

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Frederick Rosa to Scott Busby et al. re: FW: Urgent Concur on #5382 (6 pages)	07/19/1999	P1/b(1)
002. email	Rosa to Busby et al. re: FW: Rqst Urgent Concur on #5382 (7 pages)	07/19/1999	P1/b(1)
003. email	Jonathan Vaccaro to Busby et al. re: SOUTHCOM Files (23 pages)	07/22/1999	P1/b(1)
004. email	Mona Sutphen to Schwartz et al. re: Migrant Operations (7 pages)	07/27/1999	P1/b(1)
005. email	Busby to Schwartz re: TPs for SRB on Burden-Sharing (6 pages)	07/27/1999	P1/b(1)
006. email	Schwartz to Robert Bradtke et al. re: FW: Migrant Operations (6 pages)	07/28/1999	P1/b(1)
007. email	Bathsheba Crocker to Schwartz et al. re: Migrant Operations (6 pages)	08/02/1999	P1/b(1)
008. email	Busby to Charles Allen re: FW: Migrant Operations (6 pages)	08/24/1999	P1/b(1)
009. email	Busby to Bradtke et al. re: Case of Cuban Child (3 pages)	12/03/1999	P1/b(1)
010. email	Busby to Arturo Valenzuela and Mary DeRosa re: FW: Briefer for JS on Cuban Boy (4 pages)	12/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/16/1999-12/06/1999]

2011-1039-F
rs1881

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

Freedom of Information Act - [5 U.S.C. 552(b)]

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]
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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Exchange Mail

DATE-TIME 7/16/99 10:12:40 AM
FROM Allen, Charles A. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: TPs for call to Ralston on GTMO [UNCLASSIFIED]
TO Busby, Scott W. (MULTI)

CARBON_COPY Gray, Wendy E. (SPCHW/CNSLR)
Rudman, Mara E. (CNSLR)
Armstrong, Fulton T. (INTERAM)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Schwartz, Eric P. (MULTI)

TEXT_BODY

Then I suggest using this case to make the state change for Gitmo, per my second paragraph below. DoD has legal objections to paying for the care and maintenance, and it sounds like they are expressing their ire by being difficult about taking these five. (I'm surprised they have continued to pay, in light of their legal position and their absolute refusal to bear any costs in the recent NMI case.) I repeat that I have not heard any reasonable objection out of Justice to the Berger memo scheme for Gitmo. I suppose Justice is buying time and not starting to pay the bills there under the guise of the ongoing burdensharing review. Maybe this case presents the facts for implementing what I believe will ultimately be approved anyway. The trade-off is that Justice gives up the extra time it will take to formally bless it, and DoD takes these migrants. If this doesn't work, I wouldn't hold out hope for a resolution of the overall issue at the staff level -- I would just proceed to get a DC scheduled as soon as possible.

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

From: Busby,
Scott W. (MULTI)
Sent: Friday, July 16, 1999 9:55 AM
To: Allen,
Charles A. (LEGAL)
Cc: @RUDMAN; Armstrong, Fulton T. (INTERAM);
@LEGAL - Legal Advisor; Schwartz, Eric P. (MULTI)
Subject: RE:

TPs for call to Ralston on GTMO [UNCLASSIFIED]

Problem is that

Justice is not currently paying for the migrants at GTMO; it handles only the processing. DoD is still stuck with the care and maintenance of the migrants as well as security. Thus, business as usual means that DoD is the stuckee. Whence their resistance.

-----Original

Message-----

From: Allen, Charles A. (LEGAL)

Sent: Friday, July
16, 1999 9:43 AM

To: Busby, Scott W. (MULTI)

Cc: @RUDMAN; Armstrong,
Fulton T. (INTERAM); @LEGAL - Legal Advisor; Schwartz, Eric P.
(MULTI)

Subject: RE: TPs for call to Ralston on GTMO [UNCLASSIFIED]

Scott,

I don't see the relevance of the overall burdensharing issue to this case. No one doubts current policy as to Gitmo -- it's used when necessary and DoD provides the facility and security for it. Justice manages the migrants and processes them, pays the bills, and works with State on returns. The multi-year "burdensharing" hand-wringing has taken on a life of its own that allows people to avoid dealing with simple issues by criticizing the NSC for not somehow settling all agency grievances with one another.

