chaired by NSC staff and include representatives of the Departments of State, Defense, Justice/INS, DOT/Coast Guard and CIA.

M S M a i l

DATE-TIME 27 October 95 10:41
FROM Malley, Robert
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT RE: First Draft: Refugee PDD [~~CONFIDENTIAL~~]
TO Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Eric --
Attached is a version with my additions or comments in bold. Call if any questions.

[[REFPDD.DOC : 2564 in REFPDD.DOC]]

From: Schwartz, Eric P.
To: @GLOBAL - Global Affairs; @DEMOCRACY - Democracy Affairs
CC: /R, Record at A1
Subject: First Draft: Refugee PDD [~~CONFIDENTIAL~~]
Date: Thursday, October 26, 1995 07:34 PM

<<Attached File: REFPDD.DOC>>

I've enclosed a very first draft of a Refugee PDD.

Please let me have your comments before I circulate. If I can get them by COB Friday, I can circulate.

I've left out Immigration Emergencies because the issue is being worked elsewhere. Same with coordination of humanitarian assistance.

I made the IWG at the DAS level because I think I should chair -- I'm already chairing a range of ad hoc migration IWGs already, but I don't want to have Phyllis O. or others get bent out of shape.

Eric

ATTACHMENT
FILE DATE 27 October 95 9:18
ATTACHMENT
FILE NAME REFPDD.DOC

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By ML NARA, Date 3/29/16
2011-1034-F

INTRODUCTION

As we approach the 21st century, refugee and migration issues are having a far greater impact on the domestic and foreign policies of the United States and other industrialized countries.

The end of the Cold War has brought an acceleration of refugee and migration outflows as the outbreak of multiple conflicts has forced people to flee and as restrictions on emigration have been eased. At the same time, the end of the Cold War has provided opportunities to develop durable solutions to the plight of refugees, as reflected in large scale repatriations of former displaced Cambodians and the possibility of such returns in the Former Yugoslavia.

Increased migration has resulted in unprecedented levels of asylum-seekers in Europe and North America in recent years. While a critical component of our refugee protection, the asylum process is costly and time-consuming and there is a widespread perception in Europe and North America that asylum systems are being abused. Effective measures to ensure against abuses are essential to maintain public support for generous policies in this area.

Our worldwide efforts to promote democracy and the development of market economies, as well as our emphasis on political and ethnic reconciliation in states experiencing civil conflict, can contribute to limit the potential for refugee flight and migration emergencies. Even under the best of circumstances, however, we will continue to witness such outflows and need to be prepared to respond.

Refugee protection and resettlement are traditional and fundamental elements of the U.S. humanitarian agenda. Our task is to develop policies that reaffirm our world leadership on this issue at a time of diminished resources and continuing challenges to effective enforcement of our immigration laws.

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Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. email	Malley to Morton Halperin et al. re: Cuban Migrants (6 pages)	11/03/1995	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/12/1995-03/06/1996]

2011-1039-F
rs1854

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]
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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]

M S M a i l

DATE-TIME 06 December 95 18:29

FROM Cicio, Kristen K.

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT Meeting on Haiti Migrants [~~CONFIDENTIAL~~]

TO Clarke, Richard A.

CARBON_COPY Bass, Peter E.
Beers, Rand R.
Brown, Dallas
Cicio, Kristen K.
Daadler, Ivo H.
Eddy, Randolph P.
Eisenhower, James J.
Hall, Wilma G.
Letts, Kelly J.
Lindsey, Wanda
Rice, Susan E.
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Veit, Katherine M.
Verville, Elizabeth G.
Wiley, Mary C.

TEXT_BODY

Dick,

Sandy asks that I work with you on setting up a "small meeting on Haitian & Dominican migrants" with the AG, Coast Guard, you, Eric and someone from State.

I will be in late on Thursday and call you about it.

Thx,

Kris

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By MI NARA, Date 3/28/16
2011-1034-12

M S M a i l

DATE-TIME 15 December 95 18:00
FROM Schwartz, Eric P.
CLASSIFICATION ***** CLASSIFICATION NOT FOUND *****
SUBJECT Suggested list of invitees: DR and Carib migration
TO Bass, Peter E.
Cicio, Kristen K.
Hall, Wilma G.
Veit, Katherine M.
Wiley, Mary C.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Sandy:

We are working a short paper for you on migration/alien smuggling in the Caribbean for the meeting with the AG. While the Dominican Republic was on the AG's mind when she spoke to you, she will be interested in talking about the broader issue as well.

Our list of suggested invitees include (P plus one):

DOT/Coast Guard: DOT Chief of Staff
CG Admiral Kramek

Justice AG

INS Doris Meissner

State Wirth (plus 2 -- his shop, Global, handles both migration (Phyllis Oakley) and alien smuggling (Gelbard)

May we go forward?

(As these are Tim Wirth's issues, we have not invited Peter, though Cuba may well come up. If you like, we could invite one of the NSC Cuba watchers -- Mort or Rick.)

M S M a i l

DATE-TIME 21 December 95 15:20
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT fax [UNCLASSIFIED]
TO Cooper, Kathleen H.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Could you please fax the attached to AJ at (703) 614-8945
[[GTMOFU.DOC : 3844 in GTMOFU.DOC]]
**ATTACHMENT
FILE DATE** 21 December 95 15:19
**ATTACHMENT
FILE NAME** GTMOFU.DOC
DRAFT

December 17, 1995

MEMORANDUM FOR MIGRATION SUB-GROUP

FROM: ROB MALLEY/ERIC SCHWARTZ

SUBJECT: Future of Guantanamo

As the drawdown of Guantanamo comes to a close, decisions need to be reached concerning the future role of Guantanamo in U.S. migration policy. This discussion paper proposes several options for discussion by the inter-agency with regards to Cuban migration.

I. Background Data

ù The mission that led to the establishment of JTF-160 in September 1994 will soon be completed. By approximately February 1, 1996, we expect the last Cuban migrant to be either paroled into the

United States or returned to Cuba. JTF-160 will then stand down.

ù In the period preceding September, 1994, Guantanamo Bay had the capacity to hold up to 10 migrants at any given time.

ù Start-up time for Guantanamo to hold up to 10,000 migrants in an emergency situation is 10 days.

ù The May 2, 1995 policy adopted by the President provides that Cuban migrants with a colorable refugee claim shall not be returned to Cuba. Instead, they will be temporarily held at Guantanamo Bay pending further processing. Migrants found to be in need of protection will be resettled in third countries; others will be returned to Cuba.

