

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Eric Schwartz re: Resettlement of Cubans by Venezuela (4 pages)	09/11/1997	P1/b(1)
002. email	DeLaurentis to Cicio et al. re: Cuba: Update on the Rescued Border Guard Vessel (3 pages)	09/29/1997	P1/b(1)
003. email	Schwartz to Busby re: UN High Commission for Refugees (UNHCR) [partial] (1 page)	09/30/1997	P6/b(6)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[09/03/1997-01/16/1998]

Rob Seibert
2011-1039-F
rs1858

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]

Exchange Mail

DATE-TIME 9/3/97 11:48:37 AM
FROM Busby, Scott W.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 09/03/1997
DECLASSIFYON 09/03/2007
SUBJECT Migrant Situation at GTMO [~~CONFIDENTIAL~~]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

There are currently 67 Cuban migrants at GTMO. (This is a reduction from 74 after 7 individuals were returned this morning.) Of these, 31 have been determined to meet the international refugee standard and are awaiting resettlement in a third country, 29 are awaiting a final determination on whether they are refugees, and 7 are on "hold" status (these are migrants who would face imprisonment on migration-related offenses if returned to Cuba; our current policy is to hold these cases at GTMO while we attempt to obtain assurances from the GOC that they will not be imprisoned for such offenses.)

We anticipate movement in the near future on the first two categories of cases. State has received favorable indications from Venezuela that it may be willing to resettle 24 of the "protect" cases and expects a final word on this by the end of this week. Of the 29 cases awaiting final determinations, most will be resolved very soon once INS receives relevant information from USINT.

The current spike in the number of migrants at GTMO is largely due to a dramatic increase in the number of direct arrivals (a.k.a "fence-jumpers") at GTMO in the month of August. For the past few years, there have been only a handful of direct arrivals each month; in August, there were 28. At present, we don't understand what has caused this striking increase.

Prior to September 1994, our policy had been to automatically bring direct arrivals at GTMO to the U.S. Our current policy is to screen these individuals to determine whether they are refugees: if not, they are returned to Cuba; if so, they await third-country

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By MI NARA, Date 3/18/16

201-103A-F

resettlement. This policy is basically consistent with how we treat interdicted cases. We strongly believe that this is the correct approach to these cases. The only way in which we might slightly improve this policy is by making sure that sufficient INS personnel are present at GTMO to ensure rapid determinations in these cases. If ineligible individuals are rapidly returned, this may help to deter future direct arrivals.

We are making steady progress on a burden-sharing agreement that would alleviate the military of most of the burdens associated with looking after these migrants. SRB shared a draft memorandum on this issue with Cohen and Talbott at an ABC lunch in July. We subsequently chaired two interagency meetings

where we further discussed the proposed burden-sharing scheme. We are awaiting final comments from Defense before finally revising this memorandum. (We find it a bit odd that JCS would be pushing so hard on this issue while the ball is still partly in DOD's court.)

While all agree that using GTMO to hold Cuban migrants while they undergo screening or await resettlement is far from an ideal policy, we do not see viable alternatives in the short-term, particularly so long as the GOC refuses to accept the repatriation of Cubans who reach U.S. soil. Thus, we think it important that the military understand that our current policy requires the ongoing use of GTMO. As noted above, we are working diligently to ensure that the burdens associated with such use are not borne primarily by the military.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Scott Busby to Eric Schwartz re: Resettlement of Cubans by Venezuela (4 pages)	09/11/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[09/03/1997-01/16/1998]

2011-1039-F

rs1858

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]

Exchange Mail

DATE-TIME 9/25/97 9:44:51 AM

FROM Busby, Scott W.

CLASSIFICATION ~~CONFIDENTIAL~~

CLASSIFICATIONREASON 1.5(d)

DATECLASSIFIEDON 09/25/1997

DECLASSIFYON 09/25/2007

SUBJECT Last night's interdiction off Florida coast [~~CONFIDENTIAL~~]

TO DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.

CARBON_COPY Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY Jim, Jeff --

USCG last night located in international waters a motorized raft with 15 Cuban migrants aboard. Boat refused to stop when approached by USCG and eventually entered U.S. territorial waters.

USCG exercised non-lethal force to try and stop vessel but was unsuccessful.

Boat eventually broke down just off Florida coast. One migrant swam to beach where he was taken into custody by local police. (Because he reached land, we are legally required to treat him under U.S. immigration law; he cannot be subjected to regular Cuban interdiction procedures.) Other 14 migrants were taken into custody by USCG and, consistent with standard operating procedures, will be screened by INS prior to any repatriation to Cuba.

-- Scott

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By M NARA, Date 3/28/16
201-1036-P

Exchange Mail

DATE-TIME 9/25/97 5:49:39 PM
FROM Busby, Scott W.
CLASSIFICATION CONFIDENTIAL
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 09/25/1997
DECLASSIFYON 09/25/2007
SUBJECT Package 6520 [CONFIDENTIAL]
TO DeLaurentis, Jeffrey J.

CARBON_COPY

TEXT_BODY Jeff -- Your clearance, por favor.

TRANSLATED_ATTACHMENT 6520jsGTMO.doc

September 25, 1997

ACTION

MEMORANDUM FOR JAMES STEINBERG

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Cuban Migrants at Guantanamo

The number of Cuban migrants at Guantanamo has recently hit an all-time high since the implementation of our new Cuban interdiction program on May 1, 1995. Following an e-mail to you last week about this situation and what we are doing to address it, you requested the attached note to General Ralston summarizing the same.

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By M NARA, Date 2/28/16

201-1021-F

Concurrence by: Jeff De Laurentis

RECOMMENDATION

That you sign and forward the attached memorandum at Tab I.

Attachment

Tab I Memorandum to General Ralston on Cuban Migrants at Guantanamo

1

~~CONFIDENTIAL~~ 6520

~~CONFIDENTIAL~~

Classified by: Scott Busby

Reason: 1.5(d)

Declassify On: 9/25/07

TRANSLATED_ATTACHMENT 6520GTMO.DOC

MEMORANDUM FOR GENERAL JOHN RALSTON
DEPUTY CHAIRMAN, JCS

FROM: JAMES STEINBERG

SUBJECT: Cuban Migrants at Guantanamo

As you are aware, there are currently 83 Cuban migrants at Guantanamo; this is the highest number since our new policy went into effect on May 1, 1995. The 83 migrants fall into the following categories: 45 have been found by the Immigration and Naturalization Service (INS) to meet the international refugee definition and are awaiting resettlement in another country; 35 are awaiting final determinations by INS; and three credibly claim to face punishment in Cuba

for migration-related offenses and, consistent with our overall policy, are being held at Guantanamo while we seek assurances from the Cuban government that they will not be imprisoned or otherwise severely punished for these offenses.

I want to let you know you know what the interagency is doing to decrease the number of Cubans at Guantanamo. First, INS has increased its adjudicators from one to three and added one administrative person to ensure that the current pending cases, as well as new arrivals, are quickly resolved. We anticipate that most of the pending cases will be resolved in the near future. INS will also be sending one of its senior staff to Guantanamo next week to evaluate whether there are other things it may do to further improve its operation there.

Second, the Department of State is close to obtaining agreements with several governments (Spain, Costa Rica, Venezuela, Chile, and possibly Argentina) to resettle all of the Cubans currently at Guantanamo who have been determined to require protection. However, because of diplomatic sensitivities relating to an upcoming Ibero-American summit in early November and the time it generally takes for another country to process a case for resettlement, we do not expect most of these cases to move until late November or December. Nevertheless, we hope that all of these protect cases will leave Guantanamo by the end of the calender year.

We hope and expect that these actions will reduce the number of Cuban migrants in the near future. We continue to appreciate the assistance of the Department of Defense in housing and providing for the basic needs of these migrants. As you know, we are actively working on a final proposal for a more effective

burden-sharing arrangement for this part of the operation. Please let me know if you have further questions or concerns.

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~

~~CONFIDENTIAL~~ 6520

~~CONFIDENTIAL~~

Classified by: Scott W. Busby

Reason: 1.5(d)

Declassify On: 9/25/07

Exchange Mail

DATE-TIME 9/26/97 4:32:25 PM
FROM Letts, Kelly J.
CLASSIFICATION UNCLASSIFIED
SUBJECT PDD FOR 1997 [UNCLASSIFIED]
TO Busby, Scott W.

CARBON_COPY

TEXT_BODY I thought you may want to copy what was done for 1997 - maybe make things a little easier.

TRANSLATED_ATTACHMENT

6598PD.DOC

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 1997 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

In accordance with Section 207 of the Immigration and Nationality Act ("the Act")

(8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 78,000 refugees to the United States during FY 1997 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1997 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 78,000 funded admissions shall be allocated among refugees of special humanitarian concern to the United States as described in the documentation presented to the Congress during the consultations that preceded this determination and in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1997 with Federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101 (e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa.....	7,000
East Asia.....	10,000
Europe.....	48,000
Latin America/Caribbean.....	4,000
Near East/South Asia.....	4,000
Unallocated.....	5,000

The 5,000 unallocated federally funded numbers shall be allocated as needed.

Unused admissions numbers allocated to a particular region within the 78,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to Section 2(b) (2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b) (2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1997 for the adjustment to permanent resident status under Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under Section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a) (42) (B) of the Act (8 U.S.C. 1101 (a) (42)) and after appropriate consultation with the Congress, I also specify that, for FY 1997, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba

c. Persons in the former Soviet Union

You are authorized and directed to report this Determination to the Congress immediately and to publish it in the Federal Register.

cc: The Attorney General
The Secretary of Health and Human Services

TRANSLATED_ATTACHMENT 6598PRES.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: ANTHONY LAKE
JOHN HILLEY

SUBJECT: Refugee Admissions for FY 1997

Purpose

To sign the Presidential Determination for FY 1997 Refugee Admissions.

Background

On June 20, 1996, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 78,000. After consultation, Members of both Houses expressed general support for the FY 1997 admissions program.

Attached at Tab A is a memorandum to you from Deputy Secretary Talbott that summarizes the views of Members of Congress and recommends that you sign the Presidential Determination for FY 1997.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab B.

Attachments

Tab A Memorandum from the Deputy Secretary

Tab B Presidential Determination

2

6598

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 6598LAKE.DOC

September 30, 1996

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ERIC SCHWARTZ

FROM: ROB MALLEY

SUBJECT: Refugee Admissions for FY 1997

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 1997.

Concurrence by: Bill Danvers

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President
Tab A Memorandum from the Deputy Secretary
Tab B Presidential Determination

1

6598

Exchange Mail

DATE-TIME 9/29/97 12:04:36 PM
FROM Letts, Kelly J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Admissions Package [UNCLASSIFIED]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT
6567PRES.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
JOHN HILLEY

SUBJECT: Refugee Admissions for FY 1998

Purpose

To sign the Presidential Determination for FY 1998 Refugee Admissions.

Background

The Immigration and Nationality Act requires that you determine, after appropriate Congressional consultations, the number of refugee admissions to the United States that is justified by humanitarian concerns or is otherwise in the

national interest.