Seems to me this case

should be addressed consistent with the 1998 Berger memo. I don't see anyone lodging a serious objection to its terms as they relate to Gitmo. Certainly not DoD, who will undoubtedly bill Justice for costs attributable to the migrants (aside from simple use of the facility basic camp security), consistent with the memo and the markers they have put down. The question here is capacity, not who does what and financial arrangements.

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

From: Busby,

Scott W. (MULTI)

Sent: Friday, July 16, 1999 9:28 AM

To: @KERRICK

Cc: @MULTILAT

- Multilateral and Humanitarian Affairs; Rosa, Frederick M. (TNT);
Peterman, David (Brian) (DEFENSE); Armstrong, Fulton T. (INTERAM);
Allen, Charles A. (LEGAL); Rudman, Mara E. (CNSLR)

Subject: TPs

for call to Ralston on GTMO [UNCLASSIFIED]

Don --

As discussed, the Coast Guard yesterday interdicted a vessel holding six Cuban migrants. Consistent with SOP, INS interviewed the migrants aboard the CG cutter and determined that five of them need to go to GTMO for further evaluation of their refugee claims. The Department of Defense has refused to receive the migrants at GTMO, claiming that GTMO is already over its capacity for migrants. (There are currently 64 migrants at GTMO. 13 out of this group are slated to be returned to Cuba at 9 a.m. this coming Tuesday.) DoD/JCS is also frustrated at the lack of resolution of the migrant burden-sharing issue at GTMO and elsewhere.

There is no option other than GTMO for this group without violating our current policy. Given the recent violent migrant incidents in and around Miami and the rising number of Cubans trying to reach our shores by boat, bringing this group into the U.S. would be especially damaging to our current policy.

Talking
Points for General Ralston

- * Understand your concern about receiving an additional five Cuban migrants at GTMO for further processing.

- * Recognize the burden DoD has borne in implementation of our current policy.

- * We are committed to finalizing in the next couple of weeks a fair burden-sharing arrangement. NSC senior staff will be hosting another burden-sharing meeting on Tuesday afternoon, which will be followed soon thereafter with a Deputies meeting if agreement on a plan cannot be reached at the staff level.

- * At the same time, we must continue to implement our current policy. Bringing these migrants to GTMO is the only viable policy option. Allowing these migrants into the U.S. would send a very bad signal to future would-be migrants, especially at this very sensitive time.

- * Rising numbers of boat departures from Cuba, combined with increased violence on the part of the migrants, is posing serious challenges to our policy. Need to be firm in order to deter a potential mass migration.

- * Will see that DoD's concerns about the use of Guantanamo are addressed in the next couple of weeks.

Thanks
for handling, Don.

Exchange Mail

DATE-TIME 7/16/99 11:02:13 AM

FROM Busby, Scott W. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT RE: TPs for call to Ralston on GTMO [UNCLASSIFIED]

TO Kerrick, Donald L. (NSA)
Dejban, Donna D. (NSA)
Kerrick, Donald L. (NSA)

CARBON_COPY Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Keenan, Josefine (Chris) (HEALTH)
Malley, Robert (NESA)
McClean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Rosa, Frederick M. (TNT)
Peterman, David (Brian) (DEFENSE)
Armstrong, Fulton T. (INTERAM)
Allen, Charles A. (LEGAL)
Rudman, Mara E. (CNSLR)
Crocker, Bathsheba N. (NSA)
Davies, Glyn T. (EXSEC)
Dejban, Donna D. (NSA)
Hachigian, Nina L. (NSA)
Kerrick, Donald L. (NSA)
Millison, Cathy L. (EXSEC)
Mitchell, Rebecca (Julie) J. (NSA)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (CNSLR)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

TEXT_BODY Thanks, Don. Will do.

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

From: Kerrick,
Donald L. (NSA)
Sent: Friday, July 16, 1999 11:01 AM
To: Busby,
Scott W. (MULTI); @KERRICK
Cc: @MULTILAT - Multilateral and Humanitarian
Affairs; Rosa, Frederick M. (TNT); Peterman, David (Brian) (DEFENSE);
Armstrong, Fulton T. (INTERAM); Allen, Charles A. (LEGAL); Rudman,
Mara E. (CNSLR); @NSA - Natl Security Advisor
Subject: RE: TPs
for call to Ralston on GTMO [UNCLASSIFIED]

Scott:

Done. First
spoke with Eric Holder and told him we had a problem that Justice
could help solve if they would be forthcoming on their paper, etc.
he was unaware but pledged to speak with a John Morton and make it
happen. Then called Joe Ralston who emphasized their concerns for
some progress on this but would take the five if we did something
to solve the larger issue.