II. Discussion

Although the immediate crisis that began in August, 1994 is now over and intervening policy decisions have diminished the likelihood of a mass migration from Cuba, we should expect to have a relatively steady number of Cuban migrants at Guantanamo at any given time -- both fence-jumpers coming directly onto the base and migrants intercepted at sea whom we cannot immediately return. (The latter group includes, e.g., Cubans for whom additional processing is required; Cubans who have a genuine claim for protection; and potential witnesses in alien smuggling cases). Close examination by the Cuban government of some of the more complex cases and difficulties associated with third country resettlement will likely result in lengthened stays at Guantanamo and a higher average migrant population at Guantanamo than was the case prior to August, 1994. In addition, we need to develop a policy to address a possible boat-load interception involving several hundred migrants at a time.

For the immediate future, and even in the absence of JTF-160, Guantanamo needs to maintain the capacity -- in terms both of personnel and equipment -- to hold these migrants and provide them with adequate living conditions. While it is difficult to predict

the numbers involved, we anticipate the total migrant population to average about 25-30 at any given time.

III. Options

Option A: Maintain Guantanamo Indefinitely as Safehaven run by DOD

Under this option, Guantanamo would continue to be used as a safehaven to hold fence-jumpers, migrants intercepted at sea who cannot be returned immediately to Cuba or are awaiting third country resettlement, and others for whom return to Cuba is not

appropriate. DOD would continue to manage and fund the safehaven operations, either directly or through contracting. While we do not anticipate more than 25-30 migrants at a time, DOD should be prepared to handle any temporary spike on short notice.

Option B: Maintain Guantanamo Indefinitely as Safehaven run by INS

As in option A, Guantanamo would continue to serve as a safehaven for temporary safe-haven protection, for migrants being held pending status determination, and in other circumstances in which return to Cuba is not appropriate. However, the management and funding for migrant camps at Guantanamo when migrant population does not exceed [1,000] shall be the responsibility of INS, either directly or through subcontracting arrangement, with perimeter security being ensured by DOD.

[In the event of a more massive outflow of migrants exceeding [1,000], management and funding of the safehaven would revert to DOD].

Option C: Maintain Guantanamo as Safehaven in short term to be run either by DOD or INS, but arrange for third country safehaven

Under this option, State would actively seek standby arrangements with governments in the region to maintain a temporary safe haven. Such a safehaven would be built and operated by local contractors and international NGOs under the supervision of U.S. embassy personnel. The safehaven should have modest capacity commensurate with expected routine requirements and sufficient surge capacity to handle temporary spikes in migration. Migrants interdicted by the Coast Guard who could not be directly repatriated and other migrants arriving in Guantanamo for whom immediate determination could not be made would be transferred to the third country safehaven.

Pending an agreement with a third country, Guantanamo would continue to serve as a temporary safehaven following the model described in

- ù option A (DOD management); or
- ù option B (INS management).

Under this option, and even if a third country safehaven had been established, DOD would maintain the capacity to stand up Guantanamo for use as a safehaven in the event of a migration emergency exceeding the capacity of the third country safehaven.



M S M a i l

DATE-TIME 29 December 95 18:22
FROM Mueller, William (Doug) D.
CLASSIFICATION UNCLASSIFIED
SUBJECT 16 Cuban Refugees recovered 29 December [UNCLASSIFIED]
TO Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Lt. Giese, USCG, called the Sit Room at 17:45 29 December and requested we inform you that a Coast Guard vessel picked up 4 Cubans 16 miles east of Palm Beach Friday morning. The Cubans were on 12' raft and carried Bahamian voluntary repatriation forms.

The USCG convened a PD-27, receiving interagency approval to approach the Bahamians. Janet Bostwick, of the Bahamian Foreign Ministry responded at 17:50, refusing to accept the refugees. However, she informed the USCG that the Bahamas were planning to hold talks with Cuba beginning 10 January to develop a repatriation policy, according to Lt. Giese.

The refugees will be screened by INS tomorrow, along with 12 Cubans picked up by cruise ships Friday in the Old Bahama Channel and scheduled to be turned over to a USCG cutter Saturday morning.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
005. email	Edward Appel to Rand Beers et al. re: FW: A Note from Nancy Soderberg (13 pages)	01/03/1996	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
MSMail-Record (Sept 94-Sept 97) ([Schwartz and Cuba...])
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2011-1039-F
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M S M a i l

DATE-TIME 03 January 96 13:59

FROM Malley, Robert

CLASSIFICATION ~~CONFIDENTIAL~~

SUBJECT GTMO [~~CONFIDENTIAL~~]

TO Halperin, Morton H.
Schwartz, Eric P.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Attached is a draft memo to Sandy along the lines of the paper I previously wrote, with some changes. Please provide comments ASAP -- DOD is getting antsy...

[[0034.DOC : 3340 in 0034.DOC]]

ATTACHMENT
FILE DATE 3 January 96 13:58

ATTACHMENT
FILE NAME 0034.DOC
~~CONFIDENTIAL~~
0034

December 17, 1995

MEMORANDUM FOR SANDY BERGER

THROUGH: MORTON HALPERIN

FROM: ROB MALLEY/ERIC SCHWARTZ

SUBJECT: Future of Guantanamo

The last Cuban migrant will be leaving Guantanamo sometime in February, 1996. As the drawdown comes to a close, decisions need to be reached concerning the future role of Guantanamo in U.S. migration policy given the likelihood that a continuing number of Cuban and other migrants will continue to be intercepted at sea of

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *mi* NARA, Date *3/28/16*
101-1031-P

to cross the fence at GTMO. This paper proposes several options.

I. Background Data

ù The mission that led to the establishment of JTF-160 in September 1994 will soon be completed. By approximately February 1, 1996, we expect the last Cuban migrant to be either paroled into the United States or returned to Cuba. JTF-160 will then stand down.

ù In the period preceding September, 1994, Guantanamo Bay had the capacity to hold up to 10 migrants at any given time.

ù Start-up time for Guantanamo to hold up to 10,000 migrants in an emergency situation is 10 days.

ù The May 2, 1995 policy adopted by the President provides that Cuban migrants with a colorable refugee claim shall not be returned to Cuba. Instead, they will be temporarily held at Guantanamo Bay pending further processing. Migrants found to be in need of protection will be resettled in third countries; others will be returned to Cuba.

II. Discussion

Although the immediate crisis that began in August, 1994 is now over and intervening policy decisions have diminished the likelihood of a mass migration from Cuba, we should expect to have a relatively steady number of Cuban migrants at Guantanamo at any given time -- both fence-jumpers coming directly onto the base and migrants intercepted at sea whom we cannot immediately return. (The latter group includes, e.g., Cubans for whom additional processing is required; Cubans who have a genuine claim for protection; and potential witnesses in alien smuggling cases). Close examination by the Cuban government of some of the more complex cases and difficulties associated with third country resettlement will likely result in lengthened stays at Guantanamo and a higher average migrant population at Guantanamo than was the case prior to August, 1994. In addition, we need to develop a policy to address a possible boat-load interception involving several hundred migrants at a time. Finally, we might also have to address the potential small number of Haitians for whom return to Haiti would not be

appropriate.