On July 31, 1997, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 78,000. After consultation, Members of the House expressed general support for the FY 1998 admissions program although several questioned the need for continuing the admissions program for people from the former Soviet Union given changed conditions in that region and the relatively low number of slots allocated to Africa (7,000) in light of the large number of refugees on that continent.

Following its consultation, Members of the Senate queried whether adequate numbers had been allocated for the former Soviet Union, East Asia, and Africa. Contrary to their colleagues in the House, they expressed special concern about the drop in numbers for the former Soviet Union from 30,000 in FY 1997 to 21,000 in FY 1998. After further discussion with these Members and with representatives of the groups that resettle refugees from the former Soviet Union, it was agreed that an additional allocation of 5,000 unfunded reserve numbers to the former Soviet Union would address the concerns raised. These reserve numbers will be used as needed provided that resources are available to fund the cost of their admission. If needs for additional refugee numbers arise in other regions, these can be drawn from the unallocated reserve of 3,000 provided for in your initial proposal. Thus, given the addition of 5,000 unfunded numbers to the former Soviet Union, the overall refugee admissions ceiling for FY 1998 has been raised from the 78,000 in your proposal to 83,000.

Attached at Tab A is a memorandum to you from Acting Secretary Eizenstat that summarizes the views of Members of Congress and recommends that you sign the Presidential Determination for FY 1998.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab B.

Attachments

Tab A Memorandum from the Acting Secretary

Tab B Presidential Determination

2

6567

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT

6567PD.DOC

Presidential Determination

No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 1998 Refugee
Admissions Numbers and
Authorizations of In-Country Refugee Status Pursuant to Sections
207 and
101(a)(42), Respectively, of the Immigration and Nationality Act,
and
Determination Pursuant to Section 2(b)(2) of the Migration and
Refugee Assistance
Act, as Amended

In accordance with Section 207 of the Immigration and Nationality
Act ("the Act")
(8 U.S.C. 1157), as amended, and after appropriate consultation
with the
Congress, I hereby make the following determinations and

authorize the following
actions:

The admission of up to 83,000 refugees to the United States during FY 1998 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1998 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 83,000 funded admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1998 with Federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101 (e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa.....	7,000
East Asia.....	14,000
Europe.....	51,000
Latin America/Caribbean.....	4,000
Near East/South Asia.....	4,000
Unallocated.....	3,000

Within the Europe ceiling are 5,000 unfunded reserve numbers allocated to the former Soviet Union for use as needed provided that resources are available to fund the cost of their admission. The 3,000 unfunded unallocated numbers shall be allocated as needed if resources are available to fund the cost of

their
admission. Unused admissions numbers allocated to a particular
region within the
75,000 federally funded ceiling may be transferred to one or more
other regions
if there is an overriding need for greater numbers for the region or
regions to
which the numbers are being transferred. You are hereby
authorized and directed
to consult with the Judiciary Committees of the Congress prior to
any such use of
the unallocated numbers or reallocation of numbers from one
region to another.

Pursuant to Section 2(b) (2) of the Migration and Refugee
Assistance Act of 1962,
as amended, 22 U.S.C. 2601(b) (2), I hereby determine that
assistance to or on
behalf of persons applying for admission to the United States as
part of the
overseas refugee admissions program will contribute to the foreign
policy
interests of the United States and designate such persons for this
purpose.

An additional 10,000 refugee admissions numbers shall be made
available during FY
1998 for the adjustment to permanent resident status under Section
209(b) of the
Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who
have been
granted asylum in the United States under Section 208 of the Act
(8 U.S.C. 1158),
as this is justified by humanitarian concerns or is otherwise in the
national
interest.

In accordance with Section 101(a) (42) (B) of the Act (8 U.S.C.
1101(a) (42)) and
after appropriate consultation with the Congress, I also specify
that, for FY
1998, the following persons may, if otherwise qualified, be
considered refugees
for the purpose of admission to the United States within their
countries of
nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba

c. Persons in the former Soviet Union

You are authorized and directed to report this Determination to the Congress immediately and to publish it in the Federal Register.

cc: The Attorney General
The Secretary of Health and Human Services

TRANSLATED_ATTACHMENT

6567BERGER.DOC

September 29, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 1998

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 1998.

This determination differs from our original proposal in one significant respect: we have added 5,000 unfunded numbers to the former Soviet Union. This increases the number of slots for this program from 21,000 to 26,000 for FY 1998 and the overall ceiling from 78,000 to 83,000.

This change occurred after Members of the Senate and representatives of the organizations that resettle refugees from the Soviet Union expressed strong opposition to the drop in numbers from 30,000 in FY 1997 to 21,000 in FY 1998 for this program. After discussions with both groups, it was agreed that the addition of 5,000 unfunded numbers would address their concerns.

These reserve numbers will be used as needed provided that resources are available to fund the cost of their admission. We have also agreed to meet with representatives from the relevant organizations midway through FY 1998 to evaluate whether we need to use these reserve numbers and, if so, to find the resources to fund them (with help from the relevant Members of the Senate if necessary).

Concurrence by: Will Davis

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Memorandum from the Acting Secretary

Tab B Presidential Determination

2

6567

Exchange Mail

DATE-TIME 9/29/97 1:37:50 PM
FROM DeLaurentis, Jeffrey J.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(b)(d)
DATECLASSIFIEDON 09/29/1997
DECLASSIFYON 09/29/2007
SUBJECT Cuba: Disposition of Alleged Hijackers [~~CONFIDENTIAL~~]
TO Cicio, Kristen K.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Quinn, Mary E.
Scott-Perez, Marilyn L.

CARBON_COPY DeLaurentis, Jeffrey J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Malley, Robert
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY

For Sandy and Jim:

The Attorney General has been consulted and
agrees that the two Cuban hostage takers should be returned. We

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By mi NARA, Date 9/28/16
241-1024-F

are in the process of clearing government-wide press guidance on the repatriation and anticipate making this known later today.

The guidance will state the following:

The six Cubans were taken, in accordance with standard procedure, to Guantanamo for further processing. All six were interviewed by Department of Justice investigators.

Based on their statements, two of the six Cubans hijacked the Cuban Border Guard vessel, taking four hostages in the process. The two were armed with AK-47s found on the vessel and a knife. The Border Guard machinist forced to operate the vessel was struck several times in the head with the butt of a knife. The hostage takers also fired multiple rounds at a Cuban Border Guard patrol boat that was chasing them. The Cuban government has informed us that there was one injury aboard the patrol boat as a result. The patrol boat did not fire back, but did ram the vessel in efforts to stop the hijackers.

The four hostages include three Cuban Border Guard personnel and the minor friend of one of the officers, a 15-year old girl. The four have asked to return to Cuba as soon as possible. They declined being interviewed by an INS asylum pre-screening officer. The U.S. expects to return these four as soon as possible.

The two alleged hijackers were interviewed by INS. They have no history of any dissident activity. They were not in any imminent danger at the time of the hijacking and admitted to having planned their activities well in advance. Armed hijacking is a serious, non-political offense that must be taken into consideration whenever an applicant is seeking protection. The USG has always taken a strong position against such violent acts. Given the pre-meditated hijacking and use of armed force involved with this case, INS has determined that the two hijackers are ineligible for refugee status. They will be returned to Cuba.

The Cuban government has requested the return of the Border Guard vessel. We are looking at ways to do this, however, efforts will be complicated by the vessel's poor condition.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. email	DeLaurentis to Cicio et al. re: Cuba: Update on the Rescued Border Guard Vessel (3 pages)	09/29/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[09/03/1997-01/16/1998]

2011-1039-F

rs1858

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]

Exchange Mail

DATE-TIME 9/29/97 4:25:48 PM
FROM Letts, Kelly J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Urgent Clearance Requested [UNCLASSIFIED]
TO Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
McCormick, Keith P.

CARBON_COPY

TEXT_BODY Need urgent clearance on the below package regarding Refugee Admissions.
We need to move this quickly as it needs to be signed by POTUS NLT tomorrow night. Thanks.

TRANSLATED_ATTACHMENT

6567PD.DOC

Presidential Determination
No. _____

MEMORANDUM FOR THE SECRETARY OF STATE

SUBJECT: Presidential Determination on FY 1998 Refugee Admissions Numbers and Authorizations of In-Country Refugee Status Pursuant to Sections 207 and 101(a)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(b)(2) of the Migration and Refugee Assistance Act, as Amended

In accordance with Section 207 of the Immigration and Nationality Act ("the Act") (8 U.S.C. 1157), as amended, and after appropriate consultation with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 83,000 refugees to the United States during FY 1998 is justified by humanitarian concerns or is otherwise in the national interest; provided, however, that this number shall be understood as including persons admitted to the United States during FY 1998 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 83,000 funded admissions shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided, however, that the number allocated to the East Asia region shall include persons admitted to the United States during FY 1998 with Federal refugee resettlement assistance under Section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in Section 101 (e) of Public Law 100-202 (Amerasian immigrants and their family members); provided further that the number allocated to the former Soviet Union shall include persons admitted who were nationals of the former Soviet Union, or in the case of persons having no nationality, who were habitual residents of the former Soviet Union, prior to September 2, 1991:

Africa.....	7,000
East Asia.....	14,000
Europe.....	51,000
Latin America/Caribbean.....	4,000
Near East/South Asia.....	4,000
Unallocated.....	3,000

Within the Europe ceiling are 5,000 unfunded reserve numbers allocated to the

former Soviet Union for use as needed provided that resources within existing appropriations are available to fund the cost of their admission. The 3,000 unfunded unallocated numbers shall be allocated as needed if resources within existing appropriations are available to fund the cost of their admission. Unused admissions numbers allocated to a particular region within the 75,000 federally funded ceiling may be transferred to one or more other regions if there is an overriding need for greater numbers for the region or regions to which the numbers are being transferred. You are hereby authorized and directed to consult with the Judiciary Committees of the Congress prior to any such use of the unallocated numbers or reallocation of numbers from one region to another.

Pursuant to Section 2(b) (2) of the Migration and Refugee Assistance Act of 1962, as amended, 22 U.S.C. 2601(b) (2), I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

An additional 10,000 refugee admissions numbers shall be made available during FY 1998 for the adjustment to permanent resident status under Section 209(b) of the Immigration and Nationality Act (8 U.S.C. 1159(b)) of aliens who have been granted asylum in the United States under Section 208 of the Act (8 U.S.C. 1158), as this is justified by humanitarian concerns or is otherwise in the national interest.

In accordance with Section 101(a) (42) (B) of the Act (8 U.S.C. 1101 (a) (42)) and after appropriate consultation with the Congress, I also specify that, for FY 1998, the following persons may, if otherwise qualified, be considered refugees

for the purpose of admission to the United States within their
countries of
nationality or habitual residence:

- a. Persons in Vietnam
- b. Persons in Cuba
- c. Persons in the former Soviet Union

You are authorized and directed to report this Determination to the
Congress
immediately and to publish it in the Federal Register.

cc: The Attorney General
The Secretary of Health and Human Services

TRANSLATED_ATTACHMENT 6567PRES.DOC

ACTION

MEMORANDUM FOR THE PRESIDENT

THROUGH: THE EXECUTIVE CLERK

FROM: SAMUEL R. BERGER
JOHN HILLEY

SUBJECT: Refugee Admissions for FY 1998

Purpose

To sign the Presidential Determination for FY 1998 Refugee
Admissions.