So, ball is in your court to make that
happen. Convene the IWG with goal of getting it to Deputies before
month is out.

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From: Busby, Scott W.
(MULTI)
Sent: Friday, July 16, 1999 9:28 AM
To: @KERRICK
Cc: @MULTILAT
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64 migrants at GTMO. 13 out of this group are slated to be returned
to Cuba at 9 a.m. this coming Tuesday.) DoD/JCS is also frustrated

at the lack of resolution of the migrant burden-sharing issue at GTMO and elsewhere.

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001. email	Frederick Rosa to Scott Busby et al. re: FW: Urgent Concur on #5382 (6 pages)	07/19/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/16/1999-12/06/1999]

2011-1039-F
rs1881

RESTRICTION CODES

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C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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FOLDER TITLE:

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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 8/6/99 6:01:40 PM

FROM Wozniak, Natalie S. (PRESS)

CLASSIFICATION UNCLASSIFIED

SUBJECT Transmittal to Congress of the "Central American and Haitian Parity Act 1999"
[UNCLASSIFIED]

TO Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Sanborn, Daniel W. (Press)
Wozniak, Natalie S. (PRESS)
Gray, Wendy E. (SPCHW/CNSLR)
Halperin, David E. (SPCHW)
Malinowski, Tomasz P. (SPCHW)
Orzulak, Paul K. (SPCHW)
Widmer, Edward L. (Ted) (SPCHW)
Dejban, Donna D. (NSA)
Gray, Wendy E. (SPCHW/CNSLR)
Rudman, Mara E. (NSA)
Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

CARBON_COPY

TEXT_BODY Congress
Transmittal to Congress of the "Central American and Haitian Parity Act of 1999"

TRANSLATED_ATTACHMENT Transmittal to Congress of Central American and Haitian Parity Act.doc
THE WHITE HOUSE

Office of the Press Secretary

(Little Rock, Arkansas)

For Immediate Release August 6, 1999

TO THE CONGRESS OF THE UNITED STATES:

I am pleased to transmit for your immediate consideration and enactment "Central American and Haitian Parity Act of 1999." Also transmitted is section-by-section analysis. This legislative proposal, which would amend Nicaraguan Adjustment and Central American Relief Act of 1997 (NACARA), is part

of my Administration's comprehensive effort to support the process of democratization and stabilization now underway in Central America and

and to ensure equitable treatment for migrants from these countries. The proposed bill would allow qualified nationals of El Salvador, Guatemala, Honduras,

Haiti an opportunity to become lawful permanent residents of the United States.

Consequently, under this bill, eligible nationals of these countries would receive treatment equivalent to that granted to the Nicaraguans and Cubans under NACARA.

Like Nicaraguans and Cubans, many Salvadorans, Guatemalans, Hondurans and

Haitians fled human rights abuses or unstable political and economic conditions

in the 1980s and 1990s. Yet these latter groups received lesser treatment than that granted to Nicaraguans and Cubans by NACARA. The United States has a strong

foreign policy interest in providing the same treatment to these similarly situated people. Moreover, the countries from which these migrants have come are

young and fragile democracies in which the United States has played and continues to play a very important role. The return of these migrants to their countries would place significant demands on their economic and political systems. By offering legal status to a number of nationals of these countries with long-standing ties in the United States, we can advance our commitment to

peace and stability in the region.

Passage of the "Central American and Haitian Parity Act of 1999" will evidence

our commitment to fair and even-handed treatment of nationals from these countries and to the strengthening of democracy and economic stability

among
important neighbors. I urge the prompt and favorable consideration of tl
legislative proposal by the Congress.

WILLIAM J. CLINTON

THE WHITE HOUSE,
August 5, 1999.

#

2

Exchange Mail

DATE-TIME 8/10/99 2:07:59 PM
FROM Schwartz, Eric P. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Migrant Operations [UNCLASSIFIED]
TO Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Dejban, Donna D. (NSA)
Gomez, Geneva B. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Kerrick, Donald L. (NSA)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY

TEXT_BODY Sharon: As discussed.

Sandy:

On migrant operations:

Secretary

Cohen is on leave tomorrow until after Labor Day. At the Haiti PC, can you confirm with him that he can wait until then for a meeting on migrant operations, with an interim agreement to stay the course on current policy?