For the immediate future, and even in the absence of JTF-160, Guantanamo needs to maintain the capacity -- in terms both of personnel and equipment -- to hold these migrants and provide them with adequate living conditions. While it is difficult to predict the numbers involved, we anticipate the total migrant population to average about 25-30 at any given time.

III. Options

Option A: Maintain Guantanamo Indefinitely as Safehaven run by DOD

Under this option, Guantanamo would continue to be used as a safehaven to hold fence-jumpers, migrants intercepted at sea who cannot be returned immediately to Cuba or are awaiting third country resettlement, others for whom return to Cuba (or, in the case of migrants from other appropriate countries, e.g., Haiti, return to their home country) is not appropriate. DOD would continue to manage and fund the safehaven operations, either directly or through contracting. While we do not anticipate more than 25-30 migrants at a time, DOD should be prepared to handle any temporary spike on short notice.

DOD obviously objects to this solution which it believes is not an appropriate mission for the Department, and is beginning to press its case in the inter-agency. With the onset of the Bosnia operation, moreover, DOD is arguing that it lacks personnel to continue to operate GTMO.

Option B: Maintain Guantanamo Indefinitely as Safehaven run by INS

As in option A, Guantanamo would continue to serve as a safehaven for temporary safe-haven protection, for migrants being held pending status determination, and in other circumstances in which return to Cuba (or elsewhere) is not appropriate. However, the management and funding for migrant camps at Guantanamo when migrant population does not exceed 1,000 shall be the responsibility of INS, either directly or through subcontracting arrangement, with perimeter security being ensured by DOD.

In the event of a more massive outflow of migrants exceeding 1,000, management and funding of the safehaven would revert to DOD.

This option appears acceptable to DOD, though INS will resist it. INS would either want DOD to continue operating GTMO or handing it over to State.

Option C: Maintain Guantanamo as Safehaven in short term to be run either by DOD or INS, but arrange for third country safehaven

Under this option, State would actively seek standby arrangements with governments in the region to maintain a temporary safe haven. Such a safehaven would be built and operated by local contractors and international NGOs under the supervision of U.S. embassy personnel. The safehaven should have modest capacity commensurate with expected routine requirements and sufficient surge capacity to

handle temporary spikes in migration. Migrants interdicted by the Coast Guard who could not be directly repatriated and other migrants arriving in Guantanamo for whom immediate determination could not be made would be transferred to the third country safehaven.

Pending an agreement with a third country, Guantanamo would continue to serve as a temporary safehaven following the model described in

ù option A (DOD management); or
ù option B (INS management).

Under this option, and even if a third country safehaven had been established, DOD would maintain the capacity to stand up Guantanamo for use as a safehaven in the event of a migration emergency exceeding the capacity of the third country safehaven.

Concurrence by: Richard Nuccio

RECOMMENDATION

We believe Option C to be the preferred option, with INS managing GTMO pending possible (but difficult) agreement with a third country. The handling of migrants whom we are not allowing into the U.S. can logically be described as an INS function, and INS has the expertise to address this situation. At the same time, a situation involving any substantial number of migrants would have to be handled by DOD for reasons of manpower, resources, and expertise. The option of a third country safehaven is appealing, though not very likely in our view and in light of previous experience. It State should pursue this seriously. If accompanied by adequate incentives, the effort might yield some results.

If you agree, we will convene an inter-agency meeting to discuss the options and explore the possibility of a compromise along the lines of Option C. A higher level meeting chaired by you might well be necessary to reach final resolution.

Approve _____

Disapprove _____

Discuss _____

M S M a i l

DATE-TIME 19 January 96 14:06
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Cuban migrants in Panama [UNCLASSIFIED]
TO Nuccio, Richard A.
CARBON_COPY Letts, Kelly J.
TEXT_BODY

It's manageable, but I need to know more facts.

Conference call is a good idea.

If you give me the names, I'll ask Kelly Letts to set it up.

Eric

From: Nuccio, Richard A.
To: Schwartz, Eric P.
CC: /R, Record at A1; Malley, Robert
Subject: Cuban migrants in Panama [UNCLASSIFIED]
Date: Friday, January 19, 1996 01:19 PM

After you left today we discussed the cases of between 1 and 4 Cubans who appear to be individuals who fled the camps during the riots and have remained in hiding since. The questions are whether we have any obligation to the Panamanian government to deal with these individuals left over from the camps and where some determination should be made as to whether they have protection concerns preventing their return to Cuba. State and Rob and I think that we definitely have some obligation to the Panamanian government. Phyllis is not sure. Then there are disagreements about whether we should review these individuals status in Panama or take them to GTMO. Phyllis would have them go to GTMO if we do anything; others think we should interview them in Panama. It's not clear whether the mere fact of having escaped during the Panama riots puts them in the excludible category or whether only those who engaged in acts of violence have been excluded (I suspect it's the latter).

We agreed only that we couldn't agree and would seek your sage advice on these issues. Perhaps we should have a conference call if the solution is not more obvious to you than it was to us.

M S M a i l

DATE-TIME 25 January 96 09:05
FROM Nuccio, Richard A.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuban migrants in Panama [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY Schwartz, Eric P.
TEXT_BODY

Rob, could you work with Kelly to set up conference with the relevant parties: I guess we need State (L + CCA), INS, us, and JCS. Thanks.

From: Schwartz, Eric P.
To: Nuccio, Richard A.
CC: /R, Record at A1; Letts, Kelly J.
Subject: FW: Cuban migrants in Panama [UNCLASSIFIED]
Date: Friday, January 19, 1996 02:06 PM

It's manageable, but I need to know more facts.

Conference call is a good idea.

If you give me the names, I'll ask Kelly Letts to set it up.

Eric

From: Nuccio, Richard A.
To: Schwartz, Eric P.
CC: /R, Record at A1; Malley, Robert
Subject: Cuban migrants in Panama [UNCLASSIFIED]
Date: Friday, January 19, 1996 01:19 PM

After you left today we discussed the cases of between 1 and 4 Cubans who appear to be individuals who fled the camps during the riots and have remained in hiding since. The questions are whether we have any obligation to the Panamanian government to deal with these individuals left over from the camps and where some determination should be made as to whether they have protection concerns preventing their return to Cuba. State and Rob and I think that we definitely have some obligation to the Panamanian government. Phyllis is not sure. Then there are disagreements about whether we should review these individuals status in Panama or take them to GTMO. Phyllis would have them go to GTMO if we do anything; others think we should interview them in Panama. It's not clear whether the mere fact of

having escaped during the Panama riots puts them in the excludible category or whether only those who engaged in acts of violence have been excluded (I suspect it's the latter).