Background

Refugee Program

The Immigration and Nationality Act requires that you determine, after appropriate Congressional consultations, the number of refugee admissions to the United States that is justified by humanitarian concerns or is otherwise in the national interest.

Program Proposal

We are recommending that you approve an overall ceiling for FY 1998 of 83,000, which includes 7,000 from Africa, 14,000 from East Asia, 46,000 from Europe, 4,000 from the Near East and South Asia, 4,000 from Latin America and the Caribbean, and 3,000 for a reserve that can be allocated to any region.

Notable elements of this year's Determination are an increase in the Bosnia ceiling from 20,000 to 25,000, and the maintenance of a high number for Indochina (14,000) -- designed to finish implementation of our resettlement program for Vietnamese who returned to Vietnam from first asylum camps in Asia. Under this program, we consider U.S. resettlement of Vietnamese who may have suffered persecution or discrimination in Vietnam due to their wartime links to the United States, fled Vietnam during the 1980s, and were then forcibly returned from camps in Asia after being denied refugee status.

Consultations

On July 31, 1997, you authorized the Secretary of State to consult with Congress on a proposed refugee admissions ceiling of 78,000. Members' comments primarily concerned the program for the former Soviet Union.

While some Members of the House Judiciary Committee questioned the need for continuing the admissions program from the Soviet Union given changed circumstances, more legislators -- particularly from the Senate -- expressed opposition to the drop in numbers for the former Soviet Union from 30,000 in FY

1997 to 21,000 in FY 1998. Their views echoed the concerns of representatives from the American Jewish community involved in refugee resettlement, as well as representatives from World Relief, the organization that resettles evangelical Christians from the former Soviet Union.

The groups did not question that the Soviet program, due to a reduction in applications, is becoming smaller over time. Rather, they were concerned by the size of the reduction and feared it reflected a lack of Administration commitment to the program. After further discussion with Members and the groups, we agreed to propose an additional allocation of 5,000 "reserve" numbers for the former Soviet Union. These numbers will be used as needed provided that resources are available within existing appropriations to fund the costs of admissions. We have not sought additional funding for the 5000, and are confident we could find necessary funds from within existing refugee assistance accounts if needed.

Attached at Tab A is a memorandum to you from Acting Secretary Eizenstat that summarizes the views of Members of Congress and recommends that you sign the Presidential Determination for FY 1998.

RECOMMENDATION

That you sign the Presidential Determination attached at Tab B.

Attachments

Tab A Memorandum from the Acting Secretary

Tab B Presidential Determination

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 6567BERGER.DOC

September 29, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Refugee Admissions for FY 1998

Attached at Tab I is a memorandum to the President recommending that the President sign the Presidential Determination on Refugee Admissions for FY 1998.

The memorandum describes the notable elements of the Determination, including an increase from the original proposal on which we based congressional consultations. As explained in the memorandum, we have added 5,000 "unfunded" numbers to the former Soviet Union, increasing the number of proposed FY 1998 FSU slots from 21,000 to 26,000. This increase came after consultations with Members of Congress and interested private voluntary organizations.

We are aware that refugee admission from the former Soviet Union has the potential of being linked publicly to the new Russian religion law. By quietly reaching an understanding with the Jewish and Christian evangelical communities on FY 1998 numbers, we believe we have diminished the chance of any controversy on this issue.

Concurrence by: Will Davis

RECOMMENDATION

That you sign the attached memorandum to the President at Tab I.

Attachments

Tab I Memorandum to the President

Tab A Memorandum from the Acting Secretary

Tab B Presidential Determination

2

6567

Exchange Mail

DATE-TIME 9/30/97 10:45:54 PM
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT UN HIGH COMMISSION FOR REFUGEES (UNHCR) [UNCLASSIFIED]
TO Busby, Scott W.

CARBON_COPY**TEXT_BODY**

can we get PRM to follow up?

-----Original Message-----

From: SitRoom

Sent: Friday, September 26, 1997 10:55 AM

To: Beers, Rand R.;

Busby, Scott W.; Clarke, Richard A.; DeLaurentis, Jeffrey J.; Dobbins, James F.; Gregory, Susan J.; Hawley, Leonard R.; Hofmann, Karl W.; Jordan, Donald L.; McCarthy, Mary O.; Metzl, Jamie F.; Orr, Robert C.; Ragan, Richard F.; Rossi, Christopher R.; Schwartz, Eric P.; Sherman, David J.; Wechsler, William F.

Subject: UN HIGH COMMISSION
FOR REFUGEES (UNHCR)

UNCLAS SECTION 01 OF 02 NASSAU 002240

SECSTATE

FOR ARA/CCA AND ARA/CAR

E.O. 12958: N/A

TAGS: PREF, PREL, CU,

BF

SUBJECT: UN HIGH COMMISSION FOR REFUGEES (UNHCR)
REPRESENTATIVE

REVIEWS STATUS OF CUBAN MIGRANTS IN NASSAU

REF: NASSAU 1949

1.

SUMMARY: A UNHCR SENIOR PROTECTION OFFICER VISITED
NASSAU SEPTEMBER
10-15 TO TRAIN BAHAMIAN OFFICIALS IN
REFUGEE INTERVIEWING TECHNIQUES
AND TO INTERVIEW CUBANS

DETAINED IN NASSAU TO DETERMINE WHETHER THEY MAY HAVE COLORABLE CLAIMS TO REFUGEE STATUS. HE DETERMINED THAT FIVE CUBANS MAY QUALIFY AS REFUGEES, BUT WAS CONCERNED BY

A RECENT REPATRIATION OF SEVERAL OTHER CUBANS, APPARENTLY WITHOUT ADEQUATE CONSIDERATION OF THEIR CLAIMS. ALTHOUGH THE GOCB INSISTS IT INTENDS TO FULFILL ITS INTERNATIONAL OBLIGATIONS TOWARD REFUGEES, BAHAMIAN OFFICIALS ARE RECONSIDERING A PREVIOUS DECISION TO CREATE A CORPS OF TRAINED INTERVIEWERS WITHIN THE BAHAMAS IMMIGRATION DEPARTMENT. EMBASSY NASSAU SUGGESTS THAT THE USG CONSIDER STATIONING A USINS EXPERT ON REFUGEE INTERVIEWING IN NASSAU TO ASSIST THE GOCB IN MEETING ITS OBLIGATIONS UNDER THE CONVENTION ON TREATMENT OF REFUGEES.
END SUMMARY.

2. ALEJANDRO CEDENO, A SENIOR REGIONAL PROTECTION OFFICER FOR THE UNITED NATIONS HIGH COMMISSION FOR REFUGEES BASED IN WASHINGTON, VISITED NASSAU SEPTEMBER 10. WHILE IN NASSAU, CEDENO TRAINED BAHAMIAN OFFICIALS IN REFUGEE INTERVIEWING TECHNIQUES AND DISCUSSED THE CORRECT PROCEDURES FOR REVIEWING CLAIMS TO REFUGEE STATUS BY MIGRANTS DETAINED AT THE CARMICHAEL ROAD DETENTION CENTER IN NASSAU. CEDENO ALSO INTERVIEWED
46
CURANS AT THE CENTER TO EVALUATE THEIR CLAIMS. AMONG THEM HE FOUND FIVE CASES, INVOLVING ABOUT 10 PEOPLE, WHICH HE WILL RECOMMEND TO THE BAHAMIAN GOVERNMENT AS POTENTIAL REFUGEES.

3. ONE CASE WAS

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

003. email	Schwartz to Busby re: UN High Commission for Refugees (UNHCR) [partial] (1 page)	09/30/1997	P6/b(6)
------------	---	------------	---------

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Scwhartz and Cuba...])
OA/Box Number: 620000

FOLDER TITLE:

[09/03/1997-01/16/1998]

2011-1039-F

rs1858

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]

THAT OF [REDACTED] (b)(6) A BROTHER OF [REDACTED]
[REDACTED] A CUBAN WHO HAS
SEVERAL TIMES ESCAPED FROM CUBA
AND BEEN RETURNED. (ARA/CCA MAY
KNOW OF [REDACTED] CASE.)
ACCORDING TO CEDENO, [REDACTED] WAS RECENTLY HELD
AT THE
DETENTION CENTER BUT ESCAPED JUST BEFORE THE GOCB'S LAST
REPATRIATION
EXERCISE. HE HAS NOT BEEN FOUND. OTHER
POTENTIAL REFUGEES CEDENO
MENTIONED WERE [REDACTED]
[REDACTED]

4. CEDENO
ALSO INTERVIEWED [REDACTED] AND
[REDACTED] WHOM EMBOFF INTERVIEWED
IN AUGUST IN
RESPONSE TO AN INQUIRY FROM CONGRESSWOMAN ILEANA ROS-
LEHTINEN
(REFTEL). CEDENO DID NOT FIND THAT THEY HAD A
COLORABLE CLAIM TO
REFUGEE STATUS.

5. CEDENO TOLD CONOFF THAT ONE OR TWO WEEKS AGO
UNDER
ITS AGREEMENT WITH CUBA, THE GOCB REPATRIATED SEVERAL
DOZEN
OF THE 73 CUBANS REPORTED REFTEL TO BE AT THE
DETENTION CENTER.
CEDENO SAID THAT HE WAS NOT AWARE THAT
THE GOCB PROVIDED ANY OPPORTUNITY
TO THESE DEPORTEES TO
PRESENT THEIR CLAIMS TO REFUGEE STATUS BEFORE
THEY WERE
REPATRIATED. CEDENO AGAIN STRESSED HIS CONCERN ABOUT
THE
LACK OF A SYSTEMATIZED REVIEW OF SUCH CLAIMS. HE NOTED,
HOWEVER,
THAT THE GOCB HAD GRANTED ASYLUM IN VIRTUALLY
ALL CASES WHERE THE
UNHCR FOUND A BASIS FOR REFUGEE
STATUS AFTER BEING GIVEN AN OPPORTUNITY
TO REVIEW A
DETAINEE'S CLAIM.

5. WHILE HE WAS IN NASSAU, CEDENO
PROVIDED A THREE-DAY
TRAINING COURSE TO OFFICIALS FROM THE BAHAMAS
IMMIGRATION

DEPARTMENT AND THE FOREIGN MINISTRY, DESIGNED TO TRAIN THEM TO MAKE AN INITIAL DETERMINATION OF CLAIMS TO REFUGEE STATUS. CEDENO SAID THAT BAHAMIAN OFFICIALS ASSURED HIM THAT THE GOCB INTENDS TO COMPLY WITH ITS OBLIGATIONS AS A SIGNATORY UNDER THE CONVENTION RELATING TO REFUGEES. THEY WANT THE UNHCR TO ASSIST AND UNHCR AGREES IT HAS A ROLE TO PLAY. UNHCR CAN FUND INTERPRETERS FOR THE GOCB, AND WILL PROVIDE ASSISTANCE IN INTERVIEWING CLAIMANTS WHENEVER POSSIBLE. HOWEVER, CEDENO FEELS THAT HIS PERSONAL ROLE SHOULD NOT INCLUDE ROUTINELY INTERVIEWING ASYLUM CLAIMANTS. REFTEL REPORTED THAT THE GOCB WAS PLANNING TO CREATE A CORPS OF IMMIGRATION OFFICERS WHO ARE TRAINED TO DETERMINE ASYLUM CLAIMS. CEDENO SAID THAT BAHAMIAN OFFICIALS WITH WHOM HE TALKED SAID THAT THEY NOW WANT TO RECONSIDER WHETHER TO CREATE SUCH A CORPS.