Eric

Exchange Mail

DATE-TIME 8/12/99 9:35:17 AM

FROM Rosa, Frederick M. (TNT)

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Rqst RECONCUR on #5643 - Cuban Migration Policy
[UNCLASSIFIED]

TO Bernard, Kenneth W. (HEALTH)
Busby, Scott W. (MULTI)
Guarnieri, Valerie N. (MULTILAT)
Hill, Roseanne M. (MULTI)
Jones, Brian E. (MULTI/INTERN)
Kale, Dora A. (MULTI)
Mclean, Matthew K. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

CARBON_COPY Benjamin, Daniel (TNT)
Clarke, Richard A. (TNT)
Gordon-Hagerty, Lisa E. (TNT)
Green, Charles A. (TNT)
Hunker, Jeffrey A. (TNT)
Kranick, Paul P. (TNT/INTERN)
Lieberson, Donna P. (TNT)
Meyer, Carl J. (TNT/INTERN)
Montgomery, Mark C. (TNT)
Noss, Heather L. (TNT/INTERN)
Robinson, Jack A. (TNT)
Rosa, Frederick M. (TNT)
Roundtree, Beverly (TNT)
Simon, Steven N. (TNT)
Wechsler, William F. (TNT)
Armstrong, Fulton T. (INTERAM)
Peterman, David (Brian) (DEFENSE)

TEXT_BODY Dora:

1. I clear for TNT, subject to the change of "ill treatment" to "safety" -- Brian Peterman has outlined the rationale for this change, and I concur with his assessment...

2. Even with the

change, I am concurring somewhat reluctantly -- the basic thrust of the revised version makes it appear that the Coast Guard policy changes address "ill treatment", because that was very prominent among the concerns cited in the incoming letter... That's why the change to "safety" is so important from the standpoint of fairness and accuracay...

Regards, Fred

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

From: Kale,
Dora A. (MULTI)
Sent: Wednesday, August 11, 1999 7:48 PM
To: Armstrong,
Fulton T. (INTERAM); Peterman, David (Brian) (DEFENSE); Rosa,
Frederick
M. (TNT)
Cc: Kale, Dora A. (MULTI); Hill, Roseanne M. (MULTI);
Busby, Scott W. (MULTI)
Subject: Rqst RECONCUR on #5643 - Cuban
Migration Policy [UNCLASSIFIED]

Package returned w/Steinberg question.
Please re-concur due to extensive changes by Eric Schwartz. thx.

TRANSLATED_ATTACHMENT 5643 BERGER memo.doc

August 11, 1999

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ERIC SCHWARTZ

FROM: SCOTT BUSBY

SUBJECT: Cuban Migration Policy

Attached is a memorandum to the President and a response to congressional correspondence on the above subject.

Concurrences by: Fulton Armstrong, Brian Peterman, Fred Rosa

RECOMMENDATION

That you sign the attached memorandum.

Attachments

Tab I Memorandum to the President

Tab A Proposed Response

Tab B Incoming Correspondence

1

5643-REDO

TRANSLATED_ATTACHMENT 5643 POTUS memo.doc

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: SAMUEL BERGER

LARRY STEIN

SUBJECT: Cuban Migration Policy

Purpose

Respond to a letter from Representative Michael Capuano.

Background

Representative Capuano wrote to voice his concern about Coast Guard actions

during the June 29th interdiction of six migrants off the coast of Florida, as

well as the increase in violent incidents in our Cuban interdiction program. He

suggests, incorrectly, that interdicted Cubans in fear of persecution are denied

the chance to make claims for protection from return to Cuba, and he seems to

urge that we should end our program of interdiction at sea -- a measure which

would, in fact, result in large-scale outflows from Cuba.

In the proposed response, you defend the current policy, noting that interdicted Cubans are not returned if they make credible claims that they will be persecuted upon return to Cuba. (As you recall, such Cubans are transferred to Guantanamo for refugee processing, and those deemed to be refugees are resettled in third countries -- thus accomplishing our objective of providing humanitarian protection while discouraging boat departures.) The response also indicates that the Coast Guard investigated the events of June 29th, and has instituted changes in its rules regarding use of force.

RECOMMENDATION

That you sign the attached letter.

Attachments

Tab A Proposed Response

Tab B Incoming Correspondence

2

5643

cc: Vice President
Chief of Staff

TRANSLATED_ATTACHMENT 5643 Capuano letter.doc

Dear Michael:

Thank you for your letter regarding our Cuban migration policy.