We agreed only that we couldn't agree and would seek your sage advice on these issues. Perhaps we should have a conference call if the solution is not more obvious to you than it was to us.

M S M a i l

DATE-TIME 25 January 96 11:26

FROM Noetzel, Jon C.

CLASSIFICATION UNCLASSIFIED

SUBJECT Thanks you notes, re: GTMO[UNCLASSIFIED]

TO Halperin, Morton H.

CARBON_COPY Cooper, Kathleen H.

TEXT_BODY

I've attached a short proposed note and a list of potential recipients. We can certainly do a form letter and a merge of the names. Or, if you'd rather, cull the list and make them more personal. The list is about as exhaustive as Rob and I feel it can be, if you have others either--let me know.

Jon[[MORTTHKS.DOC : 2886 in MORTTHKS.DOC]][[MORT2LST.DOC : 2887 in MORT2LST.DOC]]

ATTACHMENT FILE DATE 25 January 96 11:2

ATTACHMENT FILE NAME MORTTHKS.DOC

Dear
[Mr./Mrs./Senator/Representative/Title
Name]:

As you know, the last Cuban migrant from the SEA SIGNAL crisis has left GTMO. It's been a long project and I want to thank you personally for your compassion, commitment, and willingness to share your expertise in resolving this national crisis.

From the very early stages, inter-departmental cooperation was essential. We were plowing new policy ground daily, and, in a real sense, people's lives hung in the balance. They were difficult times, yet you helped craft and implement a long term solution that has resettled over 32,000 people and furthers our national interests throughout the Caribbean.

Once again, thanks for your dedication and personal efforts in the care and resettlement of thousands of migrants. A job well done!

Sincerely,

[Name/Title in Initial Caps]
[Title/Senate/House in Initial Caps]
[Organization/Position - Initial Caps]
[Address - Initial Caps]

**ATTACHMENT
FILE DATE**

25 January 96 11:19

**ATTACHMENT
FILE NAME**

MORT2LST.DOC

Halperin Personal Thank yous to:

Bruno, Jim
PRM

Cooper, Kathy

Coven, Phyllis
INS

Cummings, John
INS

Daschbach, Mary
CRS

Farrell, Mike
US Coast Guard

Hagen?, Bob
ARA/CCA

Hennessey, Kathleen
PRM

Ivie, Ray
Joint Staff

Jacobs, Janice
CCA

Jeffres, Amy
DOJ, Waxman's ofc

Jones, Janelle
INS

Lennon, John
USIA, World Net

Leutbecker?, Ken
CRS

Limon?, Lavinia
HHS

Longoria, Mike

Malley, Rob

McKinley, Brunson
PRM

Murphy?, Sean
Cuba Desk

Noetzel, Jon

Patterson, Anne
PRM

Posen, Kieth
OMB

Ratliff, Jerri
DOJ, Waxman's ofc

Rusch, Theresa
PRM

Schwartz?, Eric

Sherman, Richard
DOS CCA

Thompson, Kathleen
PRM

Torres, AJ
Joint Staff

Warnath?, Steve
Domestic Policy Council

Waxman, Seth
DOJ

Weiss, Jeff
CRS

Zavales, John
DOD, Pat Irvin's ofc.

M S M a i l

DATE-TIME 25 January 96 19:14
FROM Kreczko, Alan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Haiti document request [UNCLASSIFIED]
TO Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Yes, you need to check any file which you think might have responsive material. Due date was this past Tuesday. Dallas has the paper.

From: Schwartz, Eric P.
To: Brown, Dallas; Kreczko, Alan J.; Leary, William H.
CC: /R, Record at A1
Subject: Haiti document request [UNCLASSIFIED]
Date: Thursday, January 25, 1996 04:51 PM

I understand we have been asked to produce documents relating to Haiti. Although my records relate generally to migration issues, should I be checking my files to see if I have anything that is responsive? If so, may I please have a copy of the document request and an indication of the timeframe in which I need to produce responsive documents?

Eric

M S M a i l

DATE-TIME 30 January 96 14:41
FROM Malley, Robert
CLASSIFICATION UNCLASSIFIED
SUBJECT GTMO [UNCLASSIFIED]
TO Nuccio, Richard A.
Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY
Attached are talking points re. the end of Operation Sea Signal. Please provide comments ASAP -- i.e., by tomorrow 10:00 AM at the latest.

[[GTMOSHUT.DOC : 3624 in GTMOSHUT.DOC]]

**ATTACHMENT
FILE DATE** 30 January 96 14:40

**ATTACHMENT
FILE NAME** GTMOSHUT.DOC

TALKING POINTS ON GUANTANAMO

ù On Wednesday, January 31, the last Cuban migrants paroled pursuant to the May 2, 1995 agreement will travel from Guantanamo Bay to the United States. As of that time, the safehaven camps at Guantanamo will be shut down.

ù This will mark the successful completion of Operation Sea Signal.

ù The operation has met the important goals set out by the President:

-- Addressing the humanitarian problem at Guantanamo in an orderly and safe fashion. Cuban migrants were gradually and carefully paroled into the U.S. allowing time to (1) prepare them for life in the United States, in particular through language training; (2) screen out migrants who had a criminal record or who had committed acts of violence in the safehaven; (3) provide paroled migrants with sponsors in the United States; and (4) minimize the disruption and financial impact on the States, in particular Florida, through a close partnership between state and federal governments.

-- Deterring unsafe and uncontrolled migration from Cuba to our shores. Attempts by Cubans to come to the U.S. in dangerous, unseaworthy rafts have come to a virtual halt. This results from the decision to return to Cuba migrants intercepted at sea and those who enter Guantanamo from sovereign Cuba. At the same time, every effort is being made not to return migrants who we believe would suffer reprisals in Cuba.

-- Channeling migration into our expanded legal admissions program in Havana.

M S M a i l

DATE-TIME 31 January 96 10:45

FROM Schwartz, Eric P.

CLASSIFICATION UNCLASSIFIED

SUBJECT Attached draft [UNCLASSIFIED]

TO Armstrong, Fulton T.
Bassett, Leslie A.
Beers, Rand R.
Boynton, Peter J.
Brown, Dallas
Clarke, Richard A.
Cooper, Kathleen H.
Daadler, Ivo H.
Eddy, Randolph P.
Eisenhower, James J.
Feinberg, Richard E.
Halperin, Morton H.
Letts, Kelly J.
Lindsey, Wanda
Lorin, Matthew E.
Malley, Robert
Noetzel, Jon C.
Rice, Susan E.
Richardson, Craig
Roundtree, Beverly J.
Schwartz, Eric P.
Sheehan, Michael A.
Simon, Steven N.
Verville, Elizabeth G.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Attached is the first (rough) draft of a note I scribbled after reading Mandelbaum's piece I plan to send it to TL and SB, who have no doubt heard quite a bit about the piece.