6. COMMENT: AS NOTED REFTEL, THE BAHAMIAN GOVERNMENT IS WARY OF CREATING A SITUATION IN THE BAHAMAS WHICH WILL ATTRACT LARGE NUMBERS OF CUBAN MIGRANTS. LACKING PERSONNEL IN THE BAHAMAS, THE UNHCR FINDS IT DIFFICULT TO PROVIDE CONTINUOUS ASSISTANCE TO THE GOCB IN DETERMINING MIGRANTS' ASYLUM CLAIMS. THE UNITED STATES IMMIGRATION AND NATURALIZATION SERVICE (USINS) HAS NEARLY 20 INSPECTORS BASED IN NASSAU. NASSAU RECOMMENDS EXPLORING THE POSSIBILITY THAT (WITH THE AGREEMENT OF THE GOCB, USINS AND UNHCR) ONE OR MORE WELL-QUALIFIED USINS INSPECTORS COULD SERVE AS REFUGEE INTERVIEWERS TO ASSIST THE BAHAMAS WITH TRAINING AND ADVICE IN REFUGEE

MATTERS.
UNCLAS SECTION 02 OF 02 NASSAU 002240

SECSTATE FOR ARA/CCA
AND ARA/CAR

E.O. 12958: N/A
TAGS: PREF, PREL, CU, BF
SUBJECT:
UN HIGH COMMISSION FOR REFUGEES (UNHCR)
REPRESENTATIVE REVIEWS STATUS
OF CUBAN MIGRANTS IN NASSAU

THE USINS PORT DIRECTOR IN NASSAU
CONCURS, BUT PREFERS
THAT THIS ROLE BE PLAYED BY A SEPARATE USINS
ATTACHE IN
THE EMBASSY (RATHER THAN AN INSPECTOR) WHO WOULD
COMBINE
COORDINATING
INTELLIGENCE GATHERING ON THE SIGNIFICANT
MIGRATION AND ALIEN SMUGGLING
THROUGH THE BAHAMAS AND
PROVIDING ASSISTANCE TO BAHAMAS IMMIGRATION
ON ASYLUM
MATTERS. END COMMENT.

WILLIAMS

Exchange Mail

DATE-TIME 10/1/97 10:58:03 AM
FROM DeLaurentis, Jeffrey J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuba: updated contingency guidance [UNCLASSIFIED]
TO Wozniak, Natalie S.

CARBON_COPY Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY the two hostage takers are being sent back today.

TRANSLATED_ATTACHMENT cubans' to be repatriated.doc
CUBA
October 1, 1997

Background

The six Cubans picked up September 25 were taken to the Guantanamo Naval Base for further processing. Based on statements made to Dept. of Justice investigators, two of the six hijacked a Cuban Border Guard vessel, taking four hostages in the process (3 Cuban Border Guard personnel and one 15-year old girl, a

friend of one
of the Border Guards). The two alleged hijackers used force to detain
and secure
the cooperation of the hostages, and fired multiple rounds at a Cuban
Border
Guard Patrol boat that tried to stop them, injuring one person in the
process.
The four hostages have asked to return to Cuba and were returned this
afternoon.
The two hijackers will be returned to Cuba later this week.

Q: Do you have any further information on the six Cubans who were
picked up at
sea on September 25? Where are they now? What exactly happened
on the 25th?
What will happen to the six?

A: The six Cubans picked up on September 25 were taken to the
Guantanamo Naval
Base for further processing. The vessel they were on, which belongs
to the Cuban
Border Guard, is in the custody of the Coast Guard at Islamorada,
Florida.

* All six Cubans were interviewed by Department of Justice
investigators
regarding the events of September 25. Based on statements provided
by all six to
the investigators, two of the six Cubans, a port security guard and his
brother-in-law, hijacked the Cuban Border Guard vessel, taking four
hostages in
the process. The two were armed with AK-47's found on the vessel
and a knife.
The Border Guard machinist forced to operate the vessel was struck
several times
in the head with the butt of a knife. The hostage takers also fired
multiple
rounds at a Cuban Border Guard patrol boat that was chasing them.
The Cuban
government has informed us that there was one injury aboard the
patrol boat as a
result. The patrol boat rammed the vessel in an effort to stop the
hijackers.

* The two Cubans, who admitted to hijacking the vessel, were
interviewed by INS
asylum officers. They were found not to be entitled to protection and
will be
returned to Cuba today.

* The four hostages include three Cuban Border Guard personnel and a 15-year old minor girl, who was a friend of one of the border guards. The four asked to return to Cuba as soon as possible. They declined to be interviewed by an INS asylum officer. They were returned to Cuba on September 29.

* We are also looking into a request by the Cuban government for the return of the Border Guard vessel.

Q: Isn't this the first time that the U.S. has repatriated Cubans involved in a hijacking?

A: No, it is not. In May 1996, we repatriated six Cubans, five of whom admitted to hijacking the tugboat they were on and to taking one hostage. The five Cubans who hijacked the tugboat and an accomplice in Cuba were later tried by the Cuban government and sentenced (sentences varied from 8 - 20 years, depending on the level of involvement). The sentences were consistent with the normal length of sentences in Cuban hijacking cases.

Q: How does the U.S. decide when it will bring a Cuban hijacker to the U.S. for trial or return the hijacker to Cuba for prosecution?

A: Such decisions are made on a case-by-case basis, consistent with the migration agreements we have with Cuba, depending upon the facts of the case, including the circumstances and seriousness of the alleged crime, international treaty obligations, and whether the U.S. government can reasonably assert jurisdiction.

* In this case, two armed Cubans hijacked a Cuban Border Guard vessel in Cuba, taking four hostages. The Border Guard machinist forced to operate the vessel was struck with the butt of a knife. The hostage takers fired multiple rounds at a Cuban Border Guard patrol boat that was chasing them, injuring one person in the process.

Q: Why did the U.S. repatriate these hijackers but bring Fernandez Pupo to the U.S. for trial last year?

A: Under the 1970 international treaty on aircraft hijacking, the country in which the alleged hijackers are located can either prosecute or extradite them to another country with jurisdiction. That determination is made on a case by case basis in connection with our strong commitment to oppose the use of violence by any persons seeking to reach, or who arrive in, the United States from Cuba by forcible diversions of aircraft and vessels.

Exchange Mail

DATE-TIME 11/13/97 8:55:39 AM

FROM DeLaurentis, Jeffrey J.

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuba: Postponement of IWG on Migration Talks [UNCLASSIFIED]

TO Busby, Scott W.

CARBON_COPY DeLaurentis, Jeffrey J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Malley, Robert
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Williams, Mary C.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.

TEXT_BODY Scott -- State is postponing IWG on Migration talks from 10:00 a.m. today to 3:00 p.m. tomorrow. Jeff

Exchange Mail

DATE-TIME 12/4/97 11:15:46 AM
FROM Hofmann, Karl W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Draft Haiti guidance [UNCLASSIFIED]
TO Cicio, Kristen K.
Davies, Glyn T.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Quinn, Mary E.
Scott-Perez, Marilyn L.
Storey, Sharon V.

CARBON_COPY Crowley, Philip J.
Hill, Roseanne M.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Benjamin, Daniel
Blinken, Antony J.
Gray, Wendy E.
LaFleur, Vinca S.
Leavy, David C.
Naplan, Steven J.
Widmer, Edward L.
Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
Rudman, Mara E.
Baldwin, Kenneth
Beers, Rand R.
Clarke, Richard A.
Dollar, Carolyn J.
Fung, Mark T.
Hawley, Leonard R.
Metzl, Jamie F.
Peterson, G. Deane
Rosa, Frederick M.
Roundtree, Beverly

Schwartz, Eric P.
Simon, Steven N.
Verville, Elizabeth G.
Wechsler, William F.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Holmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.

TEXT_BODY

For Jim:
Attached is the proposed guidance for responding to today's
NYT article, for your review. Also envision encouraging a supportive
op-ed using these arguments in the coming days.

TRANSLATED_ATTACHMENT

Haiti Dec 4 guidance.doc
Haiti: U.S. Policy Failure?

December 4, 1997

Q: Is it true that Haiti is as feeble as ever? What have we and the
international community accomplished in three years?

Haiti remains a desperately poor country with huge political,
economic and
environmental challenges. These problems were generations in the
making; Haiti
and the international community will not solve them overnight.

Let's look at what has been accomplished, though.

* Democracy has been restored. Haiti has transferred power
peacefully through
democratic elections. No small feat where there is no modern tradition
of
democracy.

* Tough economic reforms are underway, including privatization of
state-owned
enterprises.

* Haiti has a dynamic free press, there is freedom of political
expression, and a
growing civil society.

* Political violence has fallen from thousands being killed during the

de facto
regime period to none in the past year.

* The Coast Guard was intercepting thousands of Haitian migrants at sea prior to the restoration of democracy; despite the recent case involving the boat off Miami, which indicates the continued desperation arising from Haiti's poverty, the migrant flow generally has been halted.

The international community helped achieve these gains. We were not acting alone, and we still are not acting alone. With UN military forces leaving the island at the conclusion of their mission, the international community remains very heavily engaged in Haiti, through continued deployment of 300 civilian police, donor technical assistance and multilateral aid.

What about the Haitian National Police? No better than criminals?

Have to look at what preceded the HNP. Haiti had no functioning police force; the army kept order, at the high price of human rights abuses and political victimization. The HNP is establishing itself as a civilian, apolitical force where there was none before. For the first time in Haitian history it is disciplining itself - over 200 policemen have been fired, and over 50 are in jail for abuse of their office. Haiti should be praised, not castigated for this remarkable effort to create an honest, professional police force in a country that has never known one.

We are pleased that the UN Security Council has unanimously responded to President Preval's request for an additional year of mentoring and support to the HNP, under the UNCIVPOL mission. We will continue to provide approximately 50 U.S. law enforcement personnel as part of this effort.

HNP has some of the same problems as Haiti as a whole. Still, we see HNP as honestly led, making progress, serious about addressing problems in its own

ranks.

Arrest of Leon Jeune? Wasn't this political?

The HNP recently arrested Leon Jeune, a former official in President Aristide's government, a cousin of President Aristide, and a former presidential candidate, on charges of coup-plotting and weapons violations. We are looking into reports that Jeune was mistreated during his arrest, and are following this case closely.

What role for U.S. troops?

U.S. troops are conducting humanitarian and civic action exercises in Haiti, including rehabilitating schools and roads, digging wells, providing medical services and rehabilitating clinics. This has involved periodic deployments of units to perform these missions, which provide useful training opportunities for our forces. Haiti's development and U.S. forces have benefited from this situation.

What about decisions on extending U.S. troop presence?

Nothing for you on that.