I share many of the concerns you raised regarding the June 29th incident off the

coast of Florida. In the immediate aftermath of this incident, the Coast Guard Commandant, Admiral Jim Loy, initiated an investigation into Coast Guard actions, and the Coast Guard has modified its procedures regarding use of force to better ensure against ill-treatment of migrants.

As to our overall Cuban migration policy, I believe that the accords of 1994 and 1995 are working. In the summer of 1994, thousands of Cubans took to the high seas, at great risk to themselves and to those who rescued them. Since the implementation of our current policy in May 1995, there has been a significant decrease in the number of unsafe boat departures by Cubans. Moreover, at least 20,000 Cubans annually are afforded the opportunity for safe, legal and orderly migration to the United States. Finally, while seeking to discourage unsafe boat departures, our policy does recognize that some interdicted Cubans may have well founded fears of persecution. For this reason INS officials on Coast Guard Cutters do conduct preliminary refugee interviews, and we do not repatriate those who ultimately are deemed to be refugees.

Thank you again for sharing your views with me on this issue.

Sincerely,

The Honorable Michael E. Capuano
House of Representatives
Washington, D.C. 20515

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	Busby to Charles Allen re: FW: Migrant Operations (6 pages)	08/24/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/16/1999-12/06/1999]

2011-1039-F
rs1881

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]
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- 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 10/22/99 11:51:12 AM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Press guidance: Cuban Alien Smuggling Incident [UNCLASSIFIED]
TO Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY

Sorry for lateness of this.

TRANSLATED_ATTACHMENT

Cuban Alien Smuggling Incident_.doc
Cuban Alien Smuggling Incident
October 22, 1999

Context: Last night, a alien smuggling vessel carrying 8 Cuban migrants capsized reportedly in Cuban territorial waters approximately 15 miles outside Havana.
Two of the migrants drowned, the others were rescued by the Cuban Coast Guard.

Two of the survivors appear to be the crewmembers of the smuggling vessel and are reportedly U.S. citizens based in Miami. They have been allegedly charged with alien smuggling by Cuban authorities.

The incident is receiving more attention than normal because the two victims appear to be relatives of a Cuban radio announcer based in Miami.

What can you tell us about the Florida registered vessel that capsized near Cuba yesterday?

* Yesterday, the U.S. Coast Guard received information from the Cuban border guard that a Florida-registered vessel headed from Cuba to the United States capsized north of Havana, reportedly in Cuban territorial waters. Two of the Cubans aboard the vessel perished; eight survivors were rescued.

* Two of the survivors appear to be U.S. citizens who were the crewmembers aboard the vessel. They have reportedly been arrested by Cuban authorities.

* Our Interests Section in Cuba is seeking to confirm the status of the two individuals arrested and, if U.S. citizens, will seek consular access to them.

* This incident is another example of the dangers involved in alien smuggling. Our policy is aimed at discouraging such unsafe migration by boat and encouraging safe, legal and orderly migration opportunities. We provide at least 20,000 visas a year for Cubans to immigrate to the United States.

Do you have any information to suggest that there was a violent confrontation between the Cuban coast guard vessel and the alien smuggling vessel?

* We have no such information at this time.

Exchange Mail

DATE-TIME 10/22/99 6:26:36 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT Cuban alien smuggling incident [UNCLASSIFIED]
TO Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Dejban, Donna D. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Rosa, Frederick M. (TNT)

TEXT_BODY Please pass to Sandy/Jim.

Sandy/Jim --

FYI, we learned today
that an alien smuggling boat capsized and sank approximately 15 miles
north of Havana in international waters yesterday. The boat was
operated by two U.S. legal permanent residents (LPRs) of Cuban origin

and held eight Cuban migrants. Two of the migrants drowned; the others were rescued by the Cuban Coast Guard. The two LPRs have reportedly been arrested by Cuban authorities on suspicion of alien smuggling.

The only information we have is from the Cuban government, which sent a message to the U.S. Coast Guard indicating that the migrant vessel capsized because it was overloaded and the seas were rough. Given the GOC's strong record of caution regarding seaborne interdictions since the tragic sinking of a tugboat in 1994, we have no reason at this point to doubt its version of events. There are unsubstantiated allegations in Miami, however, that the Cuban Coast Guard provoked the incident. Our Interests Section is seeking more detailed information from the GOC.

The incident has gotten somewhat more media attention than normal because the two deceased are relatives of a Cuban radio announcer in Miami. It is likely that there will continue to be allegations of wrongdoing against the Cuban government around the incident, especially because it occurred in international waters. (The U.S. Coast Guard informs us that it was legitimate for the Cubans to conduct a hot pursuit of an alien smuggling vessel from its own waters to international waters.) Nevertheless, we do not think it will elicit significant additional reaction in Cuba other than a vigorous prosecution against the smugglers.