I'd appreciate your comments.

[[HAITI109.DOC : 2599 in HAITI109.DOC]]

**ATTACHMENT
FILE DATE** 31 January 96 10:40

**ATTACHMENT
FILE NAME** HAITI109.DOC

Tony/Sandy:

In view of all the discussin I've heard about Michael Mandelbaum's piece in Foreign Affairs ("Foreign Policy as Social Work"), I thought I'd give the Haiti section, a close read and offer some of my thoughts.

As you may recall, I was very close to the decision-making process on this issue: I worked with Steve Solarz in preparation of his paper for the President-elect, drafted the President-elect's first decision memorandum before the inauguration, participated in the Little Rock meeting in January 1993, attended the Cabinet-level decision meeting on this subject in May 1994 and drafted most of the decision-memos that related to the boat people issue.

I thought Mandelbaum's analysis was sloppy and unfair.

HAITI: FOREIGN POLICY AS SOCIAL WORK?

First, he simplistically equates the Administration's discomfort with summary repatriation of boat people with a desire to conduct "foreign policy as social work" -- that is, ending repression in Haiti. As a result, he misses a critical determinant of policy that had little to do with foreign policy as social work. Senior decision-makers were uneasy about using the law enforcement resources of the United States to return boat people to a repressive environment. This is revealed in the papers that went to the President as well as the senior discussions that took place on the issue (recall the comments of the Vice President and of George Stephanopolous during the meeting in the Cabinet Room in early May). While this concern certainly involves questions of morality, it does not, in and of itself, reflect a desire to conduct "foreign policy as social work." Rather, it is a concern about what is or is not appropriate action for U.S. law enforcement authorities (in this case, the Coast Guard).

Given this concern, restoring a modicum of humanity to the government of Haiti became a policy imperative if we wanted to avoid the unenviable choice between summary repatriation on the one hand or the need to process many thousands of boat people over the long term on the other.

Mandelbaum's piece ignores this major factor in the decision-making process.

(Of course, this is not to say that other factors -- political concerns of the Black Caucus and Randall Robinson, our desire to encourage human rights in Haiti and democratic reform in the hemisphere, etc. -- did not play roles -- sometimes critical ones. But without the migration policy concern addressed above, it's hard

to argue we would have taken the actions we ultimately did.

HAITI: A PROBLEM INHERITED?

Mandelbaum suggests that Bush had effectively managed the Haiti issue and that it was only the Governor Clinton's stated determination to change policy that created a problem.

This is true only if you accept Mandelbaum's unstated assumption -- that a long-term policy of summary return of boat people to a repressive regime is morally sustainable. Mandelbaum never mentions the implications of such a position -- or even that the position is problematic -- and thus assumes away the dilemma.

Again, grappling with this issue does not make you a foreign policy "social worker" (as Mandelbaum's piece wrongly assumes), as this issue is not about remaking another society, but rather about what actions by U.S. law enforcement personnel are or are not appropriate.

MANDELBAUM'S ANALYSIS IS INCONSISTENT AND SCATTERED: DO VALUES MATTER OR NOT? SHOULD WE HAVE INTERVENED IN 1994 OR NOT?

I confess that I'm not sure I know where he comes out on these issues.

On the one hand, he claims that in Haiti in 1993, the case for intervention "was not even plausible. This echoes his general theme that "foreign policy as social work" is not sustainable.

On the other hand, he seems to suggest that the case for intervention was plausible, when he states that "Haiti, was, however, one place where an appeal to values might have generated support. ... A serious effort to put Haiti on a path toward decent politics and rational economics could have been presented as a good deed in the neighborhood at manageable cost and justified by the fact that America is a rich, powerful and generous country."

MANDELBAUM MISCHARACTERISES OUR POLICY JUSTIFICATIONS

In suggesting at one point (and contradicting what appears to be a major theme of his essay) that a values-based approach that emphasized our desire to alleviate suffering might have made sense, he states that the Clinton Administration never tried to appeal to such values but, rather, when it came time to make the case for invading, fell back to the kind of argument that had justified the use of force during the Cold War. In making his case, he quotes Brian Atwood, who apparently said that autocratic rule was "an

assault on the progress toward democracy that has been made throughout the hemisphere."

It is silly to suggest that this quote of Brian's reflects a serious attempt by the Administration to posit a Cold War argument. In any event, I'm not sure where Mandelbaum was during the summer-fall of 1994, but the notion that we were not appealing to values that relate to alleviation of suffering/good neighborliness, etc. is ludicrous. Our statements continually stressed these themes.

M S M a i l

DATE-TIME 01 February 96 08:57
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT attached [UNCLASSIFIED]
TO Letts, Kelly J.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Please call Margaret McKelvy's Office and indicate that I would like the response cable to this request crosshatched. Her number is 663 1027

DIST: ARMSTRONG, BASSETT, BROWN, CLARKER, HALPERIN,
MALLEY, NSC, SCHWARTZ,
SHEEHAN, WILHELM

PREC: PRIORITY CLASS: UNCLASSIFIED DTG:011344Z FEB 96

FM: AMEMBASSY PORT AU PRINCE

TO:
RUEHC/SECSTATE WASHDC PRIORITY 7212

RUEHIA/USIA WASHDC 1841
RUEHGV/USMISSION GENEVA 0394
RUEHBS/USEU BRUSSELS
RHEHNSC/NSC WASHDC

UNCLAS PORT AU PRINCE 000601

SENSITIVE

STATE ALSO FOR PRM/AAA (JANE GRAY)
GENEVA FOR RMA
USEC BRUSSELS FOR NAN KENNELLY
NSC FOR ERIC SCHWARTZ

E.O. 123958: N/A
TAGS: SMIG, PREF, HA
SUBJECT: IOM MIGRATION MANAGEMENT PROGRAM PROPOSAL

REF: (A) PAP 61; (B) 95 STATE 233312

1. SENSITIVE BUT UNCLASSIFIED -- DECONTROL UPON RECEIPT.

2. SUMMARY: EMBASSY SUPPORTS THE OVERALL GOAL OF SUBJECT PROPOSAL, AND RECOMMENDS FAVORABLE CONSIDERATION FOR PRM FUNDING OF COMPONENT FOUR. END SUMMARY.