2

2

Exchange Mail

DATE-TIME 12/9/97 3:11:46 PM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT Revised package 7963: Letter to Lamar Smith re: Haitians
[UNCLASSIFIED]

TO Hofmann, Karl W.
Rudman, Mara E.
Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
Rudman, Mara E.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.

CARBON_COPY Letts, Kelly J.

TEXT_BODY Need your clearances on the slightly revised package re: Haitians.
Eric is okay with the paragraph on foreign policy rationale as revised.
Thanks.

TRANSLATED_ATTACHMENT 7963 Berger.doc

December 9, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Immigration Relief for Haitians

Attached is a memorandum to John Hilley and a proposed response on the above subject.

Concurrence by: Karl Hofmann, Mara Rudman, Julie Fernandes (DPC), Maria Echaveste (OPL), Rob Weiner (WHC)

RECOMMENDATION

That you sign the attached memorandum to John Hilley at Tab I.

Attachments

Tab I Memorandum to John Hilley

Tab A Proposed Response

Tab B Incoming Correspondence

1

7963

TRANSLATED_ATTACHMENT 7963 Berger Memo to Hilley.doc

ACTION

MEMORANDUM FOR JOHN HILLEY

FROM: SAMUEL BERGER

SUBJECT: Immigration Relief for Haitians

Purpose

To reply to a letter from Representative Lamar Smith regarding the immigration situation of Haitians.

Background

Representative Smith disagrees with the President and others who have argued that certain Haitians should be offered similar relief to that provided to Central Americans and others by the Nicaraguan Adjustment and Central American Relief Act. He contends that these Haitians -- in particular, the so-called "Guantanamo Haitians" who were brought here after the ouster of President Aristide -- do not deserve similar treatment because, unlike Central Americans, they have received very generous treatment from the United States.

In fact, the Guantanamo Haitians arguably have greater equities than other groups. While most of the beneficiaries of the recent legislation entered the United States illegally, most of the Guantanamo Haitians were brought into the country legally only after being deemed to have a "credible fear of persecution." Moreover, those Haitians who failed to make credible claims were returned to Haiti.

Your response emphasizes the fundamental similarities between these Haitians and those who benefited from the recent legislation, including the reasons Haitians were forced to come to the United States, the substantial ties they have developed here, and the compelling foreign policy reasons in favor of similar treatment.

RECOMMENDATION

That you sign the attached letter at Tab A.

Attachments
Tab A Letter for Signature
Tab B Incoming Correspondence

7963

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 7963 Letter from Hilley_.doc

Dear Mr. Chairman:

Thank you for your letter regarding the immigration situation of Haitians in the United States.

As you note, the President believes that certain Haitians -- primarily the so-called "Guantanamo Haitians" and others who have longstanding asylum claims in the United States -- should be offered legislative relief similar to that provided to Central Americans and others by the Nicaraguan Adjustment and Central American Relief Act. This belief is premised on several fundamental similarities between these two groups. First, this group of Haitians was also forced to seek the protection of our country because of persecution and civil strife. We know this because the vast majority of them were deemed to have a "credible fear of persecution" before they were brought here. In addition, these individuals have developed substantial ties to the United States during the time they have been here.

Furthermore, while we have been encouraged by Haiti's evolution following the restoration of democratic government in 1994, the situation remains fragile. We are working, along with the international community, to bolster Haitian stability

and promote economic development, but this process is gradual. Providing this group of Haitians with an opportunity to be considered for permanent status in the United States is one of several ways we can support our fundamental interest in a stable and democratic Haiti. A stable and democratic Haiti, in turn, is the best safeguard against a renewed flow of Haitian migrants to the United States.

Although the Guantanamo Haitians came to the United States under different circumstances than Central Americans, we do not believe that this difference warrants different treatment now. On the contrary, because of the similarities described above, we think there is a very powerful case for similar treatment.

We hope to have your support for a legislative solution for this group of Haitians and look forward to discussing the issue further with you.

Sincerely,

John Hilley
Senior Advisor to the President
and Assistant to the President
for Legislative Affairs

The Honorable Lamar Smith
Chairman
Subcommittee on Immigration and Claims
Committee on the Judiciary
House of Representatives
Washington, D.C. 20515

Exchange Mail

DATE-TIME 12/10/97 5:39:41 PM
FROM Hofmann, Karl W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Progress in Haiti [UNCLASSIFIED]
TO Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Baldwin, Kenneth
Beers, Rand R.
Clarke, Richard A.
Dollar, Carolyn J.
Fung, Mark T.
Hawley, Leonard R.
Metzl, Jamie F.
Peterson, G. Deane
Rosa, Frederick M.
Roundtree, Beverly
Schwartz, Eric P.
Simon, Steven N.
Verville, Elizabeth G.
Wechsler, William F.

TEXT_BODY Anne - does this work?

TRANSLATED_ATTACHMENT Haiti progress narrative.doc
Progress in Haiti

Security

Prior to the restoration of democracy, Haiti's army was the law.

Human rights

abuses were the norm, there was no rule of law, and the army was used as an instrument of political repression.

Now, the Haitian National Police, 6,000 strong, is making slow but steady progress toward a professional, apolitical civilian security force. There are instances of abuse and drug trafficking, but the HNP's own Inspector General is policing the ranks the way no Haitian law and order institution has done before, firing over 150 officers since the force was launched in 1995. The rule of law is developing in Haiti.

Migration

In FY94, we interdicted 25,000 Haitian migrants at sea and spent \$400 million doing so, dealing inside and outside Haiti with the consequences of tyranny on our border. In FY97, we interdicted 137 migrants. The recent interdiction of a shipload of Haitians off Miami reminds us of the potential disruption that an unstable Haiti represents. That's why we are staying fully engaged in Haiti, to help ensure that democracy and economic development put down firm roots.

Democracy

From a brutal dictatorship before our intervention, Haiti now has a multiparty parliament, a free and open press, robust debate on national policies, and has transferred presidential power peacefully through elections. For a society with no recent democratic traditions, this is no small step.

The machinery of Haiti's democracy is slow and creaky. Right now, an impasse over the last round of elections has prevented the naming of a new government, although parliament is now considering President Preval's latest nominee for prime minister. It will take time to show Haitians that democracy can deliver.

Economy

Haiti was and remains desperately poor. The country's productive base is narrow and suffers from a legacy of protectionism, inefficiency and oligopoly.

President Preval has set a policy course to change this, by privatizing parastatals, restoring budget discipline, and laying the groundwork for a better investment climate. Haiti has a long way to go before economic growth returns the country to the levels it attained before the international embargo, during the de facto period. Most of all, Haiti needs a steady political situation to attract investment. We and the international community have made substantial resources available to help address Haiti's poverty and to improve the performance of Haitian institutions. The Haitian people ultimately must take the steps necessary to make this assistance fully useful.

2

2

Exchange Mail

DATE-TIME 12/15/97 9:25:38 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: 8285: POTUS to Preval on Haitian migrants [UNCLASSIFIED]
TO Hofmann, Karl W.
Rudman, Mara E.

CARBON_COPY Busby, Scott W.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
Rudman, Mara E.

TEXT_BODY A couple of additional suggested changes to letter and POTUS memo.

FYI, although Preval as well as others have asked for treatment similar to the Nicaraguans (i.e., an amnesty), it is unlikely that we will support something that generous. More likely that we will propose an enhanced suspension of deportation scheme like that provided to Salvadornas and Guatemalans. Otherwise, the Guatemalans and Salvadorans will feel that we sold them down the river. Also, we don't support outright amnesties for various reasons.

Re: Mara's change, I think Karl's original language is better because our most extensive statement on the Haitians was issued after Congress passed the bill but before POTUS signed it. The signing statement didn't say as much. You also could avoid the issue altogether by saying something general like "As I have previously stated, ..."

-----Original
Message-----
From: Rudman, Mara E.
Sent: Friday, December 12,

1997 6:36 PM

To: Hofmann, Karl W.

Cc: @DEMOCRACY - Dem/Human Affairs;

@LEGISLAT - Legislative Affairs

Subject: FW: 8285: POTUS to Preval
on Haitian migrants [UNCLASSIFIED]

Karl, I'm OK with one minor
change as noted in the letter.

-----Original Message-----

From: Hofmann,

Karl W.

Sent: Friday, December 12, 1997 12:12 PM

To: @DEMOCRACY

- Dem/Human Affairs; @LEGISLAT - Legislative Affairs

Subject: 8285:

POTUS to Preval on Haitian migrants [UNCLASSIFIED]

Scott, Mara:

OK

with the attached? I just cribbed from the Nov 14 POTUS statement
on the CentAm immigration law.

TRANSLATED_ATTACHMENT 8285 memo to POTUS.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

JOHN HILLEY

SUBJECT: Response to President Preval of Haiti

Purpose

To respond to President Preval's letter on Haitians in the United
States.

Background

President Preval wrote you to ask that Haitians who fled to the United

States be
granted immigration relief similar to that accorded to Nicaraguans
under the
recent immigration law. Your response reiterates your intent to seek
relief for
Haitians similar to that obtained for Central Americans once the
Congress
reconvenes. Your response also indicates that you have closely
followed his
actions, and Tony Lake's visits, aimed at unblocking Haiti's political
impasse.
You also urge Preval to persevere toward an inclusive solution. You
further
note the importance of parliamentary action to unblock substantial
donor
assistance that will help Haiti's economic recovery.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Response to President Preval

Tab B Incoming Correspondence

2

8285

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 8285 memo to SRB.doc

December 12, 1997

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: JAMES F. DOBBINS

FROM: KARL HOFMANN

SUBJECT: President's Response to President Preval

Attached is the President's response to President Preval on relief for Haitian migrants in the United States, and on the general situation in Haiti.

Concurrence by: Scott Busby, Mara Rudman

RECOMMENDATION

That you sign the attached memorandum to the President.

Attachments

Tab I Memorandum to the President

Tab A Response to President Preval

Tab B Incoming Correspondence

1

8285

TRANSLATED_ATTACHMENT 8285 POTUS to Preval.doc

Dear Mr. President:

Thank you for your letter concerning the situation of Haitians in the United States.

As I said in response to enactment of legislation relating to Central American migrants in November, Haitians who were forced to flee their country because of persecution and civil strife deserve the same treatment. My Administration will work with the Congress for early passage of legislation providing

relief to these
Haitians, and take appropriate administrative action to stay their
deportation
while we pursue this solution.

Tony Lake has briefed me on his recent trips to Haiti and the difficult
political
situation you face. Your actions to unblock the impasse over elections
were an
important step forward; I urge you to continue to search for an
inclusive
solution to this impasse, in the interests of all Haitians. It is vital that
Haiti's democracy develop pluralistic, multiparty roots, and that the
Haitian
economy resume its recovery, with the aid of substantial donor
assistance that
awaits parliamentary action.

I continue to follow events in your country closely. I hope you will
call upon
me when you believe we can be of assistance as you work your way
through the
difficult challenges you face.

Sincerely,

His Excellency
Rene Preval
President of the Republic of Haiti
Port-au-Prince

Exchange Mail

DATE-TIME 12/23/97 4:19:36 PM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Haitians press material [UNCLASSIFIED]
TO Wozniak, Natalie S.
Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Bendick, Gordon L.
Burrell, Christina L.
Davis, William K.
Rudman, Mara E.