Scott
and Fulton

Exchange Mail

DATE-TIME 11/15/99 10:52:19 AM
FROM Armstrong, Fulton T. (INTERAM)
CLASSIFICATION ~~CONFIDENTIAL~~
CLASSIFICATIONREASON 1.5(b)(d)
DATECLASSIFIEDON 11/15/1999
DECLASSIFYON 11/15/2009
SUBJECT HUNDREDS OF HAITIANS DEPORTED BY DOMINICAN ARMY
[CONFIDENTIAL]
TO Busby, Scott W. (MULTI)

CARBON_COPY

TEXT_BODY

Scott: MacKay, State and we are trying to pull together a Fernandez-Preval meeting in Miami in the second week of December (when both will be there for the Caribbean-Latin America Conference). This is an old problem that, as you know, has had some very ugly moments in the past. I suggest we push for this bilateral meeting, make sure this issue gets discussed in some way or other, and then increase pressure on the DR to behave in a humane fashion. --Fulton

-----Original
Message-----
From: Busby, Scott W. (MULTI)
Sent: Wednesday, November
10, 1999 10:44 AM
To: Armstrong, Fulton T. (INTERAM)
Subject: HUNDREDS
OF HAITIANS DEPORTED BY DOMINICAN ARMY
[UNCLASSIFIED]

Fulton
-- Is there anything we can do about this?

-----Original Message-----
From:
WHSR
Sent: Tuesday, November 09, 1999 7:32 PM
To: Armstrong, Fulton
T. (INTERAM); Avery, Dale R. (INTERAM); Babbitt,

DECLASSIFIED
E.O. 13526

White House Guidelines, September 11, 2006

By AL NARA, Date 2/28/16

2016 1039-F

James F. (VP);
Busby, Scott W. (MULTI); Feldman, Daniel F. (MULTI);
Guarnieri,
Valerie N. (MULTI); Naplan, Steven J. (MULTI); Orfini,
Michael H.
(VP); Schwartz, Eric P. (MULTI); Shannon, Thomas A.
(INTERAM); Stromseth,
Jane E. (MULTI); Vaccaro, Jonathan M. (Matt)
(MULTI); Valenzuela,
Arturo A. (INTERAM)
Subject: HUNDREDS OF HAITIANS DEPORTED BY DOMINICAN
ARMY

a4291

^BC-HAITI-DOMINICAN

^Hundreds of Haitians deported

by Dominican army

By Jennifer Bauduy

PORT-AU-PRINCE,

Haiti, Nov 9 (Reuters) - Soldiers rounded

up and trucked more than

200 Haitians out of the Dominican Republic

this week in a deportation

that Haitians called an illegal response

to recent international

criticism of the Dominican treatment of Haitian
immigrants.

``It was done totally illegally and without respect for the
rights

of those detained or for international norms," Carol Joseph,
director

of the Haitian Migration Office, said on Tuesday.

On Monday

afternoon, Dominican soldiers took 240 Haitians
from their homes

in the Dominican Republic and dumped them over the
border in the

Haitian town of Ouanaminthe.

``We were not given any warning

by the Dominican authorities,

which would have enabled us to prepare
to receive them," Joseph said.

Tensions over Haitian immigration

to the Dominican Republic

have been high since the Organisation

of American States issued a report

on Oct. 30 charging that the

Dominican Republic had violated human rights by not granting citizenship to children born in the Dominican Republic if their parents are illegal Haitian immigrants.

The Dominican government protested against the criticism and announced it would step up deportations of illegal immigrants and post troops along the 185-mile (300-km) border separating the two countries.

"There is a lot of concern about the quantity of Haitians in the Dominican Republic. Dominican society does not want more Haitian beggars on the street corners," Silvio Herasme Pena, the Dominican ambassador to Haiti, said.

Haiti and the Dominican Republic share the Caribbean island of

Hispaniola, but the two countries have a long history of hostile relations,

particularly over immigration.

Impoverished residents of Haiti, where French and Haitian

Creole are spoken, have for years sought work in the Spanish-speaking

Dominican Republic. They provide a low-paid labour force for the Dominican sugar, coffee and building industries but also form a reviled lower class.