3. EMBASSY SUPPORTS THE OVERALL GOAL OF THE IOM PROPOSAL FOR A MIGRATION MANAGEMENT PROGRAM (REF A) TO STRENGTHEN HAITI'S CAPACITY TO MEET ITS MIGRATION-RELATED NEEDS IN A COMPREHENSIVE AND ULTIMATELY SELF-RELIANT WAY. SPECIFICALLY, EMBASSY RECOMMENDS FAVORABLE CONSIDERATION FOR PRM FUNDING OF COMPONENT FOUR, AN INFORMATION CAMPAIGN TO DISCOURAGE ILLEGAL MIGRATION, FOR THE FOLLOWING REASONS:

- THIS ACTIVITY ADDRESSES MOST DIRECTLY THE USG'S PRIMARY MIGRATION-RELATED INTEREST IN HAITI, NAMELY PREVENTION OF LARGE-SCALE ATTEMPTS AT ILLEGAL MIGRATION TO THE UNITED STATES;

- THE UNITED STATES IS BY FAR THE LEADING DESTINATION THAT HAITIAN ILLEGAL MIGRANTS SEEK TO REACH;
- USIS IS ALREADY COOPERATING WITH GOH TO PRODUCE AND AIR RADIO MESSAGES DISCOURAGING CLANDESTINE MIGRATION, BUT ON A LIMITED BUDGET THAT CANNOT SUSTAIN A SYSTEMATIC LONG-TERM EFFORT (AND USAID HAS NO FUNDS FOR THIS OR ANY OF THE ACTIVITIES IN THE IOM PROPOSAL);

- THIS IS ONE OF THE TWO COMPONENTS THAT IOM/HAITI SPECIFICALLY HOPES USG MIGHT BE ABLE TO SUPPORT.

4. THE OTHER IS COMPONENT ONE, WHOSE OBJECTIVE IS TO STRENGTHEN THE CAPACITY OF THE HAITIAN NATIONAL OFFICE FOR MIGRATION (NOM, ALSO KNOWN BY ITS FRENCH ACRONYM ONM). EMBASSY CERTAINLY BELIEVES THAT A GREATER HAITIAN INSTITUTIONAL CAPACITY TO ADDRESS MIGRATION ISSUES WOULD BE CONSISTENT WITH THE U.S. NATIONAL INTEREST. HOWEVER, WE UNDERSTAND THAT IT IS VIRTUALLY OUT OF THE QUESTION FOR PRM TO FUND SALARIES FOR HAITIAN GOVERNMENT EMPLOYEES, AS WOULD BE THE CASE IN COMPONENT ONE.

5. COMPONENT TWO, DIRECT SHORT-TERM ASSISTANCE TO RETURNED MIGRANTS, DOES NOT STRIKE US AS BEING OF

COMPELLING U.S. INTEREST. CONCEIVABLY, IT COULD EVEN BE PERCEIVED AS A REWARD FOR HAVING ATTEMPTED TO MIGRATE ILLEGALLY. (NOTE: WE DO NOT/HAVE THE SAME CONCERN ABOUT THE MODEST STIPEND -- ESSENTIALLY BUS-FARE -- PRESENTLY GIVEN TO RETURNEES BY THE RED CROSS UNDER A GRANT FROM PRM. THAT STIPEND PROVIDES WELCOME HELP TO OVERCOME AN IMMEDIATE PRACTICAL PROBLEM, NAMELY GETTING HOME FROM PORT AU PRINCE.)

6. COMPONENT THREE, LONG-TERM REINTEGRATION ASSISTANCE, STRIKES US AS INDISTINGUISHABLE FROM ECONOMIC DEVELOPMENT IN GENERAL, AND AS SUCH LIES BEYOND THE SCOPE OF MIGRATION AFFAIRS. FRANKLY, EVEN IF THE MOST OPTIMISTIC VISION OF HAITI'S FUTURE BECOMES REALITY, THE PROSPECT OF BUILDING A NEW LIFE IN THE UNITED STATES WILL STILL PROVE A POWERFUL LURE TO MANY HAITIANS.

SWING
BT
#0601

NNNN

SECT

SECTION: 01 OF 01

SSN

0601

TOR

960201084901 M2059884

FROM:
SI

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
006. email	Fulton Armstrong to Malley re: Shattuck Draft (6 pages)	02/06/1996	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/12/1995-03/06/1996]

2011-1039-F

rs1854

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]

M S M a i l

DATE-TIME 21 February 96 18:16

FROM Malley, Robert

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuba letter [UNCLASSIFIED]

TO Danvers, William C.
Nuccio, Richard A.
Schwartz, Eric P.

CARBON_COPY NO CC's on THIS MESSAGE

TEXT_BODY

Ros-Lehtinen has written another letter to the POTUS in which she urges him to parole into the US Cuban migrants currently in the Bahamas.

Please review the attached response.

[[0364.DOC : 4628 in 0364.DOC]]

**ATTACHMENT
FILE DATE** 21 February 96 18:14

**ATTACHMENT
FILE NAME** 0364.DOC

Dear Representative Ros-Lehtinen:

Thank you for your letter concerning Cuban nationals in the Bahamas.

In light of the importance of discouraging unsafe and uncontrolled migration, it would not be in the national interest of the United States to parole Cuban migrants currently in the Bahamas. Instead, our efforts have focused on the promotion of safe, legal migration from Cuba. To date, these efforts have met with remarkable success.

At the same time, we have consistently urged all countries in the region, including the Bahamas, to adhere to their international obligations toward refugees. In particular, my Administration firmly believes that refugees in need of protection should not be returned to Cuba.

Thank you for your interest in this matter.

Sincerely,

The Honorable Ileana Ros-Lehtinen
House of Representatives
Washington, D.C. 20515-0304

M S M a i l

DATE-TIME 21 February 96 18:30
FROM Danvers, William C.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba letter [UNCLASSIFIED]

TO Malley, Robert
Nuccio, Richard A.
Schwartz, Eric P.

CARBON_COPY Bendick, Gordon L.
Burrell, Christina L.
Danvers, William C.
Davis, William K.

TEXT_BODY

Looks fine.

From: Malley, Robert
To: Danvers, William C.; Nuccio, Richard A.; Schwartz, Eric P.
CC: /R, Record at A1
Subject: Cuba letter [UNCLASSIFIED]
Date: Wednesday, February 21, 1996 06:16 PM

<<Attached File: 0364.DOC>>

Ros-Lehtinen has written another letter to the POTUS in which she urges him to parole into the US Cuban migrants currently in the Bahamas.

Please review the attached response.

M S M a i l

DATE-TIME 23 February 96 08:18
FROM Nuccio, Richard A.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Cuba letter [UNCLASSIFIED]
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

I clear.

From: Malley, Robert
To: Danvers, William C.; Nuccio, Richard A.; Schwartz, Eric P.
CC: /R, Record at A1
Subject: Cuba letter [UNCLASSIFIED]
Date: Wednesday, February 21, 1996 06:16 PM

<<Attached File: 0364.DOC>>

Ros-Lehtinen has written another letter to the POTUS in which she urges him to parole into the US Cuban migrants currently in the Bahamas.