TEXT_BODY

Barry Toiv asked that you forward these to him ASAP. Both documents are fully cleared.

TRANSLATED_ATTACHMENT

Haitians Fact Sheet____.doc
THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 23, 1997

FACT SHEET

Deferred Enforced Departure (DED) for Haitians

Today, the President directed the Attorney General and the Immigration and Naturalization Service to defer for one year the deportation of Haitians who were paroled into the United States or applied for asylum prior to December 31, 1995.

This action will protect these Haitians against deportation for one year while the Administration works with Congress to provide them long-term legislative relief.

The Immigration and Naturalization Service (INS) estimates that there are approximately 40,000 Haitians who may benefit from the President's action. This

group includes Haitians who were paroled into the United States from Guantanamo Bay Naval Base after the overthrow of President Aristide in 1991, Haitians

who arrived in the United States through other means and were later paroled, and Haitians who applied for asylum prior to December 31, 1995. Haitians who have

committed serious crimes or whose removal the Attorney General or Secretary of State determines to be in the interest of the United States would be ineligible for this relief.

The President has determined that it is in the foreign policy interest of the United States to grant DED to this group of Haitians. Specifically, he believes that this action will help contribute to Haiti's efforts to build a stable and lasting democracy. This, in turn, will help to prevent future outflows of undocumented Haitian migrants. He also strongly believes that Haitians receive the same treatment we sought for Central Americans, in light of the similarity of their circumstances.

The President Bush Administration granted DED three times: first in 1990 to Chinese;

then in 1991 to certain Kuwaiti residents evacuated from the Persian Gulf; and finally in 1992 to Salvadorans who had previously registered for Temporary Protected Status (TPS). In 1993, President Clinton extended for 18 months the grant of DED to Salvadorans.

The Department of Justice and INS will implement the President's directives. Questions about implementation should be referred to them.

When Congress returns, the Administration intends to work closely with interested Members on both sides of the aisle to provide permanent legislative relief for this group of Haitians.

#

2

TRANSLATED_ATTACHMENT SBTP on Certain Haitians.doc
THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release December 23, 1997

STATEMENT BY THE PRESIDENT

Today, I have directed the Attorney General and the Immigration and Naturalization Service to defer for one year the deportation of Haitians who were paroled into the United States or applied for asylum prior to December 1, 1995.

This action implements the commitment I made to address the situation of Haitians when I signed immigration legislation last month offering relief to Central Americans and others. It will shield these Haitians from deportation while we work with Congress to provide them long-term legislative relief.

Haitians deserve the same treatment we sought for Central Americans. Like Central Americans, Haitians for many years were forced to seek the protection of the United States because of oppression, human rights abuses and civil unrest at home. Many of them have established strong ties and made significant contributions to our communities. And, while we have been encouraged by the progress following the restoration of democratic government in 1994, the situation there remains fragile. Staying the deportation of these Haitians and obtaining for them permanent legislative relief will help support a stable and democratic Haiti - which, in turn, is the best safeguard against a renewed flow of Haitian migrants to the United States.

#

Exchange Mail

DATE-TIME 12/31/97 10:55:16 AM
FROM DeLaurentis, Jeffrey J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuba: Press guidance on baseball player [UNCLASSIFIED]
TO Davies, Glyn T.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Quinn, Mary E.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Rubin, Eric S.

CARBON_COPY DeLaurentis, Jeffrey J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Malley, Robert
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Crowley, Philip J.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

TEXT_BODY Per Jim Steinberg's request, attached is interagency press guidance

on Hernandez case. Cleared by State, Justice/INS, Eric Swartz and Scott Busby.

TRANSLATED_ATTACHMENT orlando hernandez press guidance.doc
CUBA
December 31, 1997

Cuban Baseball Player in the Bahamas

Background:

In a routine search over the Florida Straits on Sunday, a Coast Guard helicopter spotted eight migrants stranded on Anguilla Cay, which is part of Cay Sal Bank in the Bahamas. Per normal procedures, the Coast Guard alerted Bahamian authorities, who in turn, requested CG assistance in rescuing the eight and delivering them to the Bahamas. A CG cutter picked up the eight on Monday, December 29. All were in good health. They were transferred to a larger cutter and delivered to Bimini, Bahamas, at 11:00 am on Tuesday, December 30. Per normal procedures, they were turned over to Bahamian immigration authorities who placed them in a holding facility for undocumented arrivals. Late December 30, we learned that Cuban pitcher Orlando Hernandez, half-brother of Marlins star pitcher Liván Hernández was among the eight. Embassy Nassau officials received permission from the GOC to interview all eight Cubans last night. Orlando's common-law wife is among the group as well as Cuban catcher Alberto Hernandez. The situation is attracting considerable media attention. The Cuban American National Foundation has contacted the Department of State and Justice asking that the group be brought to the U.S. Cuban American baseball agent Joe Cubas is involved. Liván Hernández is going to Nassau today.

The Bahamas has a repatriation agreement with Cuba under which illegal arrivals who have no protection concerns are returned to Cuba. Those

claiming fear of persecution if returned are interviewed by UNHCR. The Bahamian government has indicated it will follow normal procedures and there are no plans to repatriate any of the group immediately as the Miami media has been reporting. Under September 1994 and May 1995 migration accords with Cuba, the U.S. policy is to promote safe, legal and orderly migration. Cubans interdicted at sea or who enter GTMO illegally are normally returned to Cuba provided there are no protection concerns.

Asylum can only be requested and granted to aliens who are physically present in the U.S. Those requesting asylum abroad are ordinarily turned over to the local UNHCR office for processing. Orland Hernandez has asked U.S. Embassy officials for asylum in the U.S.

Q: Is it true that Cuban national Orlando Hernandez Pedroso, a catcher with the Cuban national baseball team, has requested asylum in the U.S.? Will he be allowed to come to the U.S.?

A: Orlando Hernandez Pedroso, half-brother of Marlins pitcher Livan Hernandez, was among a group of eight Cuban nationals found in Bahamian waters on Anguilla Cay by the U.S. Coast Guard on Sunday, December 29.

Per normal procedures, the Coast Guard notified Bahamian authorities of the location of the eight individuals. Again, per normal procedures, Bahamian authorities requested Coast Guard assistance in rescuing the eight and bringing them to the mainland. A cutter picked up the group the following day and found everyone in good health. They were transferred to a larger cutter and delivered to Bimini late morning on Tuesday, December 30, where they were turned over to Bahamian immigration authorities and placed in a holding facility for

undocumented foreign arrivals.

As soon as the State Department learned that Orlando Hernandez was among the eight, Embassy Nassau sought permission from the Bahamian government to interview him. Bahamian authorities granted permission to talk to all members of the group. We learned that Orlando's common-law wife, catcher Alberto Hernandez, and others had accompanied him in leaving Cuba. All are in excellent health and stated they have been treated well while in the Bahamas. Orlando did request asylum in the U.S. during the interview with Embassy officials. The others all expressed interest in coming to the U.S.

U.S. policy is to promote safe, legal and orderly migration from Cuba. This policy has saved many lives over the past three years by discouraging unsafe sea voyages. Cuban nationals interdicted at sea or who enter the Guantanamo Naval Base illegally are returned to Cuba provided they have no protection concerns, but those with well-founded fears of persecution are not returned.

In this case, Orlando Hernandez and others are in the Bahamas. As a general matter, individuals claiming a fear of persecution are interviewed by a representative from the UN High Commission on Refugees. Bahamian authorities have indicated there are no plans for immediate repatriation.

As you may know, Orlando Hernandez and Alberto Hernandez were both banned from playing baseball in Cuba as a result of Livan Hernandez' defection in 1995. Given the special circumstances involved with these cases, the Department wanted to interview Orlando and the rest of the group of 8 in order to have as much information as possible about their cases. This information is under review and no decision has been made regarding the disposition of these cases.

The U.S. appreciates the cooperation of the Bahamian government and wishes to

reiterate that this group of Cubans remains safe and in good health.

If asked:

Q: What about Orlando Hernandez' asylum request? Isn't the U.S. obligated to act on this?

A: Under U.S. immigration law, asylum can only be requested and granted to aliens who are physically present in the U.S. Individuals who are outside the U.S. and are in need of protection are normally processed by the country where they are located. Again, we are reviewing possible USG responses in this case

Q: Wouldn't bringing Orlando and the others to the U.S. from the Bahamas violate the U.S. immigration accords with Cuba?

A: These accords deal with Cubans interdicted at sea or who enter the Guantanamo Naval Base illegally. In implementing the accords, the U.S. has always acted in accordance with international standards regarding the protection of individuals who have a legitimate fear of persecution. Cuban nationals in the Bahamas do not technically fall within the purview of the agreements. We are looking at these cases because of the special circumstances involved but have made no decisions.

Exchange Mail

DATE-TIME 12/31/97 5:18:31 PM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Cuban pitching star Orlando Hernandez, half brother of Marlins pitcher and World Series MVP Livan Hernandez, fled Cuba by raft, was rescued in Bahamians waters and is requesting asylum and is Cuban Livan Hernandez
[UNCLASSIFIED]

TO Cosgriff, Kevin J.
Davies, Glyn T.
Elkon, Nicole L.
Hilliard, Brenda I.
Hurwitz, Marc I.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Poole, Jennifer C.
Quinn, Mary E.
Rice, Edward A.

CARBON_COPY Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.

TEXT_BODY Ed -- Here is language for CoS update. Cleared by Eric and Interam.

-----Original
Message-----
From: Busby, Scott W.
Sent: Wednesday, December 31,
1997 5:01 PM
To: DeLaurentis, Jeffrey J.
Subject: FW: Cuban pitching
star Orlando Hernandez, half brother of Marlins pitcher and World
Series MVP Livan Hernandez, fled Cuba by raft, was rescued in
Bahamians

waters and is requesting asylum and is Cuban Livan Hernandez
[UNCLASSIFIED]

-----Original

Message-----

From: Busby, Scott W.

Sent: Wednesday, December 31,
1997 4:59 PM

To: Schwartz, Eric P.

Subject: Cuban pitching star

Orlando Hernandez, half brother of Marlins pitcher and World Series MVP Livan Hernandez, fled Cuba by raft, was rescued in Bahamian waters and is requesting asylum and is Cuban Livan Hernandez
[UNCLASSIFIED]

Shorter, sweeter.

TRANSLATED_ATTACHMENT

COS input on Orlando Hernandez_.doc

On Sunday, the Coast Guard rescued eight Cuban migrants in Bahamian waters and transferred them to a detention center in the Bahamas. These individuals include

Cuban pitching star Orlando Hernandez, half brother of Marlins pitcher and World

Series MVP Livan Hernandez, and Alberto Hernandez (not related), a catcher from

the Cuban national team. Both were banned from playing baseball in Cuba as a

result of Livan's defection in 1995. All eight individuals have requested asylum

in the United States. Bringing these individuals in as refugees would be

inconsistent with our current Cuban migration policy, which calls for us to

resettle in third countries Cubans with well-founded fears of persecution and to

return to Cuba those who do not have such concerns. Nevertheless, we believe,

and Justice and State agree, that the two baseball players and a common-law

spouse should be paroled into the United States as quickly as possible. Justice

intends to do so on humanitarian grounds, given the family ties these individuals

have in the United States and the mistreatment they have already

suffered in
Cuba, and on the ground that the two baseball players would appear to
be
otherwise admissible to the U.S. as persons of extraordinary athletic
ability.
The remaining five, who do not present the same concerns, would
remain in the
Bahamas and have their refugee claims evaluated under current
procedures. We are
currently attempting to obtain the agreement of the Bahamian
authorities to
proceed in this fashion.