An estimated

1 million to 1.5 million Haitians live in the Dominican Republic,

a nation of 8 million people.

Deportations of Haitians, often

including Dominican citizens

of Haitian descent, occur regularly

in the Dominican Republic, particularly after the annual sugar harvest

and before presidential elections, when the ruling party fears Haitians

will back opposition politicians.

Relations between the two

countries reached their lowest

point in 1937, when Dominican dictator

Rafael Trujillo ordered the massacre of 30,000 Haitians in towns

along the border.
The two countries did not establish normal
diplomatic relations
until three years ago.
RB-- 11/09/99 19:18:39

Exchange Mail

DATE-TIME 11/29/99 12:47:08 PM

FROM Naplan, Steven J. (MULTI)

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: Cuban child GUIDANCE [UNCLASSIFIED]

TO Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

CARBON_COPY Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Matthews, Sonyia (ADMIN)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY Until an issue regarding INS investigation of alien smuggling is resolved, this guidance is on hold per Lula Rodrigues and State Cuba desk officer Natly Torres
-----Original Message-----
From: Naplan,
Steven J. (MULTI)
Sent: Monday, November 29, 1999 11:56 AM
To: @LEGAL
- Legal Advisor; Avery, Dale R. (INTERAM); @PRESS - Public

Affairs
Cc: @MULTILAT
- Multilateral and Humanitarian Affairs
Subject: Cuban child GUIDANCE
[UNCLASSIFIED]
Importance: High

Dale, LEGAL: state revised their guidance.

Please review this version.

SN

TRANSLATED_ATTACHMENT Doc1_.doc
CUBAN FIVE YEAR-OLD SURVIVOR
November 29, 1999

BACKGROUND: Cuba has requested that the United States return a five-year old who survived when the boat he and 12 others were in capsized last Thursday just off the coast of Florida. The five-year old, Elian Gonzalez, was found clinging to an inner tube and was taken to the hospital to be treated for exposure. The child was later released into the custody of his relatives in Miami. On Sunday the Cuban Foreign Ministry delivered a diplomatic to USINT requesting that Elian be returned to Cuba and to his father's custody. The child's mother and step-father were on the boat and are believed to have drowned. In their public statement the Cubans criticized U.S. policy toward migrants saying that the U.S. is entirely responsible for these new and painful deaths of Cuban citizens because of the insensitive way in which illegal migration is promoted, encouraged, and rewarded from that country."

Is the US going to honor the request by the Cuban Foreign Ministry to return Elian Gonzales to Cuba?

* The child has been paroled into the custody of his relative in Miami by INS.

The child situation raises a variety of issues that will need to be addressed and resolved as soon as possible.

Do you have a response to the allegations by the Cuban Foreign Ministry that the U.S. is responsible for the tragic death of these individuals?

* The U.S. does not in any way condone, promote or encourage illegal migration.

It is reprehensible that anyone would suggest that the U.S. is in any way responsible for these tragic deaths. We stand strong in our commitment to encouraging safe, legal, and orderly migration and urge individuals in Cuba to refrain from attempting to migrate illegally. Finally, our condolences go out to the families that have been affected by this tragedy.

1

2

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
009. email	Busby to Bradtke et al. re: Case of Cuban Child (3 pages)	12/03/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/16/1999-12/06/1999]

2011-1039-F
rs1881

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]
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- 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 12/5/99 7:04:06 PM

FROM Valenzuela, Arturo A. (INTERAM)

CLASSIFICATION UNCLASSIFIED

SUBJECT Cuban Child Incident [UNCLASSIFIED]

TO Bradtke, Robert A. (EXSEC)
Crocker, Bathsheba N. (NSA)
Gray, Wendy E. (NSA)
Jacobson, Tracey A. (ADMIN)
Joshi, M. Kay (EXSEC)
Millison, Cathy L. (EXSEC)
Moretz, Sheila K. (NSA)
Patterson, Pamela L. (NSA)
Rudman, Mara E. (NSA)
Sargeant, Stephen T. (EXSEC)
Scott-Perez, Marilyn L. (NSA)
Storey, Sharon V. (NSA)
Sutphen, Mona K. (NSA)

CARBON_COPY Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)
Allen, Charles A. (LEGAL)
Baker, James E. (LEGAL)
DeRosa, Mary B. (LEGAL)
Hunerwadel, Joan S. (LEGAL)
Krass, Caroline D. (LEGAL)
Armstrong, Fulton T. (INTERAM)
Avery, Dale R. (INTERAM)
Shannon, Thomas A. (INTERAM)
Snowden, Deniz (INTERAM)
Valenzuela, Arturo A. (INTERAM)

TEXT_BODY FYI

Had conference call (5:00-6:00 p.m. Sunday) with Wendy Sherman and half-dozen other State officials including lawyers on Cuban child

case. Rhetoric escalating in Cuba and Miami. Migration talks in jeopardy. Will chair SVTS at 11:00 a.m. Monday 6th to develop options to help defuse tension and address problem. Need careful, nuanced, approach to issue and to dealing with Cubans. Coordinating with Scott Busby. Will call Jamie Monday am before SVTS.