Please review the attached response.

M S M a i l

DATE-TIME 01 March 96 10:13
FROM Schwartz, Eric P.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT Cuban Migration [~~CONFIDENTIAL~~]
TO Bass, Peter E.
Cicio, Kristen K.
Hall, Wilma G.
Veit, Katherine M.
Wiley, Mary C.
CARBON_COPY Bendick, Gordon L.
Boynton, Peter J.
Burrell, Christina L.
Danvers, William C.
Davis, William K.
Lorin, Matthew E.
Malley, Robert
Nuccio, Richard A.

TEXT_BODY

FROM ERIC AND WILL DAVIS FOR BILL DANVERS

Sandy:

Two issues:

1. Six recently interdicted Cuban migrants were screened on Coast Guard cutters. While INS had protection concerns about one, who will be moved to GTMO per standard procedure, we will seek to return the other five to Cuba, also in accordance with standard procedure.

We have made the repatriation request to the Cuban Government but have not yet heard back. Their response to this request should be an indication of whether they want to make trouble on the migration issue.

If they do agree to accept the returns, we would not repatriate until after the events on Saturday.

2. Menendez and other Cuban-American Members requested a briefing on migration contingency planning yesterday. We postponed until Monday. State will lead the briefing and avoid getting into detailed discussions of contingencies. I've seen the points and they are fine. In essence, we will

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2011-1031-F By *MY* NARA Date *3/21/16*

state that --

-- we have no indication that the Cuban Government is intending to provoke a migration crisis;

-- however, the Cuban government has in the past used uncontrolled and irregular migration as a weapon against the U.S. and to relieve internal pressure, and we are prepared to respond if they do so again;

-- if necessary, measures could be taken to enhance interdiction, to provide safehaven for Cuban migrants at GTMO or bring them to the United States under Operation Distant Shore, and to take other appropriate actions as directed by the Commander-in-Chief.

DOJ and Coast Guard will also brief.

M S M a i l

DATE-TIME 05 March 96 14:41
FROM Letts, Kelly J.
CLASSIFICATION ~~CONFIDENTIAL~~
SUBJECT ~~[CONFIDENTIAL]~~
TO Malley, Robert
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY [[REFPDD.DOC : 3595 in REFPDD.DOC]]

ATTACHMENT
FILE DATE 5 March 96 14:40

ATTACHMENT
FILE NAME ~~REFPDD.DOC~~
~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
Classified by: Eric P. Schwartz
Reason: 1.5 (d)
Declassify on: 12/08/05

~~CONFIDENTIAL~~
~~CONFIDENTIAL~~
1. INTRODUCTION

The Government of the United States has a deep and abiding interest in developing policies on international migration issues that seek to protect individuals fleeing persecution and conflict while maintaining the security of our borders.

Most importantly, such policies keep faith with our values as a nation. The United States was founded as a refuge from tyranny and we have offered a haven for those fleeing repression throughout our history. We further formalized our commitment to refugee protection through ratification of the International Protocol Relating to the Status of Refugees in 1967, and every U.S. Administration since then has endorsed the goals of the Protocol. We have also led international efforts to provide humanitarian assistance to the more than 20 million refugees and displaced persons worldwide.

Conversely, our darkest moments as a nation have been when we have abandoned the tradition of refugee protection, such as the 1939 decision by immigration officials to turn away the refugee ship St. Louis, resulting in the return to Europe of Jewish refugees, many of

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White House Guidelines, September 11, 2006
By *M* NARA, Date *3/28/16*
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whom ultimately perished in Nazi death camps.

The United States also has important concerns in the areas of law enforcement and immigration control. Increased migration has resulted in unprecedented levels of asylum-seekers in Europe and North America in recent years. Effective measures to ensure against abuses are essential to avoid the dangers inherent in mass boat migration, to control irregular economic migration that imposes strains on domestic social services and to maintain public support for generous policies on refugee-related issues. To be sure, our worldwide efforts to promote democracy and the development of market economies, as well as our emphasis on political and ethnic reconciliation in states experiencing civil conflict, can help to limit the potential for refugee flight and large-scale migration. Even under the best of circumstances, however, we will continue to witness such outflows and need to be prepared to respond effectively.

In view of these factors, I am hereby articulating the policy of this Administration on refugee and international migration issues and tasking further efforts to implement our policy.

2. REFUGEE ASSISTANCE

ù Funding Level: We will continue efforts to provide between 20% and 25% of worldwide contributions to refugee emergencies, which roughly equates to our percentage of worldwide GDP.

ù Planning: We will undertake efforts to ensure that planning for refugee assistance is integrated into overall U.S. Government funding for humanitarian assistance. Detailed procedures for coordination will be promulgated in the forthcoming Presidential Review Directive on international humanitarian assistance.

3. REPATRIATION

ù Non-refoulement principle: The U.S. goal for most large-scale refugee populations should be repatriation to their homes as early as conditions allow this to be accomplished safely. We recognize that, even when conditions for return are deemed safe, some may continue to express fears of return. Such cases should be considered on a basis that recognizes the principle of non-refoulement and the right of those who express the need for protection to have claims heard.

ù International Programs: State, AID and DOD will augment support for both repatriation and for local integration by increased funding for economic and social development efforts to facilitate

these durable solutions. We will be prepared to use traditional sources of refugee and migration funding for these purposes.

ù Domestic Programs: Justice and HHS will prepare proposals to encourage return of those who have been granted, but no longer require, temporary protection in the United States. The agencies will consider creation of an escrow fund into which such persons would make regular payments and from which they could draw upon return to their countries of origin.

4. OVERSEAS PROTECTION

ù Encouraging Other Governments: We will continue to encourage governments to adopt policies that do not result in the return of bonafide refugees to locations where they would have well-founded fears of persecution based on race, religion, nationality, membership in a social group or political opinion. We will also encourage governments not to summarily return asylum-seekers to situations of conflict.

ù International Programs: State will seek to strengthen and broaden the protection role of the UNHCR and our contributions to protection efforts. We will be prepared to devote resources from humanitarian, refugee and migration assistance funds to projects designed to protect the rights of refugees and displaced persons. These could include investigations of abuses such as forced movement, torture and killing of refugees.

ù Internal Safe Haven in the Countries of Origin: While internal safe haven can play an important role in international protection, U.S. support for such a protection regime will be contingent on assurances of personal security for those expected to return or remain in their countries of origin.