Exchange Mail

DATE-TIME 12/31/97 6:02:49 PM
FROM Schwartz, Eric P.
CLASSIFICATION UNCLASSIFIED
SUBJECT Try this one [UNCLASSIFIED]
TO Davies, Glyn T.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Quinn, Mary E.
Scott-Perez, Marilyn L.
Storey, Sharon V.

CARBON_COPY**TEXT_BODY****TRANSLATED_ATTACHMENT**

statement on hernandez_.doc
CUBA: CUBAN NATIONALS IN THE BAHAMAS

The eight Cuban nationals located in the Bahamas are safe and well where they are receiving good care from the Bahamian authorities.

For humanitarian reasons, we have decided to allow Orlando Hernandez Pedroso, his wife, and Alberto Hernandez Perez to enter the United States. Following the defection from Cuba of Livan Hernandez, Orlando Hernandez Pedroso and Alberto Hernandez Perez were banned for life from organized baseball in Cuba - deprived of their livelihoods -- and subjected to government tolerated harassment. Under ordinary circumstances, these individuals would qualify for U.S. visas issued to persons of extraordinary ability, including in athletics, but the restrictions imposed on them in Cuba made that impossible.

The other five Cubans will remain under the care of Bahamian

immigration
authorities. We are confident that the Bahamian authorities will, as
they have
in the past, carefully consider any claims for protection consistent
with
international standards, and ensure that no bona fide refugee is
returned to
Cuba.

The United States wishes again to express its appreciation to the
Government of
the Bahamas for its continued cooperation and support. We look
forward to
working together on these important migration matters.

We also wish to reiterate our commitment to the September 1994 and
May 1995
migration accords signed with Cuba. We believe that these accords
continue to be
effective in promoting safe, legal and orderly migration.

Exchange Mail

DATE-TIME 12/31/97 6:26:19 PM

FROM Schwartz, Eric P.

CLASSIFICATION UNCLASSIFIED

SUBJECT The eight Cuban nationals located in the Bahamas are safe and well where they are receiving good care from the Bahamian authorities [UNCLASSIFIED]

TO DeLaurentis, Jeffrey J.
Busby, Scott W.

CARBON_COPY**TEXT_BODY****TRANSLATED_ATTACHMENT**

statement on hernandez_.doc
CUBA: CUBAN NATIONALS IN THE BAHAMAS

The eight Cuban nationals located in the Bahamas are safe and well where they are receiving good care from the Bahamian authorities.

For humanitarian reasons, we have decided to allow Orlando Hernandez Pedroso, his wife, and Alberto Hernandez Perez to enter the United States. Following the defection from Cuba of Livan Hernandez, Orlando Hernandez Pedroso and Alberto Hernandez Perez were banned for life from organized baseball in Cuba - depriving them of their livelihoods -- and subjected to harassment. Under ordinary circumstances, these individuals would qualify for U.S. visas issued to persons of extraordinary ability, including in athletics, but the restrictions imposed on them in Cuba made that impossible.

The other five Cubans will remain under the care of Bahamian immigration authorities. We are confident that the Bahamian authorities will, as they have in the past, carefully consider any claims for protection consistent with

international standards, and ensure that no bona fide refugee is returned to Cuba.

The United States wishes again to express its appreciation to the Government of the Bahamas for its continued cooperation and support. We look forward to working together on these important migration matters.

We also wish to reiterate our commitment to the September 1994 and May 1995 migration accords signed with Cuba. We believe that these accords continue to be effective in promoting safe, legal and orderly migration.

Exchange Mail

DATE-TIME 1/2/98 11:09:51 AM
FROM Busby, Scott W.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban Baseball Players in Bahamas: On Wednesday, the Attorney General authorized a grant of humanitarian parole to Cuban pitching star Orlando Hernandez, his common-law spouse, and Alberto Hernandez, a former catcher with the Cuban national team--three [UNCLASSIFIED]

TO DeLaurentis, Jeffrey J.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

Please clear. Need to get to Exec Sec by noon.

TRANSLATED_ATTACHMENT

CoS update2--Cuban baseball players.doc
Cuban Baseball Players in Bahamas: On Wednesday, the Attorney General authorized a grant of humanitarian parole to Cuban pitching star Orlando Hernandez, his common-law spouse, and Alberto Hernandez, a former catcher with the Cuban national team--three of the eight Cuban migrants who recently arrived in the Bahamas. This action was based on the fact that the two athletes appear to be otherwise admissible to the United States as persons of extraordinary ability but could not have obtained such visas in Cuba and on the serious mistreatment they received in Cuba because of their perceived assistance in helping others,

including Livan Hernandez, pitching star for the Florida Marlins, to defect. The five others do not have these characteristics and their admission to the U.S. would be inconsistent with current policy, which does not allow Cuban migrants into the United States unless their visas are processed in Cuba. So far, the three have not accepted the U.S. offer, both because they are concerned about the fate of the five who escaped from Cuba with them and because there are advantages to remaining outside the United States in negotiating a deal to enter major league baseball. There are unconfirmed reports that the government of Costa Rica may be willing to admit all eight individuals. We expect the three to make a decision in the next several days.

Exchange Mail

DATE-TIME 1/2/98 11:41:06 AM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuban Baseball Players in Bahamas: On Wednesday, the Attorney General authorized a grant of humanitarian parole to Cuban pitching star Orlando Hernandez, his common-law spouse, and Alberto Hernandez, a former catcher with the Cuban national team--three [UNCLASSIFIED]

TO Rice, Edward A.
Cosgriff, Kevin J.
Davies, Glyn T.
Elkon, Nicole L.
Hilliard, Brenda I.
Hurwitz, Marc I.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Poole, Jennifer C.
Quinn, Mary E.
Rice, Edward A.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.

TEXT_BODY

Here's an update for the Chief of Staff report.

TRANSLATED_ATTACHMENT CoS update2--Cuban baseball players.doc
Cuban Baseball Players in Bahamas: On Wednesday, the Attorney General authorized a grant of humanitarian parole to Cuban pitching star Orlando Hernandez, his common-law spouse, and Alberto Hernandez, a former catcher with the Cuban national team--three of the eight Cuban migrants who recently arrived in the Bahamas. This action was based on the fact that the two athletes appear to be otherwise admissible to the United States as persons of extraordinary ability but could not have obtained such visas in Cuba and on the serious mistreatment they received in Cuba because of their perceived assistance in helping others to defect, including Livan Hernandez, pitching star for the Florida Marlins. The five others do not have these characteristics and their admission to the U.S. would be inconsistent with current policy. So far, the three have not accepted the U.S. offer; we have received reports that they are considering the financial advantages to remaining outside the United States in negotiating a deal to enter major league baseball and are also concerned about the fate of the five who escaped from Cuba with them. There are unconfirmed reports that the government of Costa Rica may be willing to admit all eight individuals. The three are expected to make a decision in the next several days.

Exchange Mail

DATE-TIME 1/2/98 12:23:16 PM
FROM DeLaurentis, Jeffrey J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuba: Press guidance on Orlando hernandez et al [UNCLASSIFIED]
TO Rubin, Eric S.
Hill, Roseanne M.

CARBON_COPY Crowley, Philip J.
Hill, Roseanne M.
Johnson, David T.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.

TEXT_BODY**TRANSLATED_ATTACHMENT**

hernandez jan 2.doc
CUBA
January 2, 1998

Situation of 8 Cubans in the Bahamas

BACKGROUND:

On Wednesday, December 31, the U.S. granted humanitarian parole to three of the

eight Cuban nationals brought to Nassau on December 30 after attempting to raft to the U.S. The three include Orlando Hernandez Pedroso, his wife, and Alberto Hernandez Perez. Orlando and Alberto (not related) were banned for life from organized baseball in Cuba after Orlando's half-brother, Livan Hernandez, defected and came to the U.S. where he is now a star pitcher for the Marlins. The players have decided not to come to the U.S. right now and are deciding whether they will seek asylum in the Bahamas or another third country (perhaps Costa Rica). They say their decision is based on concerns over the fate of the other five members of the group. It may also be due to the fact that there may be considerable financial advantage to negotiating a baseball contract from a third country, rather than doing so after entering the U.S. If the players stay abroad, they can negotiate contracts as free agents, which would allow them to consider offers from any team. If they are in the U.S., they would be subject to the annual baseball draft, which would require that they negotiate with only the team that drafts them.

Q: What is the USG view of what is happening with the Cuban baseball players in the Bahamas?

A: On December 31, the U.S. granted permission for Orlando Hernandez Pedroso, his wife, and Alberto Hernandez Perez to enter the U.S. This was done for humanitarian reasons based on an urgent request from the families in the U.S. and also on the special circumstances involved with these cases. These circumstances - the fact that Orlando Hernandez and Alberto Hernandez had been banned from organized baseball in Cuba and would under ordinary circumstances qualify for U.S. visas issued to persons of extraordinary ability, including in athletics -- have not changed.

We have seen the press reports indicating that Orlando Hernandez and Alberto Hernandez may try to seek residency in a third country before coming to the U.S.

We have no official confirmation of this at this time. It is up to these individuals to decide how they want to proceed. We respect any decision they make.

Q: What about the remaining five members of the group? Why were they treated differently than the baseball players?

A: Orlando Hernandez Pedroso, his wife, and Alberto Hernandez Perez were given permission to come to the United States based on an urgent request from family members in the U.S. and on the special circumstances involved with their cases. Following the defection from Cuba of Livan Hernandez, Orlando Hernandez Pedroso and Alberto Hernandez Perez were banned for life from organized baseball in Cuba - depriving them of their livelihoods - and subjected to harassment. Under normal circumstances, these individuals would qualify for U.S. visas issued to persons of extraordinary ability, including in athletics, but the restrictions imposed on them in Cuba made that impossible.

The remaining five members of the group, like others who have arrived in the Bahamas without documents, are under the care of Bahamian immigration authorities. All are safe and being well-treated. We remain confident that the Bahamians will, as they have in the past, carefully consider any claims for protection consistent with international standards, and ensure that no bona fide refugee is returned to Cuba. We will continue to work closely with Bahamian authorities on this important issue.

Q: What is the status of humanitarian parole offered to Orlando Hernandez, his wife, and Alberto Hernandez? Will the U.S. withdraw its permission for the three

to come to the U.S.?

A: The offer of parole remains valid at this time. Ordinarily, parole is offered to individuals for a reasonable period of time.

Q: Didn't the U.S. make an exception to its migration policy in these cases?

A: The United States government is committed to promoting safe, legal and orderly migration between Cuba and the United States. We firmly believe that policies established under the September 1994 and May 1995 migration accords with Cuba continue to be effective in promoting safe, legal and orderly migration. These accords address the handling of Cubans interdicted at sea or who enter the Guantanamo Naval Base illegally. In this particular case, the Cubans are in a third country and carry special circumstances. Our actions in no way represent a change in our commitment to the migration accords or policy of promoting, safe, legal and orderly migration.