Arturo

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
010. email	Busby to Arturo Valenzuela and Mary DeRosa re: FW: Briefer for JS on Cuban Boy (4 pages)	12/06/1999	P1/b(1)

COLLECTION:

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

FOLDER TITLE:

[07/16/1999-12/06/1999]

2011-1039-F
rs1881

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 12/6/99 7:27:00 PM
FROM Busby, Scott W. (MULTI)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Coast Guard Interdiction Today [UNCLASSIFIED]
TO Hammer, Michael A. (PRESS)

CARBON_COPY Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
Busby, Scott W. (MULTI)
Feldman, Daniel F. (MULTI)
Guarnieri, Valerie N. (MULTI)
Hill, Roseanne M. (MULTI)
Kale, Dora A. (MULTI)
Naplan, Steven J. (MULTI)
Schwartz, Eric P. (MULTI)
Stromseth, Jane E. (MULTI)
Vaccaro, Jonathan M. (Matt) (MULTI)

TEXT_BODY I doubt we'll have anything new by then but we'll let you know if we do.

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

From: Hammer, Michael A. (PRESS)

Sent: Monday, December 06, 1999 7:05 PM

To: Busby, Scott W. (MULTI)

Cc: @PRESS

- Public Affairs; @MULTILAT - Multilateral and Humanitarian Affairs

Subject: RE:

Coast Guard Interdiction Today [UNCLASSIFIED]

Thank you. Keep
us posted on the boy case. We'll need fresh guidance as appropriate
by tomorrow 9:00 a.m.

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

From: Busby, Scott

W. (MULTI)

Sent: Monday, December 06, 1999 6:55 PM

To: @PRESS

- Public Affairs

Cc: @MULTILAT - Multilateral and Humanitarian

Affairs; @LEGAL - Legal Advisor; @INTERAM - Inter-American

Subject: FW:

Coast Guard Interdiction Today [UNCLASSIFIED]

Press -- Here are
a few points on this incident.

* We are handling this incident
as we would any incident involving irregular migration to the United
States.

* This incident demonstrates our commitment to continued
collaboration with the Government of Cuba in addressing forcefully
the problem of irregular migration to the United States and other
law enforcement issues surrounding such migration.

* The law enforcement
action we took is consistent with our policy of combatting unsafe
and illegal migration activities and with our obligations under the
migration accords with Cuba.

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

From: Busby,

Scott W. (MULTI)

Sent: Monday, December 06, 1999 6:46 PM

To: @NSA

- Natl Security Advisor

Cc: @INTERAM - Inter-American; @LEGAL -

Legal Advisor; @MULTILAT - Multilateral and Humanitarian Affairs;

@PRESS - Public Affairs

Subject: Coast Guard Interdiction Today

[UNCLASSIFIED]

Please pass to Sandy/Jim.

Sandy/Jim --

Here

are the facts on the Cuban migrant interdiction that took place today.
Our apologies for failing to get info to you sooner about this.

It

appears that a private vessel with two Cubans aboard was hijacked

by six other Cubans in Cuban waters. Two of the individuals aboard were Cuban border guards; unclear whether they were hijackers or victims. The vessel was tailed by a Cuban border guard vessel as it left Cuban waters. The Cuban border guard relayed info about the incident to the U.S. Coast Guard and the USCG then tailed the vessel in international waters.

The USCG interdicted the vessel without incident as it entered our territorial waters. All migrants are now aboard a Coast Guard cutter where, consistent with SOP, they are being interviewed to determine whether we should undertake a law enforcement action against any of them and whether any of them have protection concerns. Two of the migrants have minor injuries, which were treated aboard the cutter.

We expect the final disposition of this case will be determined in the next couple of days.

We will relay points to Press emphasizing that we have handled this incident in a collaborative way with the GOC, consistent with our current policy and our obligations under the migration accords.

Scott