5. REQUESTS FOR PROTECTION TO USG OFFICIALS OUTSIDE THE UNITED STATES

ù Consideration of Requests: We reaffirm general United States guidance issued in 1972 regarding policy for dealing with requests

for asylum by foreign nationals: foreign nationals in international waters who request protection will have the opportunity to have that request considered by U.S. Government personnel and will not be arbitrarily or summarily returned to a location where he or she has a well-founded fear of persecution. Individuals in U.S. custody will be provided the opportunity to make such requests and, in general, U.S. officials will make reasonable efforts to ascertain the circumstances of departure.

ù Guidance: The State Department will update and redistribute to

all relevant agencies its 1972 administrative guidance, including sections dealing with handling asylum requests by persons within foreign jurisdictions.

ù Screening: While we will consider any request for protection made in international waters, in the case of migrants from refugee producing countries, it may be appropriate for U.S. officials to initiate status determination procedures to ensure against return of bonafide refugees. The Immigration and Naturalization Service, in consultation with the State Department, will identify the circumstances under which we will initiate such status determination procedures and, in particular, will formulate a list of countries whose internal conditions require that we initiate status determination procedures when migrants from those countries are interdicted. INS, in conjunction with State, will also formulate status determination procedures applicable for each such situation.

6. MIGRATION MANAGEMENT, IMMIGRATION CONTROL AND PROTECTION

ù Illegal Immigration: Our broad-based effort to address illegal immigration, which includes enhanced efforts at the border, work-site enforcement, combating document fraud and reform of affirmative asylum, will continue to be directed by the Immigration Core Group chaired by the Domestic Policy Council staff.

ù Alien Smuggling: We will continue efforts initiated under PDD-9 to combat trafficking in migrants by criminal syndicates, while maintaining protection for bonafide refugees. When interdicted migrants interdicted by the Coast Guard have transited third countries, State will urge those governments to accept return of such migrants. State will also seek to obtain agreement from third countries to serve as staging areas for repatriation of smuggled aliens. State will seek reversal of Chinese Government restrictions on third country repatriation to China and on the involvement in repatriations by the International Organization for Migration. DOD will make available on a standby basis facilities at Wake Island and Guantanamo Bay, Cuba, to provide means for repatriation of smuggled migrants when use of third countries is not possible or practical. Justice will ensure that funding for repatriation is included in the FY 1997 budget request.

ù Expedited Exclusion at Ports of Entry: We will continue to seek legislation providing, in extraordinary migration situations, authority to impose expedited exclusion at ports of entry. We will oppose legislative provisions that appear to conflict with the letter or spirit of Convention and Protocol obligations, such

as time limits on applications for asylum, absence of review and detention of claimants who appear to have credible claims to asylum.

ù Regional Safe Haven: In efforts to provide protection for those fleeing persecution or conflict, we should seek to avoid mass

economic boat migration that threatens widespread loss of life, taxes domestic social services and undermines public support for asylum and other forms of protection. For this reason, we will consider the option of regional safe haven outside the United States -- thus providing protection without the guarantee of U.S. resettlement -- in the case of large-scale migration close to our shores of those who may be

ù fleeing persecution or conflict. State will seek standby arrangements with governments in the region to maintain temporary safe havens. In addition, DOD will ensure a stand-by capacity at Guantanamo Bay, Cuba, for up to _____ migrants.

ù Third Country Resettlement: We will also seek third country resettlement for refugees in circumstances where the prospect of asylum in the United States risks encouraging large-scale economic migration by boat. State will seek agreement from governments in the region, and will be willing to support financially, third country resettlement for boat migrants deemed to be refugees but for whom resettlement in the United States risks encouraging large-scale departures.

ù Domestic Response to Immigration Emergency: The Justice Department will continue to develop plans to manage an immigration emergency in which large numbers of migrants enter the United States, including the capacity to provide for care and maintenance for such migrants

7. REFUGEE ADMISSIONS AND RESETTLEMENT

ù Burden-Sharing: The U.S. does and should continue to play a unique leadership role in refugee resettlement, contributing on average about one-half of the third country resettlement places offered worldwide from countries of first asylum. We should use our position to ensure that resettlement needs are viewed as a shared international responsibility.

ù Standards: Without abandoning historical commitments to affected communities, we should seek gradually to establish uniform standards of review for determining who has a well-founded fear of persecution in overseas refugee admissions processing.

ù Priorities: With millions of refugees around the world, we have to make difficult judgments about who will or will not be considered for U.S. admission. Under these circumstances, our processing priorities should include: 1) UNHCR or Embassy-referred individual cases of compelling concern (particularly for security cases and vulnerable populations such as women at risk, torture victims, medically needy); 2) groups of special concern to be established as needed by nationality and based on UNHCR recommendations or a determination that the USG has a particular interest and has concluded that specified individuals or groups are in need of and qualify for

ù resettlement in the U.S. 3) spouses, unmarried sons and daughters and parents of persons permanently in the United States; 4) more distant relatives of persons permanently in the United States.

ù In-country processing: In countries where human rights abuses are rampant, it is appropriate for the U.S. to consider in-country processing to ameliorate the situation while avoiding the magnet effect of admissions processing elsewhere. However, while in-country processing should be seen as alternative to flight, it should not be the only alternative for individuals seeking to flee persecution. In response to concerns raised by non-governmental organizations, State should report on means to enhance the security and safety of in-country processing operations.

ù Presidential Authority: We will strongly oppose legislative attempts to limit the President's flexibility in determining refugee admissions numbers in any given year.

8. PROTECTION AND RESETTLEMENT OF CASES OF HUMANITARIAN CONCERN

There may be circumstances where aliens in the United States who have credible fears of return to abusive practices in their countries of origin are nonetheless ineligible for asylum or other measures of protection (such as Temporary Protected Status). Justice shall develop administrative procedures to provide protection for victims of abusive practices. Justice shall seek legislative authority to provide permanent legal status to those provided such protection.

9. COORDINATION AND ORGANIZATION

ù Interagency Group: An interagency working group on international migration and refugee affairs with representatives at least at the Deputy Assistant Secretary level will meet periodically to discuss evolving migration issues. It will be chaired by NSC

staff and include representatives of the Departments of State, Defense, Justice/INS, DOT/Coast Guard and CIA.

ù Report: The Secretary of State, in coordination with other concerned agencies, shall submit to me a report on the implementation of this directive in sixty days and annually thereafter.

M S M a i l

DATE-TIME 06 March 96 15:48
FROM Malley, Robert
CLASSIFICATION ~~SECRET~~
SUBJECT Cuba [SECRET]
TO Schwartz, Eric P.
CARBON_COPY NO CC's on THIS MESSAGE
TEXT_BODY

Eric --

Sandy followed up on the migration issue. Our POC at JCS will be General Byron . 703-697-1887

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White House Guidelines, September 11, 2006
By MM NARA, Date 3/25/16
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