Exchange Mail

DATE-TIME 1/2/98 2:19:44 PM
FROM Busby, Scott W.
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(d)
DATECLASSIFIEDON 01/02/1998
DECLASSIFYON 01/02/2008
SUBJECT FW: Bahamian Asylum Procedures [~~CONFIDENTIAL~~]
TO Schwartz, Eric P.

CARBON_COPY

TEXT_BODY

fyi

-----Original Message-----

From: DeLaurentis, Jeffrey J.

Sent: Friday, January 02, 1998 1:26 PM

To: Busby, Scott W.

Subject: RE:

Bahamian Asylum Procedures [~~CONFIDENTIAL~~]

Scott -- interesting.

More on Costa Rica: Herminio San Roman (Office of Cuba Broadcasting)

tells me that one of his reporters interviewed a high-ranking official of the Costa Rican Foreign Ministry today who said that the 8 Cubans have not applied for and would not be granted political asylum because they are already in a 3rd country. Cubans who have relatives in Coast Rica can qualify for visitors visas however. Jeff

-----Original

Message-----

From: Busby, Scott W.

Sent: Friday, January 02, 1998

1:14 PM

To: @NSA - Natl Security Advisor

Cc: @DEMOCRACY - Dem/Human

Affairs; @INTERAM - Inter-American

Subject: Bahamian Asylum Procedures
[~~CONFIDENTIAL~~]

Please pass to Jim:

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006

By mw SARA, Date 3/28/16

211-1034-F

Jim -- Per your request

to Eric, the Bahamas is a party to the 1951 Refugee Convention and 1967 Protocol but has yet to adopt implementing legislation. In the interim, persons who request asylum are referred to UNHCR, which screens them and makes a recommendation to the GOB. In the past few years, the GOB has quickly granted asylum to those found to be refugees by UNHCR. However, lately, there have been problems. The GOB is now taking several months to review UNHCR's recommendations

and in one recent case, the GOB returned a Cuban who had been deemed a refugee by UNHCR. The GOB thinks that UNHCR's decision in that case was mistaken. UNHCR thinks that the GOB's decision was influenced

by the Cuban government's strong interest in the case. All of which strongly suggests that we will have to closely monitor the GOB's treatment of the current group of eight, as well as other Cubans who end up in the Bahamas.

Exchange Mail

DATE-TIME 1/5/98 11:08:20 AM

FROM DeLaurentis, Jeffrey J.

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuba: Updated interagency guidance on ballplayers
[UNCLASSIFIED]

TO Rubin, Eric S.
Wozniak, Natalie S.

CARBON_COPY DeLaurentis, Jeffrey J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Malley, Robert
DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Hill, Roseanne M.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.
Crowley, Philip J.
Hill, Roseanne M.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.

TEXT_BODY changes in bold. background section should be close-hold. Jeff

TRANSLATED_ATTACHMENT hernandez jan 2.doc
CUBA
January 5, 1998

Situation of 8 Cubans in the Bahamas

BACKGROUND: (For Briefer Only)

As of late afternoon January 2, the three Cubans granted humanitarian parole had indicated through a spokesperson that they planned to come to the U.S. over the weekend. They had asked that this not be made public. On Sunday, the common-law wife of Orlando Hernandez Pedroso, Noris Bosch Rifa, entered the U.S. at Miami.

The two baseball players, Orlando Hernandez Pedroso and Alberto Hernandez Perez remain in the Bahamas. Their spokesman, a Cuban American businessman who resides in Nassau, told Embassy Nassau that Orlando and Alberto may come to the U.S.

"within the next two days." The spokesperson had indicated that the two baseball players were concerned about the fate of the other five Cubans who departed Cuba with them. The delay in coming to the U.S. may also be due to the fact that there may be considerable financial advantage to negotiating a baseball contract from a third country, rather than doing so after entering the U.S. If the

players stay abroad, they can negotiate contracts as free agents, which would allow them to consider offers from any team. If they are in the U.S., they would be subject to the annual baseball draft, which would require that they negotiate with only the team that drafts them.

Q: What is the USG view of what is happening with the Cuban baseball players in the Bahamas?

A: On December 31, the U.S. granted permission for Orlando Hernandez Pedroso, his common-law wife, and Alberto Hernandez Perez to enter the U.S. This was done for humanitarian reasons based on an urgent request from the families in the U.S. and also on the special circumstances involved with these cases. These circumstances - the fact that Orlando Hernandez and Alberto Hernandez had been

banned from
organized baseball in Cuba and would under ordinary circumstances
qualify for
U.S. visas issued to persons of extraordinary ability, including in
athletics --
have not changed.

We understand that Orlando Hernandez' common-law wife, Noris
Bosch Rifa, arrived
in the U.S. over the weekend. We further understand that the two
baseball
players remain in the Bahamas. While we have seen press reports
indicating that
Orlando Hernandez and Alberto Hernandez may try to seek residency
in a third
country, the U.S. has no official confirmation of this at this time. It is
up to
these individuals to decide how they want to proceed. We respect any
decision
they make.

Q: What about the remaining five members of the group? Why were
they treated
differently than the baseball players?

A: Orlando Hernandez Pedroso, his common-law wife, and Alberto
Hernandez Perez
were given permission to come to the United States based on an
urgent request
from family members in the U.S. and on the special circumstances
involved with
their cases. Following the defection from Cuba of Livan Hernandez,
Orlando
Hernandez Pedroso and Alberto Hernandez Perez were banned for life
from organized
baseball in Cuba - depriving them of their livelihoods - and subjected
to
harassment. Under normal circumstances, these individuals would
qualify for U.S.
visas issued to persons of extraordinary ability, including in athletics,
but the
restrictions imposed on them in Cuba made that impossible.

The remaining five members of the group, like others who have
arrived in the
Bahamas without documents, are under the care of Bahamian
immigration
authorities. All are safe and being well-treated. We remain confident
that the
Bahamians will, as they have in the past, carefully consider any

claims for
protection consistent with international standards, and ensure that no
bona fide
refugee is returned to Cuba. We will continue to work closely with
Bahamian
authorities on this important issue.

Q: What is the status of humanitarian parole offered to Orlando
Hernandez, his
common-law wife, and Alberto Hernandez? Will the U.S. withdraw
its permission
for the three to come to the U.S.?

A: The offer of parole remains valid at this time. Ordinarily, parole is
offered
to individuals for a reasonable period of time.

Q: Didn't the U.S. make an exception to its migration policy in these
cases?

A: The United States government is committed to promoting safe,
legal and orderly
migration between Cuba and the United States. We firmly believe that
policies
established under the September 1994 and May 1995 migration
accords with Cuba
continue to be effective in promoting safe, legal and orderly
migration. These
accords address the handling of Cubans interdicted at sea or who enter
the
Guantanamo Naval Base illegally. However, the cases of these three
are special:
the two ball players appear to be eligible for visas to enter the U.S.
based on
their special abilities but could not have obtained those visas because
of the
restrictions imposed on them in Cuba. Our actions in no way represent
a change
in our commitment to the migration accords or policy of promoting,
safe, legal
and orderly migration.

Exchange Mail

DATE-TIME 1/16/98 7:41:10 PM

FROM Busby, Scott W.

CLASSIFICATION UNCLASSIFIED

SUBJECT Press guidance on Cuban baseball players [UNCLASSIFIED]

TO Crowley, Philip J.
Dehquanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Davies, Glyn T.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Scott-Perez, Marilyn L.
Storey, Sharon V.

CARBON_COPY DeLaurentis, Jeffrey J.
DeSouza, Patrick J.
Dobbins, James F.
Hofmann, Karl W.
Kinser-Kidane, Brenda J.
Piccone, Theodore J.
Busby, Scott W.
Letts, Kelly J.
Malley, Robert
Ragan, Richard F.
Rossi, Christopher R.
Schwartz, Eric P.
Williams, Mary C.

TEXT_BODY

Press guidance for Sandy on this issue should it crop up during the weekend talk shows.

TRANSLATED_ATTACHMENT cuban baseball players.doc
CUBAN BASEBALL PLAYERS
January 16, 1998

Background: In late December, the Coast Guard interdicted eight Cuban migrants on a Bahamian island and transported them to Nassau. The group included two well-known Cuban baseball players, Orlando Hernandez Pedroso (half-brother of Liván Hernandez, star pitcher and World Series MVP for the Florida Marlins) and Alberto Hernandez Perez (no relation). On December 31, the U.S. granted "humanitarian parole" to the two ballplayers and to Noris Bosch (Orlando's common-law spouse). Bosch came to the U.S. several days later but the two baseball players stayed behind stating that they would not leave the Bahamas without the other five others. The ballplayers' decision also was influenced by the fact that there is considerable financial advantage to negotiating a baseball contract from a third country, rather than doing so after entering the U.S. If the players stay abroad, they can negotiate contracts as free agents, which would allow them to consider offers from any team. If they are in the U.S., they would be subject to the annual baseball draft, which would permit them to negotiate only with the team that drafts them. The ballplayers and the five others did obtain visas to enter Costa Rica and traveled there on January 9. They have been granted asylum in Costa Rica.

Q: Why did the U.S. grant parole to the two ballplayers and a spouse but not to the other five members of the group?

A: Orlando Hernandez Pedroso, his common-law wife, and Alberto Hernandez Perez were given permission to come to the United States based on an urgent request from their family members in the U.S. and on the special circumstances involved with their cases. Following the defection from Cuba of Liván Hernandez, Orlando Hernandez Pedroso and Alberto Hernandez Perez were banned for life from organized baseball in Cuba - depriving them of their livelihoods - and subjected

to harassment. In addition, under normal circumstances, they would have qualified under U.S. law for visas issued to persons of extraordinary ability, including in athletics, but the restrictions imposed on them in Cuba made that impossible. The combination of these two factors warranted a grant of humanitarian parole in the ballplayers' cases. The spouse was offered parole because of her close relation to Orlando.

The cases of the remaining five members of the group were much more similar to those of many other Cubans who have arrived in the Bahamas without documents. As with such cases, they were under the jurisdiction of Bahamian immigration authorities and would have been interviewed by a representative of the UN High Commissioner for Refugees (UNHCR) who routinely travels to the Bahamas for that purpose. Had the UNHCR representative determined that they were bona fide refugees, they would in all likelihood have received asylum in the Bahamas, as have other Cubans recognized as refugees by UNHCR. The cases of these five did not present the same circumstances that warranted issuance of parole for the two ballplayers and the common-law spouse.

Q: Didn't the U.S. make an exception to its Cuban migration policy in these cases?

A: The United States government is committed to promoting safe, legal and orderly migration between Cuba and the United States. We firmly believe that policies established under the September 1994 and May 1995 migration accords with Cuba continue to be effective in promoting safe, legal and orderly migration. However, these cases involved special circumstances: the two ball players appeared to be eligible for visas to enter the U.S. based on their special abilities but could not have obtained those visas because of the

restrictions
imposed on them in Cuba. Our actions in no way represent a change
in our
commitment to the migration accords or our current Cuban migration
policy.